

Session XX 1863 (July to September 1863)

1. Canterbury Marine Boards Ordinance 1863
2. Superintendents Corporate Powers Ordinance 1863
3. Kaiapoi Bridge Ordinance 1863
4. Waimakariri Bridge Ordinance 1863
5. Superintendents Salary Ordinance 1863
6. Provincial Auditors and Deputy Auditors Salaries Ordinance 1863
7. Board of Education Ordinance 1863
8. Publichouse Ordinance 1863
9. Ferrymead Railway and Wharf Tolls Ordinance 1863
10. Canterbury Loan Ordinance Amendment Ordinance 1863
11. Diversion of Roads, Special Ordinance 1863
12. Cattle Driving Ordinance 1863
13. Stage Carriages Ordinance 1863
14. Canterbury City Council Ordinance 1863
15. Fencing Ordinance 1863
16. *Sheep Ordinance 1863 D NZG 1864 p1
17. *Bush Fires Ordinance 1863 D NZG 1864 p1
18. Christchurch Hospital Ordinance 1863
19. Road Districts Ordinance 1863
20. *Peacock Jetty Extension Ordinance 1863 Not Assented
21. *Roads District No 2 Ordinance 1863 AW. NZG 1863 p 555
22. Lyttelton Municipal Council Ordinance 1863
23. Appropriation Ordinance 1863

1. The Canterbury Marine Boards Ordinance 1863

Analysis.

Preamble.

1. Marine Boards to be constituted in Ports of Lyttelton, Akaroa, and Timaru.
2. Distinguishing names of Boards. Superintendent to define limits.
3. Title.

Whereas it is expedient that under the provisions of an Act passed by the General Assembly of New Zealand, entitled "The Marine Boards Act, 1862," Marine Boards should be constituted for the respective ports in 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. Marine Boards to be constituted in Ports of Lyttelton, Akaroa, and Timaru. There is hereby constituted for the Port of Lyttelton a Marine Board, to consist of five Wardens; and there are hereby constituted for the ports of Akaroa and Timaru respectively Marine Boards, to consist of three Wardens each.

2. Distinguishing names of Boards. Superintendent to define limits. The said Boards shall be distinguished by the respective names of "The Port of Lyttelton Marine Board," "The Port of Akaroa Marine Board," and "The Port of Timaru Marine Board." It shall be lawful for the Superintendent, by Proclamation in the Provincial "Government Gazette," to define the limits of jurisdiction of any such Boards.

3. Title.

This Ordinance shall be entitled and may be cited as "The Canterbury Marine Boards Ordinance, 1863.

2. The Superintendents Corporate Powers Ordinance 1863

Analysis.

Preamble.

1. Land to vest in Superintendent for the time being.
2. Superintendent to be a Body Corporate.
3. To hold land conveyed, upon trust, for the public service.
4. Administration to be with advice of Executive Council.
5. Land not to be alienated.
6. Exception.
7. Interpretation.
8. Short Title.

Whereas land has been and may be hereafter conveyed or assigned to the Superintendent of the Province of Canterbury for public purposes, and it is expedient that the expense and inconvenience of conveying or assigning such land from a retiring Superintendent or the Heirs, Executors, or Administrators of a deceased Superintendent to his Successors should be avoided:

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

1. Land to vest in Superintendent for the time being.

All land which may have been heretofore conveyed or assigned by any Deed or Instrument to any person who at the time of the execution of such Deed or Instrument was Superintendent of the Province of Canterbury, and which land was by such Deed or Instrument expressed to be conveyed or assigned to such person by any form of words indicating an intention that such land should be held by the person to whom it was conveyed in his capacity as Superintendent, shall be and is hereby vested in the Superintendent of the Province of Canterbury, and his Successors, for the residue, now expired, of such estate or interest as was limited to such person by such Deed or Instrument.

2. Superintendent to be a Body Corporate.

The Superintendent and his Successors shall, as to such land, and as to all other land hereafter to be conveyed or assigned to him or them for any purpose of public utility, be deemed and taken to be a Body Corporate, and shall take and bear the name of the Superintendent of the Province of Canterbury, and by that name shall have perpetual succession, and shall be capable in Law to do and suffer, in respect of the land vested or to be vested in him by virtue of this Ordinance, whatever may be lawfully done and suffered by a Body Corporate.

3. To hold land conveyed, upon trust, for the public service.

Every Superintendent in whom any such land shall be or become vested, shall hold the same, upon trust, for the public service of the Province for the purposes for which it was conveyed, with as full power to dispose of and manage the same

for such purposes as if the same were vested absolutely in such Superintendent, subject to the provisions hereinafter contained.

4. Administration to be with advice of Executive Council.

The management and administration of all land vested or to be vested in the Superintendent for the time being by virtue of this Ordinance, shall be carried on and conducted by such Superintendent, with the advice of the Executive Council.

5. Land not to be alienated.

No land so vested or to be vested shall be alienated by way of sale, or mortgage, or by Lease, for any longer term than three years, except by the authority of an Ordinance of the Provincial Council to be passed in that behalf.

6. Exception.

Nothing in this Ordinance enacted shall refer to any land vested, or to become vested in the Superintendent and his Successors by any Act of the General Assembly of New Zealand, or Ordinance of the Provincial Council now in force and unrepealed.

7. Interpretation.

The word "land" in this Ordinance shall mean any estate or interest in any land situate in the Province of Canterbury.

8. Short Title.

This Ordinance shall be entitled and may be cited as the "Superintendent's Corporate Powers Ordinance, 1863."

Notes.

Passed by the Provincial Council 22nd July 1863, assented by Superintendent on behalf of the Governor on 4th August 1863. Sam Bealey, Charles Bowen, Henry Bacon Quin.

3. The Kaiapoi Bridge Ordinance 1863

Analysis.

Preamble.

1. The Superintendent may construct a bridge over the north branch of the Waimakariri, at Kaiapoi
2. And collect tolls according to the Schedule.

3. The bridge may be let.
4. Tolls: how to be recovered.
5. Penalty for evasion of tolls.
6. Title.

Whereas by an Act of the General Assembly of New Zealand entitled "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 Ordinance to be made for that purpose, to build bridges over any river, stream, or creek in such Province; and whereas it is expedient that a bridge be constructed over the north branch of the river Waimakariri, at Kaiapoi, at a part thereof in continuation of the North Road, in the Province of Canterbury, and to provide for the maintaining and keeping in repair the said bridge and the approaches thereto:

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

1. The Superintendent may construct a bridge over the north branch of the Waimakariri, at Kaiapoi

It shall be lawful for the Superintendent to construct a bridge and make approaches thereto, over the north branch of the river Waimakariri at Kaiapoi, at a part thereof in continuation of the North Road: Provided that such bridge shall be so constructed as not to impede the navigation of the said river.

2. And collect tolls according to the Schedule.

The Superintendent shall, by Proclamation in the Provincial Government Gazette, notify that the said bridge is open for public traffic so as soon he shall have received a Certificate, under the hand of the Provincial Engineer, to that effect; and thereupon it shall be lawful for the Superintendent to cause tolls to be levied at such rates, not exceeding the sum set forth in the Schedule to this Ordinance annexed: Provided that not more than one toll be levied on the same beast or vehicle between the hours of twelve o'clock at night and twelve o'clock the following night.

3. The bridge may be let.

It shall be lawful for the Superintendent, with the advice of the Executive Council, from time to time to let the said bridge and tolls for any term not exceeding three years, at such annual rent and on such conditions as shall think fit.

4. Tolls: how to be recovered.

All tolls imposed under the authority of this Ordinance shall be recoverable in a summary way.

5. Penalty for evasion of tolls.

Any person refusing or evading, or attempting to evade the payment of any toll leviable under this Ordinance, shall forfeit and pay for every such offence any sum not exceeding Five Pounds, to be recoverable in a summary way.

6. Title.

This Ordinance shall be entitled, and may be cited as "The Kaiapoi Bridge Ordinance, 1863."

Schedule of Tolls above referred to.

For every horse, ass, or mule

Threepence

For every horse, ass, mule, or other beast with pack

Threepence

For all horned cattle driven without packs, per head

Twopence

For every wheeled vehicle drawn by one horse or other beast

Sixpence

For every additional horse or other beast drawing such vehicle

Threepence

For every sheep, lamb, goat or pig in one drove, not exceeding one hundred

One half-penny

For every additional sheep, lamb, goat, or pig

One farthing

Notes.

Passed by the Provincial Council 5th August 1863, assented by Superintendent on behalf of the Governor on 22nd August 1863. Sam Bealey, Charles Bowen, Henry Bacon Quin.

4. The Waimakariri Bridge Ordinance 1863

Analysis.

Preamble.

1. The Superintendent may construct a bridge over the Waimakariri.
2. And collect tolls according to the Schedule.
3. The bridge may be let.
4. Tolls: how to be recovered.

5. Penalty for evasion of toll.
6. Title.

Whereas by an Act of the General Assembly of New Zealand entitled "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 Ordinance to be made for that purpose, to build bridges and other erections on the banks or in the beds of any any river, stream, or creek in such Province; and Whereas it is expedient that a bridge be constructed over the River Waimakariri, at a part thereof on or about the line of the North road, in the Province of Canterbury, and to provide for the maintaining and keeping in repair the said bridge and the approaches thereto:

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

1. The Superintendent may construct a bridge over the Waimakariri.
It shall be lawful for the Superintendent to construct a bridge and make approaches thereto, over the River Waimakariri at Kaiapoi, at a part thereof on or about the line of the North Road.
2. And collect tolls according to the Schedule.
The Superintendent shall, by Proclamation in the Provincial Government Gazette, notify that the said bridge is open for public traffic so as soon he shall have received a Certificate, under the hand of the Provincial Engineer, to that effect; and thereupon it shall be lawful for the Superintendent to cause tolls to be levied at such rates not exceeding the sum set forth in the Schedule to this Ordinance annexed.
3. The bridge may be let.
It shall be lawful for the Superintendent, with the advice of the Executive Council, to contract with any person or persons for the construction of the said bridge, and in consideration of the expenditure incurred by such person or persons in so constructing the same, to let the said bridge and tolls to such person or persons for any term not exceeding seven year, at a nominal rent, and upon such conditions as the said Superintendent, with such advice as aforesaid, shall think fit; and after the expiration of such lease, to let the said bridge and tolls to any person or persons whatever for any term not exceeding three years, at such annual rent, and on such conditions as the said Superintendent, with such advice as aforesaid, shall think fit.
4. Tolls: how to be recovered.
All tolls imposed under the authority of this Ordinance shall be recoverable in a summary way.

5. Penalty for evasion of toll.

Any person refusing or evading, or attempting to evade the payment of any toll leviable under this Ordinance, shall forfeit and pay for every such offence any sum not exceeding Five Pounds, to be recoverable in a summary way.

6. Title.

This Ordinance shall be entitled, and may be cited as "The Kaiapoi Bridge Ordinance, 1863."

Schedule of Tolls above referred to.

For every passenger

Threepence

For every horse, ass, or mule

Threepence

For every horse, ass, mule or other beast with pack

Threepence

For all horned cattle driven without packs, per head

Threepence

For every wheeled vehicle drawn by one horse or other beast

One

Shilling.

For every additional horse or other beast drawing such vehicle

Threepence

For every sheep, lamb, goat or pig

One half-penny.

Notes.

Passed by the Provincial Council 5th August 1863, assented by Superintendent on behalf of the Governor on 22nd August 1863. Sam Bealey, Charles Bowen, Henry Bacon Quin.

5. The Superintendents Salary Ordinance 1863

Analysis.

Preamble.

1. Repealing Clause.

2. Superintendent's salary to be One Thousand Five Hundred Pounds per annum.

3. Salary to be paid by the Provincial Treasurer.

4. Title.

Whereas it is expedient to repeal the "Superintendent's Salary Ordinance, Session XVII., No. 5," and to determine the amount of salary to be annually paid to the Superintendent of the Province of Canterbury:

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

1. Repealing Clause.

The said recited Ordinance is hereby repealed.

2. Superintendent's salary to be One Thousand Five Hundred Pounds per annum.

From and after the passing of this Ordinance, the annual salary payable and to be paid to the Superintendent of the said Province for the time being, and his Successors in office, shall be the sum of One Thousand Five Hundred Pounds.

3. Salary to be paid by the Provincial Treasurer.

The said salary shall be paid to such Superintendent as aforesaid out of the public revenues of the said Province, in monthly proportions, as the Superintendent shall, by warrant under his hand, from time to time direct, and the Provincial Treasurer of the said Province shall be allowed credit in his Accounts for all sums so paid by him in pursuance of such Warrant.

4. Title.

This Ordinance shall be entitled, and may be cited as "The Superintendent's Salary Ordinance, 1863."

Notes.

Passed by the Provincial Council 11th August 1863, assented by Superintendent on behalf of the Governor on 22nd August 1863. Sam Bealey, Charles Bowen, Henry Bacon Quin.

6. The Provincial Auditors and Deputy Auditors Salaries Ordinance 1863

Analysis.

Preamble.

1. Repealing Clause.

2. Salary of Provincial Auditor to be Five Hundred Pounds per annum.

3. Salary of Deputy-Auditor to be One Pound One Shilling per diem.
4. Salaries, how to be paid.
5. Title.

Whereas it is expedient to repeal the "Provincial Auditor's and Deputy-Auditor's Salaries Ordinance, Session XVII., No. 8," and to determine the amount of salary to be annually paid to the Provincial Auditor and Deputy-Auditor for the Province of Canterbury:

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

1. Repealing Clause.

The said recited Ordinance is hereby repealed.

2. Salary of Provincial Auditor to be Five Hundred Pounds per annum.

The annual salary to be paid to the Auditor of Public Accounts shall be Five Hundred Pounds, payable in equal monthly payments.

3. Salary of Deputy-Auditor to be One Pound One Shilling per diem.

The salary to be paid to the Deputy-Auditor of Public Accounts, whilst acting as such, shall be One Pound One Shilling per diem.

4. Salaries, how to be paid.

The said salaries and expenses of the Department shall be paid out of the public revenues of the said Province, as the Superintendent shall, by Warrant under his hand, from time to time direct; and the Provincial Treasurer of the said Province shall be allowed credit in his Accounts for all sums so paid by him in pursuance of such Warrants.

5. Title.

This Ordinance shall be entitled, and may be cited as "The Provincial Auditor's and Deputy-Auditor's Salaries Ordinance, 1863."

Notes.

Passed by the Provincial Council 11th August 1863, assented by Superintendent on behalf of the Governor on 22nd August 1863. Sam Bealey, Charles Bowen, Henry Bacon Quin.

7. The Board of Education Ordinance 1863

Analysis.

Preamble.

1. Board constituted.
2. Number of Members.
3. Members appointed are removable by Superintendent, &c.
4. Chairman to be appointed.
5. Appointments to be by Warrant, and to be gazetted.
6. Sittings of Board to be fixed by Superintendent.
7. Board may make Rules for conducting their business.
8. Board to decide upon application for aid, &c.
9. Board to regulate salaries of Teachers, &c.
10. Board to appoint Examiners.
11. To administer funds for the purposes of education.
12. To report to the Superintendent.
13. Interpretation.
14. Title.

Whereas it is expedient to institute a Board for the formation and management of schools in the Province of Canterbury:

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

1. Board constituted.

There is hereby constituted a Board, under the name of Board of Education, and hereinafter called the Board.

2. Number of Members.

The Board shall consist of not less than three, nor more than five Members.

3. Members appointed are removable by Superintendent, &c.

The number of Members within the limits aforesaid shall be from time to time determined, and the Members appointed and removable by the Superintendent, with the advice of the Executive Council.

4. Chairman to be appointed.

There shall be a Chairman of the Board, who shall be one of the Members thereof, and shall be from time to time appointed, and shall be removable by the Superintendent, with such advice as aforesaid.

5. Appointments to be by Warrant, and to be gazetted.

Every appointment or removal of a Member, or of the Chairman of the Board, shall be made by Warrant, under the hand of the Superintendent; and every such

appoint or removal shall be notified in the Provincial Government Gazette, and shall take effect from the date of such notification.

6. Sittings of Board to be fixed by Superintendent.

The Board shall hold sittings at such times and places as the Superintendent shall, from time to time appoint, by Proclamation in the Provincial Government Gazette.

7. Board may make Rules for conducting their 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: Provided that all such Regulations and every such revocation and alteration shall be subject to the approval of the Superintendent and Executive Council.

8. Board to decide upon application for aid, &c.

The Board shall entertain and decide upon applications for grants of public money for establishing or aiding the establishment of new schools, and for aiding existing schools.

9. Board to regulate salaries of Teachers, &c.

The Board shall regulate the salaries and emoluments of Teachers employed in all schools receiving aid from the public funds, and shall determine and alter from time to time, as they think fit, the rate of school fees payable on behalf of Children receiving instruction in such schools, and shall appoint and remove Masters and Teachers for such schools until Local Committee of such schools be appointed by any Ordinance to be made in that behalf: Provided nevertheless, that it shall be lawful for the Local Committee of any school already in existence, and in receipt of aid from the public funds, to appoint persons to be Masters and Teachers in such school, and to remove any persons now being, or hereafter to be appointed Masters or Teachers: Provided that no appointment or removal shall have any effect unless it shall be sanctioned by the Board, by a writing, under the hand of the Chairman thereof.

10. Board to appoint Examiners.

It shall be lawful for the Board to examine any person who may be desirous of becoming a Teacher or Master in any school as to his knowledge and qualifications, and for that purpose, from time to time, to appoint fit persons to examine Candidates, and it shall be lawful for the Board to make such Regulations respecting the subjects comprised in, and the general conduct of such examinations, as they shall from time to time think fit: Provided that all such Regulations shall be subject to the approval of the Superintendent and Executive Council.

11. To administer funds for the purposes of education.

The Board shall administer all funds in the hands of the Provincial Government available for the purposes of education, subject to any appropriation thereof that may be made by the Provincial Council.

12. To report to the Superintendent.

The Board shall, in the month of March in each year, render to the Superintendent a full Report of all things done by them by virtue of this Ordinance during the year preceding such Report.

13. Interpretation.

In this Ordinance the words "Local Committee" shall signify the person or persons resident in the district in which any school is situated having been appointed Managers or Managers, and having the management of such school according to the Regulations under which such school is conducted.

14. Title.

This Ordinance shall be entitled, and may be cited as the " Board of Education Ordinance, 1863."

Notes.

Passed by the Provincial Council 12th August 1863, assented by Superintendent on behalf of the Governor on 22nd August 1863. Sam Bealey, Charles Bowen, Henry Bacon Quin.

8. The Public house Ordinance 1863

Analysis.

Preamble.

Whereas an Ordinance was passed by the Governor and Legislative Council of New Zealand, entitled "The Licensing Ordinance Session II., No. 12," and a like Ordinance, entitled "The Licensing Amendment Ordinance, Session III., No. 21," and an Ordinance passed by the Governor-in-Chief and Legislative Council of New Zealand, entitled "The Licensing Amendment Ordinance, No. 2., Session XI., No. 16:" And Whereas an Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled "The Public House Ordinance, Session VI., No. 3," repealing the above recited Ordinances within the Province of Canterbury: And Whereas an Ordinance was passed by the Superintendent and the Provincial Council, entitled the "Public

House Ordinance, 1862:" And Whereas it is expedient that the said "Public House Ordinance" should be repealed and certain other provisions should be made in lieu thereof:

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

1. The said recited Ordinances are hereby repealed, except so far as the same extend to repealing any former Ordinance, and except also that all licenses granted under the said recited Ordinances shall remain in full force and virtue until the end of the terms for which such licenses have been granted, and all offences committed against the said recited Ordinances before the commencement of this Ordinance, shall and may be prosecuted, heard, determined, and punished as if this Ordinance had not been made; and all such offences committed after the commencement of this Ordinance shall be prosecuted, heard, determined, and punished under the provisions of this Ordinance.

2. If any person, not being duly licensed, shall, upon any occasion, sell any quantity less than two gallons of any one kind or description of spirituous liquor, wine, ale, or beer, or knowingly permit the same to be sold in or upon his house or premises, or to be removed at any one time from his premises, for the purpose of sale, he shall forfeit and pay for every such offence the sum of fifty pounds: Provided that no person who has been convicted under the provisions of this section shall at any time thereafter be permitted to hold any license whatsoever under this Ordinance.

3. All such liquors which shall be hawked about or exposed for sale in any unlicensed house or premises, except as hereinafter provided, may be seized by any Constable, and forfeited by order of any two or more Justices of the Peace, upon information to be laid before them.

4. All liquors so forfeited shall be destroyed or sold in such manner as the Court before whom the conviction shall have taken place may direct, and the net proceeds of such sale shall be applied to the public service of the Province: Provided that one-half such net proceeds, if claimed within one calendar month from sale, shall be paid to any person or persons seizing the said liquors, or giving such information as may have led to the seizure and forfeiture thereof.

5. Licenses to be issued under this Ordinance shall be of four classes, that is to say—

1st. Hotel Licenses, to sell any spirituous or fermented liquors in the form in Schedule A annexed.

2nd. General Licenses, to sell any spirituous or fermented liquors in the form in Schedule B hereunto annexed.

3rd. Conditional Licenses, in the form in Schedule C hereunto annexed, to sell spirituous and fermented liquors, subject to certain conditions to be fulfilled by the Licensee for the benefit and convenience of the public in consideration of obtaining such license.

4th. Refreshment Licenses, to sell Wine and Beer to be drunk on the premises, but only to persons partaking of refreshments; the Licensee not to keep any tap-room or bar, in the form in Schedule D hereunto annexed.

And every such license shall continue in force from the first day of July, after the issue thereof, to the thirtieth day of June in the year following inclusive, or if issued at any quarterly licensing meeting subsequently to the first of July as hereinafter provided, then up to the thirtieth of June following the issue of such license: Provided that no conditional license shall be issued for any house within the limits of a township.

6. No license shall be needed for the sale of any spirituous or fermented liquors as medicine or perfumery, or at any military canteen duly established under the regulations of Her Majesty's service, or for any public sale by auction by an Auctioneer duly licensed.

7. Every person desirous of obtaining a license under this Ordinance shall, thirty days before any licensing meeting, deliver, or cause to be delivered to the Resident Magistrate of the Court nearest to the house in which it is proposed to exercise such license, a notice in writing, signed by him, in the form in the Schedule E hereunto annexed.

8. On or before the eighth day after the last day on which applications may be delivered as aforesaid, the Resident Magistrate of the District shall cause to be transmitted to the Resident Magistrate at Christchurch a list of all such notices and applications, setting forth the names and descriptions of the Applicants, and the houses proposed to be licensed, and shall also affix a copy of such list to the door of the Court-house or office, there to remain for public information until the licensing meeting.

9. The Resident Magistrate at Christchurch shall forthwith cause such list to be published in the Provincial Government Gazette, and one or more newspaper within the Province, together with a notice of the annual licensing meeting to be held as hereinafter provided.

10. On the first Tuesday in May in every year there shall be holden at the Resident Magistrate's Court-house for the district, a general meeting of Justices of the Peace, to be called the Annual Licensing Meeting, for the purpose of taking into consideration such applications as aforesaid, and three Justices shall form a quorum at any such meeting, and the senior Justice in the Commission of the Peace present at any such meeting shall preside thereat: Provided always that any such meeting as aforesaid may be continued by adjournment to such day not later than the fifteenth day of June, and at such place or places as the Justices present shall determine.

11. It shall be lawful, nevertheless, for the Justices to receive and consider and determine upon any applications for new licenses, in accordance with the conditions hereinbefore recited, at Quarterly Meetings of Justices, to be convened for such purpose. Such Quarterly Meetings shall be held on the first Tuesday in October, the first Tuesday in January, the first Tuesday in April, and the first Tuesday in July, or such other day, not exceeding seven days from the said days respectively, as to such Justices shall seem fit.

12. In considering any new applications under this Ordinance, the Justices shall confine themselves to the consideration of the truth of the facts set forth in the certificates directed to be furnished under the provisions of this Ordinance, and if the truth of such facts shall be established, such Justices shall direct a license to issue.

13. If there shall not be a quorum in attendance at any such meeting, the Resident Magistrate shall forthwith signify the same to the Superintendent, and it shall then be lawful for the Superintendent, with the advice and consent of the Executive Council, to perform all acts which the Justices in any such licensing meeting assembled are empowered to perform under the authority of this Ordinance.

14. No Justice of the Peace, being a Brewer, Maltster, or Dealwer in any spirituous liquor, wine, ale, or beer, or being interested, directly or indirectly, in any house or premises already licensed, or in respect to which a license is applied for, shall act at any such meeting, and any Justice offending against the provisions of this clause shall forfeit and pay a sum of one hundred pounds, to be recovered by action in the Supreme Court by any person who shall sue for the same.

15. It shall be lawful for the Justices assembled at such meeting to grant to such of the Applicants as aforesaid Hotel and General Licenses, Refreshment or Conditional Licenses, and such licenses, when granted in manner hereinafter provided, shall be signed by the Chairman at such meeting. The Justices assembled at such meeting aforesaid shall first consider the renewal of licenses from the Holders of licenses granted at the last annual or at any subsequent quarterly licensing meeting, or at any adjournment thereof, and the Applicants shall attend such meeting, either in person or by a Solicitor, and shall produce the license issued at such licensing meeting, and the Justices of the Peace so assembled as aforesaid shall thereupon issue a renewal of such license, and such license shall be signed by the Chairman at such meeting: Provided always that if the license so previously issued shall have been endorsed in accordance with the fortieth section of this Ordinance, then it shall be lawful for the Justices so assembled at such meeting to refuse any application for the renewal of such license, in which case the consideration of such application shall be adjourned, and the Chairman at such meeting shall give notice to the Applicant of the day and time at which his application will be heard, and the Licensee shall be at liberty, at such adjourned meeting, to produce evidence before Justices in support of his application, and shall be heard in person or by his Solicitor, and all Witnesses called on such occasions shall be examined on oath.

16. All applications made for the first time for an hotel license must be in writing, and in the form of Schedule E, hereunto annexed, and must be accompanied with a certificate, signed by a Justice of the Peace for the district; or if the house for which the license is sought is within the limits of any city or town under Municipal Government, then from the Chairman of such City or Municipal Council or Justice of the Peace, stating that the premises are suitable and further must certify to the character and qualifications of the Applicant, and such certificates must be in the form set forth in Schedule F to this Ordinance.

17. In the case of all Applicants for the first time for a license, whether for general or refreshment licenses, it shall be lawful for the Justices to grant licenses only to such of the Applicants as shall produce a written certificate, signed by not less than ten Householders, in the form set forth in Schedule H to this Ordinance, and upon which there shall also be endorsed a further certificate that the house or building for which such license is required is suitable for the purposes of such business.

18. Any Justice of the Peace, Chairman of a City or Municipal Council, Chief Officer of Police, or Owner of property in the neighbourhood of a house for which such license is sought to be granted, may object to the issue of such license, by giving notice of his objection, in writing, to the Resident Magistrate, or to the Clerk to the Bench of Magistrates, and to the Applicant, at least ten clear days before the licensing meeting at which the application is to be heard, and such notice shall set forth the grounds of objection, and it shall be the duty of such Justices to hear and determine such objections; and it shall be lawful for such Justices in the event of such objections being deemed frivolous or vexatious, to direct that the Applicant shall be paid such costs by the person so objecting as they may consider reasonable and fair, not exceeding five pounds, and which costs may be recovered in a summary way.

19. No refreshment license shall be granted unless it shall appear that the Applicant has provided at least one room to be exclusively set apart for the especial accommodation of females, with proper and convenient access thereto, and it shall not be lawful for the Holder of such license to keep in his house any bar or tap-room for the sale of fermented liquors, nor shall he be allowed to draw any liquor except to persons partaking of refreshment: Provided that if any person shall offend against the provisions of this clause, he shall be liable to a penalty of not exceeding five pounds for each offence.

20. It shall be lawful for any two Justices of the Peace to cancel any refreshment license upon the information of an Inspector or other Chief Officer of Police for the district, proved in open Court and in the hearing of the Holder of such license, or his Solicitor, that refreshments, in accordance with the meaning of the Ordinance, are no longer provided on the premises of such licensed person.

21. In the case of all applications for a conditional license, or a renewal thereof, it shall be lawful for the Justices assembled at such annual or other licensing meeting aforesaid to consider and determine upon the same, and to direct such terms as they shall think fit, and in each case respectively upon which such license shall be issued: Provided always, that no application for a renewal of a conditional license shall be withheld, except upon a proof of the non-fulfilment of such conditions, or except in manner set forth in clause forty of this Ordinance.

22. If such Justices shall think it expedient to refuse any application for a hotel or general license, or for the renewal of a general license, upon proof of conviction under any clause or clauses of this Ordinance, it shall be lawful for them, if they think fit, and the Applicant concur, to grant a refreshment license, or a conditional license, subject always to the provisions herein contained.

23. The Resident Magistrate of the district for which such license shall have been issued shall forthwith transmit every license granted as aforesaid to the Provincial Treasurer, or to the Sub-Treasurer, whose office shall be nearest to the house for which such license is issued, and shall also forthwith notify to each person to whom a license shall have been granted that such license is ready to be issued, and such Treasurer or Sub-Treasurer shall issue the license to the Licensee upon his application for the same, and upon payment of the sum hereinafter mentioned, that is to say:—for a "general license," the sum of fifty pounds; for an "hotel license," the sum of thirty pounds; for a "refreshment license," the sum of ten pounds; for a "conditional license," such a sum, not exceeding the sum of fifteen pounds, as shall be named therein, at the discretion of a majority of the Justices at the annual licensing meeting in each case respectively; and such Treasurer or Sub-Treasurer shall endorse on each license issued by him a receipt for the sum paid to him in respect thereof.

24. The Resident Magistrate at Christchurch shall also, as soon as may be thereafter, cause a list of the several persons to whom and the several houses for which such licenses shall have been granted, together with a description of the license in each case respectively, to be published in the Provincial Government Gazette, and in one or more newspapers of the Province.

25. If any Licensee shall neglect to apply to be the Treasurer or Sub-Treasurer, as the case may be, for his license, and to pay the sum hereinbefore mentioned on or before the first day of July next following the annual licensing meeting, the Treasurer or Sub-Treasurer shall return it to the Resident Magistrate of the district, who shall thereupon notify in the Provincial Government Gazette, and in one or more newspapers of the Province, that such license has been withheld and such license shall thereupon be referred to the Superintendent, who, with the advice of the Executive Council, shall have power to direct the license to issue, or shall withhold the same at his discretion: Provided that such decision shall be made within thirty days of such first day of July, and that on the issue of such license an additional fee be paid of not less than ten pounds.

26. If any Licensee shall neglect to apply to the Treasurer or Sub-Treasurer, as the case may be, for his license, and to pay the sum hereinbefore mentioned for such license, for a period of seven clear days after the granting thereof at any quarterly meeting of Justices, such license shall thereupon be cancelled absolutely by such Treasurer or Sub-Treasurer.

27. Nothing in this Ordinance shall prevent any person whose license shall have been refused at any previous licensing meeting prior to the passing of this Ordinance from applying for a license.

28. If the Holder of any license shall be desirous to transfer the same to any person, and such person shall appear before the nearest Resident Magistrate's Court, and shall present a certificate in the form of Schedule F or H, as the case may be, as though he were applying for an original license, it shall be lawful for any three Justices of the Peace sitting in such Court to transfer such license to the Appointee of the original Holder by endorsement on the back thereof, in the form in Schedule I hereunto annexed; and a meeting of Justices for the purpose of transferring licenses shall be held on the first Tuesday in every month:

Provided that if such first Tuesday of the month, or either of them, shall be proclaimed a public holiday, such transfer may be made on the day following, or at such other day as shall have been previously appointed for the purpose by the Resident Magistrate.

29. In case of the death of any person holding a license under this Ordinance, it shall be lawful for any two Justices of the Peace to endorse on such license, in the form or to the effect in Schedule K hereunto annexed, the name of any person whom they may appoint to carry on the business, and such persons shall be thereby authorized to carry on business until such time as the Executors, Administrators, or other persons duly authorized by them, shall have received the necessary authority by way of transfer of such license.

30. It shall not be lawful for any person holding a license under this Ordinance to sell or supply any liquors, or to suffer the same to be drunk in or upon his house or premises upon any Sunday or Christmas Day or Good Friday, or upon any other day between the hours of eleven at night and six in the morning; and on such days and within such hours his house and premises shall be closed, and any person offending against the provisions of this clause, shall be liable to a penalty of not more than twenty pounds: Provided always, that in any licensed house it shall be lawful at any time to supply such liquors to any persons who shall be bona fide Lodgers in such house, having a bed provided for them therein, or who shall be bona fide Travellers, and shall have no residence within three miles of such house: Provided also, that nothing herein contained shall be interpreted to authorize the opening of any outer or street door leading to the bar or tap on the days and within the hours above mentioned, or supplying any liquors therein.

31. It shall be lawful for two Justices of the Peace, on special occasions, not originating with the Licensee, to grant permission to keep a duly licensed house open beyond the prescribed hour for closing, except on Sundays; and under such regulations as they may think proper, to carry on his business in any building or in any booth temporarily erected at a distance from his licensed house at public races or upon any other public occasion of a like kind, to continue for such a time and upon such conditions to be set forth in such written permission, as they shall think fit; and a copy of such permission shall be lodged by the Licensee with the Chief Officer of Police for the district immediately after obtaining the same; and no person acting under the authority of such written permission, a copy of which shall have been so lodged, but not otherwise, shall be liable to any penalty which he would otherwise incur under the provisions of this Ordinance.

32. Every person who shall have or keep any house, shop, room, or place of public resort wherein provisions, liquors, or refreshments of any kind shall be sold or consumed (whether the same shall be kept or retailed therein, or procured elsewhere), and who shall wilfully and knowingly suffer any lawful games, or gaming whatsoever therein, or knowingly permit or suffer prostitutes or persons of notoriously bad character to meet together and remain therein, shall for every such offence forfeit and pay a penalty not exceeding ten pounds.

33. Every Holder of a conditional license shall cause a true and legible copy of the conditions under which his license is held to be affixed and maintained in a conspicuous part of his house, and any such person refusing or neglecting to comply with the provisions of this clause shall be liable to a penalty not exceeding forty shillings.

34. If any licensed person shall permit any gambling of any kind whatsoever to be carried on in his house or premises, he shall be liable to a penalty not exceeding twenty pounds.

35. If any person holding a license under this Ordinance shall supply, or suffer to be supplied, in or upon his house or premises any intoxicating liquors to any person in a state of intoxication, or in such inordinate quantities as to produce intoxication, he shall be liable to a penalty not exceeding ten pounds for every such offence.

36. If any licensed person shall take anything whatsoever in pledge for any liquor sold or supplied, or anything whatsoever except metallic or paper money, or a cheque or order for the payment of money, he shall be liable to a penalty not exceeding ten pounds for every offence.

37. If any licensed person shall knowingly permit any wages to be paid in or upon his house or premises, save only the wages of persons employed as servants therein, he shall be liable to a penalty not exceeding ten pounds for every offence.

38. If any Holder of a license shall neglect or refuse to have a lamp, giving a good and sufficient light, affixed over the front or principal door of his house, or to keep the same burning from sunset till eleven o'clock, he shall be liable to a penalty, not exceeding twenty shillings, for every such offence.

39. Every licensed person shall sell or otherwise dispose of all liquors (except in quantities less than half-a-pint) in vessels sized to full Imperial measure, according to the standard which is by law established in this Colony, and shall also, if required by any quest or customer purchasing such liquor, retail the same in a vessel sized according to such standard, and in default thereof shall, for every such offence, on conviction, forfeit and pay any sum not exceeding five pounds.

40. In all cases where a Licensee of any house duly licensed under the authority of this Ordinance shall have been convicted in any of the foregoing penalties, the Justices shall endorse upon the license a record of such conviction, which license shall be produced at the next annual licensing meeting; and whenever such license shall shew by such endorsements two or more convictions under this Ordinance, it shall be lawful for such Justices, at their discretion, to refuse to renew such license, or to suspend the same for such period not exceeding sixty days, or to inflict a further penalty of not exceeding twenty pounds, as to such Justices shall seem fit; and such Justices shall in the event of a suspension of such license, cause a notice of such suspension, in writing under their hands, to be served on the Holder of such license, or by affixing the same on the door of such house, and shall also cause a copy of such notice to be published in the nearest newspaper.

41. Whenever any complaint shall have been made by any Constable or other person against the Holder of a license, and the same shall have been recorded, it shall be the duty of the Chief Officer of Police to forward a copy thereof to the Occupier of such licensed house within forty-eight hours of the complaint being made, and such Officer shall thereupon proceed to lay information thereof before a Justice of the Peace.

42. The Chief Officer of Police, other than the Commissioner for any district, shall have power and authority to enter any hotel, licensed under this Ordinance, between the hours of six o'clock in the morning and eleven o'clock at night, in order to ascertain if the accommodation afforded in such hotel is of a fit and proper character, and in accordance with the conditions specified in the Schedule to this Ordinance; and it shall be the duty of such Officer to report to the Justice of the Peace at least once in every three months (or at the quarterly meeting of Justices) the result of such inspection; he shall also furnish a copy of such report to the Occupier of such licensed house when required, without fee.

43. If it shall appear from the reports of the Chief Officer of Police that any hotel for which a license has been issued in accordance with this Ordinance has ceased to afford the accommodation named in the certificate attached to the license, or that the Licensee is disqualified by repeated acts of misconduct and insobriety to conduct such house, it shall be lawful for the Justices of the Peace assembled at any annual licensing meeting, at their discretion, either to suspend the license for any period not exceeding sixty days, or absolutely to refuse to grant a renewal of the same.

44. Any person charged with riotous or indecent behaviour, or being intoxicated on entering a licensed house, and refusing to quit the same when ordered so to do by the Licensee, shall, upon conviction before a Magistrate, be liable to a penalty not exceeding forty shillings, or, in default thereof, to be imprisoned for any period not exceeding forty-eight hours.

45. If it shall be proved to the satisfaction of three Justices of the Peace that any conditions named in a conditional license have not been properly fulfilled, it shall be lawful for such Justice to declare such license to be void and of no effect, and such license shall be void accordingly; or such Justices may, if they think fit, impose upon the Holder of such license any penalty not less than forty shillings nor more than twenty pounds, or suspend such license for so many days, not exceeding thirty, as they shall think fit; and such Justices shall cause a notice of such suspension of such license, in writing under their hands, to be served on the Holder of such license, affixing the same on the door of his licensed house, and shall also cause a copy of such notice to be published in the nearest newspaper, and during the time specified in such notice such license shall be suspended.

46. Every Constable shall have power and authority to enter any licensed house, not being an hotel, upon receiving information that the provisions of this Ordinance are being contravened within such house, or upon hearing any riot or disturbance therein; and if any person shall obstruct, or attempt to obstruct or interfere with any Constable in the performance of his duties under this Ordinance, such person shall be liable to a penalty not exceeding ten pounds.

47. If any person shall be convicted of drunkenness before any Justice of the Peace, he shall be liable to a penalty not exceeding twenty shillings, and, in default thereof, shall be imprisoned for any period not exceeding forty-eight hours; and if any person shall have been so convicted twice in the space of three months, he shall be liable to twice the aforesaid penalty or term of imprisonment respectively; and if any person shall have been so convicted three times within the space of six months, he shall be liable to a penalty of five pounds, or in default thereof, to be imprisoned for any period not exceeding two months, and to be imprisoned, with hard labour, for any period not exceeding fourteen days.

48. All penalties and forfeitures incurred under this Ordinance shall be recoverable in a summary way.

49. The Words "Chief Officer of Police" shall be taken to mean any Officer of Police who shall be in charge of a district.

50. This Ordinance shall be entitled, and may be cited as the "Public House Ordinance, 1863."

SCHEDULE A.

FORM OF HOTEL LICENSE.

Province of Canterbury, New Zealand, to Wit

Whereas at "the Annual (or Adjourned or Quarterly) Licensing Meeting" of Her Majesty's Justices of the Peace, acting in and for the Province of Canterbury, holden at _____ on the _____ day of _____, in the year 18____, pursuant to an Ordinance of the Superintendent and the Provincial Council of the said Province, entitled the "Public House Ordinance, 1863," A.B. of _____, applied for an "Hotel License" for the house situate at _____ in the said Province, and known (or to be known) as _____

Now we, the Justices assembled at such meeting, do hereby license the said A.B., upon payment by him to the Provincial Treasurer of the said Province of the sum of thirty pounds, to sell any spirituous or fermented liquors in any quantity in the house aforesaid, and in the appurtenances thereunto belonging. This license to commence on the first day of July next, and continue in force until the thirtieth day of June then next ensuing, both days inclusive.

Given under our hands at _____, this _____ day of _____, in the year 18____.

(Signed)

Chairman

SCHEDULE B.

FORM OF GENERAL LICENSE.

Province of Canterbury, New Zealand, to Wit

Whereas at "the Annual (or Adjourned or Quarterly) Licensing Meeting" of Her Majesty's Justices of the Peace, acting in and for the Province of Canterbury, holden at _____ on the _____ day of _____, in the year 18____, pursuant to an Ordinance of the Superintendent and the Provincial Council of the said Province, entitled the "Public House Ordinance, 1863," A.B. of _____, applied for a "General License" for the house situate at _____ in the said Province, and known (or to be known) as _____

Now we, the Justices assembled at such meeting, do hereby license the said A.B., upon payment by him to the Provincial Treasurer of the said Province of the sum of fifty pounds, to sell any spirituous or fermented liquors in any quantity in the house aforesaid, and in the appurtenances thereunto belonging. This license to commence on the first day of July next, and continue in force until the thirtieth day of June then next ensuing, both days inclusive.

Given under our hands at _____, this _____ day of _____, in the year 18____.

(Signed)

Chairman

SCHEDULE C.

FORM OF CONDITIONAL LICENSE.

Province of Canterbury, New Zealand, to Wit

Whereas at "the Annual (or Adjourned or Quarterly) Licensing Meeting" of Her Majesty's Justices of the Peace, acting in and for the Province of Canterbury, holden at _____ on the _____ day of _____, in the year 18____, pursuant to an Ordinance of the Superintendent and the Provincial Council of the said Province, entitled the "Public House Ordinance, 1863," A.B. of _____, applied for a "Conditional License" for the house situate at _____ in the said Province, and known (or to be known) as _____

Now we, the Justices assembled at such meeting, do hereby license the said A.B., upon payment by him to the Provincial Treasurer of the said Province of the sum of _____ pounds, to sell any spirituous or fermented liquors in any quantity in the house aforesaid, and in the appurtenances thereunto belonging; subject to the conditions following, that is to say:—

(Set out the conditions.)

This license to commence on the first day of July next, and continue in force until the thirtieth day of June then next ensuing, both days inclusive.
Provided the said several conditions shall be so long fulfilled by the Holder hereof, but not otherwise.

Given under our hands at _____, this _____ day of _____, in the year 18 ____.

(Signed)

Chairman

SCHEDULE D.
FORM OF REFRESHMENT LICENSE.
Province of Canterbury, New Zealand, to Wit

Whereas at "the Annual (or Adjourned or Quarterly) Licensing Meeting" of Her Majesty's Justices of the Peace, acting in and for the Province of Canterbury, holden at _____ on the _____ day of _____, in the year 18 ____, pursuant to an Ordinance of the Superintendent and the Provincial Council of the said Province, entitled the "Public House Ordinance, 1863," A.B. of _____, applied for a "Refreshment License" for the house situate at _____ in the said Province, and known (or to be known) as _____

Now we, the Justices assembled at such meeting, do hereby license the said A.B., upon payment by him to the Provincial Treasurer of the said Province of the sum of ten pounds, to sell wine, ale, or beer, in the house aforesaid, and in the appurtenances thereunto belonging. This license to commence on the first day of July next, and continue in force until the thirtieth day of June then next ensuing, both days inclusive.

Given under our hands at _____, this _____ day of _____, in the year 18 ____.

(Signed)

Chairman

SCHEDULE E.
FORM OF APPLICATION FOR A LICENSE.
Province of Canterbury, New Zealand, to Wit

To the Worshipful the Resident
Magistrate, acting in and for
the Province aforesaid.

I, A.B. (state occupation), now residing at _____, in the Province aforesaid, do hereby apply for a (state license) for the house and appurtenances thereto belonging, situate at (describe house and present Occupier if any).

(Signed) A.B.

Dated at _____, this _____ day of _____, 18 .

SCHEDULE F.
FORM OF CERTIFICATE.
Province of Canterbury, New Zealand, to Wit

To be signed by a Justice of the Peace, or by the Chairman of the City or Municipal Council.

The undersigned, (Justice of the Peace or Chairman of Council) hereby certifies that the house for which A.B. has applied for an "Hotel License" is suitable for the purpose, and contains _____ rooms (here describe the same) and that A.B. is a person of good character and a proper person to receive a _____ License (here add special qualifications if any).

Witness my hands at _____, this _____ day of _____, 18 .

SCHEDULE H.
FORM OF HOUSEHOLDERS' CERTIFICATE.
To be appended to Schedule F., signed by Ten Householders.

We the undersigned Householders (residing within 200 yards in the limits of any town, or two miles in any rural district) do hereby certify that the abovenamed A.B. of _____, is a person of good character and a proper person to receive a _____ license, and we further certify that the house or building for which such license is required is suitable for the purpose of such business.

Witness our hands at _____, this _____ day of _____, 18 .

SCHEDULE I.
FORM OF ENDORSEMENT ON LICENSE TO AUTHORIZE A TRANSFER THEREOF.

To be signed by Three Justices of the Peace sitting in the nearest Resident Magistrate's Court.

Be it remembered, that we the undersigned, being Three of Her Majesty's Justices of the Peace in and for the Province of Canterbury, sitting in the Resident Magistrate's Court at _____, do hereby, upon the application of the within-named A.B. transfer the rights and privileges of the within license to C.D., for the remainder of the term therein mentioned; the said C.D. having first presented a certificate in compliance with the provisions of the "Public House Ordinance, 1863."

Given under our hands at _____, this _____ day of _____, in the year 18 _____.

SCHEDULE K.

FORM OF ENDORSEMENT ON LICENSE TO AUTHORIZE THE CARRYING ON OF THE BUSINESS OF A DECEASED LICENSEE.

To be signed by Two Justices of the Peace, sitting in the nearest Resident Magistrate's Court.

Be it remembered, that we the undersigned, being Two of Her Majesty's Justices of the Peace in and for the Province of Canterbury, sitting in the Resident Magistrate's Court at _____, do hereby authorize A.B. to exercise the rights and privileges of the within license until the same shall have been duly transferred by the executors or administrators.

Given under our hands at _____, this _____ day of _____, in the year 18 _____.

Notes.

Passed by the Provincial Council 3rd September 1863, assented by Superintendent on behalf of the Governor on 4th September 1863. Sam Bealey, Charles Bowen, Henry Bacon Quin.

9. The Ferrymead Railway and Wharf Tolls Ordinance 1863

Whereas it is expedient to provide for the working of the Christchurch and Ferrymead railway, and of the wharf at Ferrymead, and to give power to the Superintendent to make By-laws for Regulating the management of the said railway and wharf:

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

1. It shall be lawful for the Superintendent, by his Officers, Agents and Servants, to employ engines, carriages, and waggons on the said railway, and to carry upon the said railway all such Passengers and goods as shall be offered for that purpose, and to levy tolls in respect of the traffic on the said railway, and in respect of the use of the railway wharf at Ferrymead, at rates not exceeding those set forth in the Schedules A and B respectively to this Ordinance.

2. Nothing in this Ordinance contained shall extend to charge or make liable the Superintendent, his Officers, or Agents, further or in any other case than where, according to the Laws of New Zealand, stagecoach Proprietors and common Carriers would be liable, nor shall extend in any degree to deprive the Superintendent of any protection or privilege which common Carriers or stage-coach Proprietors may be entitled to, but, on the contrary, the Superintendent, his Officers and Agents, shall at all times be entitled to the benefits of every such protection and privilege.

3. It shall be lawful for the Superintendent, with the advice of the Executive Council, from time to time to make Regulations for the following purposes, that is to say:—

For regulating the mode by which, and the speed at which carriages using the railway are to be moved and propelled.

For regulating the times and places of the arrival and departure of such carriages.

For regulating the loading or unloading of such carriages, and the weights which they are respectively to carry.

For regulating the receipt and delivery of goods and other things which are to be conveyed upon such carriages, or placed upon such wharf.

For preventing the smoke of tobacco, and the commission of any other nuisance, in or upon such carriages, or in any of the stations or premises connected with the said railway and wharf.

And generally for regulating the travelling upon, or using and working of the said railway and the using of the said wharf.

4. For better enforcing the observance of all or any of such Regulations, it shall be lawful for the Superintendent, with the advice of the Executive Council, to make By-laws, and from time to time to repeal or alter such By-laws and make others: Provided that such By-laws be not repugnant to any Law in force in the Province of Canterbury; and such By-laws shall be published in the Provincial Government Gazette and any person offending against any such By-law shall forfeit for every such offence any sum not exceeding Twenty Pounds, to be imposed by the Superintendent in such By-law as a penalty for any such offence; and if the infraction or non-observance of any such By-law or other such Regulation as aforesaid be attended with danger or annoyance to the public, or hindrance to the Superintendent, his Agents, or Lessees, in the lawful use of the said railway, it shall be lawful for the Superintendent, his Agents, or Lessees, or their Servants, summarily to interfere to obviate and remove such danger,

nnoyance, or hindrance, and that without the prejudice to any penalty incurred by the infraction of any such By-law.

5. The substance of such last mentioned By-laws, after such By-laws have been published in the Provincial Government Gazette, as hereinafter provided, shall be painted on boards, or printed on paper and pasted on boards, and hung up and affixed and continued on the front or other conspicuous part of the said wharf, and of every station on the said railway, according to the nature or subject matter of such By-laws respectively, and so as to give public notice thereof to the parties interested therein or affected thereby; and such boards shall from time to time be renewed as often as the By-laws thereon, or any part thereof, shall be obliterated or destroyed, and no penalty imposed by any such By-law shall be recoverable unless the same shall have been published, and kept published, in manner aforesaid.

6. Such By-laws, when so published and affixed, shall be binding upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same; and for proof of the publication of any such By-law, it shall be sufficient to prove that such By-laws were published in the Provincial Government Gazette, and that a printed paper or painted board containing a copy of such By-laws was affixed and continued in manner by this Ordinance directed, and in case of its being afterwards displaced or damaged, then that such paper or board was replaced as soon as conveniently might be.

7. It shall be lawful for the Superintendent, with the advice of the Executive Council, to let the said Railway and the rolling stock thereon, and the said Wharf, and the tolls so to be levied as aforesaid, for any term not exceeding three years from the time that such railway shall be opened for public traffic, upon such terms and conditions as he shall think fit, and during the maintenance of such lease all the powers and privileges granted to, and which might otherwise be exercised and enjoyed by the Superintendent, his Officers, Agents, or Servants, by virtue of this Ordinance, except the making of By-laws, shall, subject to the terms of such lease, be exercised and enjoyed by the Lessee and the Officers and Servants of such Lessee; and such Lessee, his Officers, and Servants shall, in respect of the said railway and wharf, be subject to all restrictions and obligations as are by this Ordinance imposed on the Superintendent, his Officers, Agents, and Servants.

8. This Ordinance shall be entitled, and may be cited as "the Ferrymead Railway and Wharf Tolls Ordinance, 1863."

Schedule A.

Goods, by dead weight or measurement, per ton, not exceeding twelve shillings and six-pence.

Ditto in parcels less than one ton, by dead weight or measurement, per parcel, not exceeding twelve shillings and six-pence.

Passengers, each, three shillings.

Horses, each, five shillings.

Horned or neat cattle, three shillings each.

Calves, two shillings.

Sheep, pigs, goats, one shilling.

Other animals on such terms and at such rates as the Superintendent and Executive Council shall from time to time determine.

SCHEDULE B.

Almonds, per package, twopence.

Ditto, per barrel, threepence.

Anchors, per cwt, twopence.

Arrowroot, per package, twopence.

Apparel, personal luggage, fourpence.

Bacon, per side, one penny.

Bags, per bale, fourpence.

Bags, per bundle. twopence.

Bark, per ton, one shilling and sixpence.

Barley, wheat, oats, maize, or seed, per bag, one penny.

Ditto, ditto, kits, one half-penny.

Beef or pork, per hhd., fivepence.

Beef or pork, per tierce, threepence

Beef and pork, per barrel, twopence.

Beer and cyder, per hhd., fourpence.

Beer and Cyder, per barrel, threepence.

Beer and cyder, 3 dozs, twopence.

Beer and cyder, 4 dozs., threepence.

Biscuits, per barrel, twopence.

Biscuits, per keg, twopence.

Blankets, per bale, ninepence.

Blacking, per case, threepence.

Bran, per bag, one penny.

Bricks or slates, per 1,000, two shillings and sixpence.

Butter, per cask, twopence.

Boots or shoes, per package, sixpence.

Books, per case, sixpence.

Cables, per cwt., twopence.

Calico, per bale, ninepence.

Candles, per box, one penny.

Cannons, each, three shillings.

Canvas, per bale, sixpence.

Canvas, bolt, one half-penny.

Carts, each, two shillings.

Casks, empty, each, twopence.

Casks, water, each, threepence.

Castings, per cwt., twopence.

Carpets, per bale, sixpence.

Carpets, per case, sixpence.

Castor oil, per case, twopence.

Chairs, each, one penny.
Chairs, per case, sixpence.
Cement, barrel, threepence.
Cheese, per case, fourpence.
Cheese, loose, each, one penny.
Cigars, per case, sixpence.
Coals, per ton, one shilling.
Coffee, per bag, three halfpence.
Cordage, coil, three halfpence.
Cork, per bag, twopence.
Curiosities, per package, sixpence.
Currants, per caroteel, sixpence.
Currants, per barrel, twopence.
Drays, each, one shilling and sixpence.
Dates, per bag, one penny.
Drapery, per bale, ninepence.
Drapery, per case, ninepence.
Earthenware or glass, per crate, one shilling.
Earthenware or glass, per cask, ninepence.
Figs, per package, twopence.
Fish, per bundle, twopence.
Flax, per cwt., one penny.
Floor cloth, per roll, fourpence.
Flour, per 200lbs., one penny.
Flour, per 100lbs., one halfpenny.
Furniture, per package, sixpence.
Fruit, per case, twopence.
Ginger, per package, twopence.
Glass, window, per case, twopence.
Grindstones, each, one penny.
Gunpowder, per barrel, threepence.
Hams, per dozen, sixpence.
Hardware, per cask or hhd., sixpence.
Hardware, per bag, keg, or bundle, one penny.
Hats, per case, ninepence.
Hay, per truss, threepence.
Hides, per dozen, sixpence.
Hops, per package, sixpence.
Iron, per ton, one shilling and sixpence.
Lard, per package, twopence.
Lead or shot, per cwt., twopence.
Leather, per bale, threepence.
Maize, per bushel, one penny.
Manufactures other than blankets or calico, package or case, ninepence.
Matting, per roll, twopence.
Molasses, per cask, fourpence.

Nuts, per bag, twopence.
Ditto, per barrel, twopence.
Oatmeal, per bag or barrel, twopence.
Oars, per dozen, fourpence.
Oil, per tun, one shilling and sixpence.
Oilmen's stores, per case, threepence.
Paints, per cask, ninepence.
Paints, per keg, one penny to twopence.
Paper, per bale or case, fourpence.
Peas, per cask, twopence.
Pepper, per bag, twopence.
Pitch or tar, per barrel, twopence.
Pipes, one penny to twopence.
Potatoes or vegetables, per ton, one shilling.
Raisins, per cask, three pence.
Raisins, per case, twopence.
Rice, per bag, one penny.
Salt, per ton, one shilling.
Salt, per bag, one penny.
Sago, per package, twopence.
Shingles, per 1,000, threepence.
Shooks, per bundle, one penny.
Starch, per box, twopence.
Soap, per box, one penny.
Skins, per dozen, twopence.
Sugar, per hhd., one shilling.
Sugar, per bag, one penny.
Tea, per chest, twopence.
Tea, per half-chest, one penny.
Tea, per box, one halfpenny.
Timber, per 100 feet, twopence.
Tobacco, per tierce, fourpence.
Tobacco, per keg or case, twopence.
Tobacco, per basket or roll, one penny.
Truss or roll sundries, twopence.
Vinegar, per cask, threepence.
Whalebone, per bundle, twopence.
Wheelbarrows, each, fourpence.
Wines and spirits, pipe or punch, eightpence
Wines and spirits, per hhd., fourpence.
Wines and spirits, per quarter-cask, twopence.
Wines and spirits, per case 4 gallons, fourpence.
Wines and spirits, per case, 2 gallons, twopence.
Wine, per 3 dozen, threepence.
Wool, per bale, threepence.
Wool-lashings, per coil, one penny.

UNENUMERATED GOODS.

Heavy, per ton, two shillings and sixpence.
Package, tun, or butt, one shilling and threepence.
Puncheon, eightpence.
Hogshead, sixpence. Barrel, threepence.
Keg, twopence.
Bundle or case, fourpence.
Jar or can, one penny.

LIVESTOCK.

Horned Cattle, one shilling
Horses, one shilling and sixpence
Calves, sixpence. Sheep, twopence.
Pigs, twopence.
Goats, twopence.

Notes.

Passed by the Provincial Council 19th August 1863, assented by Superintendent on behalf of the Governor on 4th September 1863. Sam Bealey, Charles Bowen, Henry Bacon Quin.

10. The Canterbury Loan Ordinance Amendment Ordinance 1863

Analysis.

Preamble.

1. Repealing Clause.
2. Form of Coupon as in Schedule.
3. Ordinance to be part of Canterbury Loan Ordinance.
4. Title.

Whereas the form of Coupon set forth in the Schedule to the "Canterbury Loan Ordinance, 1862," has been found to be inconvenient, and it is expedient that such form should be altered, and a new form adopted in lieu thereof:

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

1. Repealing Clause.

That part of the Schedule to the said recited Ordinance, setting forth the form of Coupon is hereby repealed, except as to Coupons already issued under the said recited Ordinance.

2. Form of Coupon as in Schedule.

The Coupons attached to the Debentures hereafter to be issued under the said Ordinance, shall be in the form or to the effect set out in the Schedule hereto, and shall be signed by the Keeper of Public Records.

3. Ordinance to be part of Canterbury Loan Ordinance.

This Ordinance shall be read and construed as part of the "Canterbury Loan Ordinance, 1862."

4. Title.

This Ordinance shall be entitled and may be cited as " The Canterbury Loan Ordinance Amendment Ordinance 1863."

Notes.

Passed by the Provincial Council 19th August 1863, and reserved for the Governor's assent. Assented to NZG No. 53, 12th October, 1863, 452p.

11. The Diversion of Roads, Special Ordinance 1863

Analysis.

Preamble.

1. Superintendent to lay out and construct road through private property.
2. Road to be closed and cease to be a public road.
3. Title.

Whereas by an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury, entitled "The Diversion of Roads Ordinance, Session XI., No. 3," it is enacted that excepting as the Ordinance otherwise provided, no public road shall be closed up or diverted, and no new line of road shall be laid out or constructed, passing over any private lands, except under the authority of a special Ordinance of the said Superintendent and Provincial Council. And whereas it is expedient that certain public roads or parts thereof shall be closed

up or diverted, and new lines of public roads or parts thereof be laid out or constructed, passing over private lands:

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

1. Superintendent to lay out and construct road through private property. It shall be lawful for the Superintendent of the said Province to take all steps necessary for the laying out and construction of a road through private property according to the description and along the line set forth in the Schedule to this Ordinance and the Plan hereto annexed, and to enter upon, and cause to be entered upon all lands within the said Province for the purpose of making such surveys as may be necessary, and the possession of all the lands required for the use of the said road along the line so set forth and described.

2. Road to be closed and cease to be a public road. The public road described in the Schedule to this Ordinance and the Plan hereto annexed shall be closed up and shall henceforth cease to be a public road.

3. Title. This Ordinance shall be entitled, and may be cited as "The Diversion of Roads Special Ordinance, 1863."

Schedule.

Road Closed Up.

Locality.	Quantity.		
	A.	R.	P.
Latter's Spur, Heathcote District.	7	2	0

Road to be Taken.

Locality.	Quantity.			
	A.	R.	P.	
Owner				
Latter's Spur, Heathcote District.	2	3	0	J.C.
Wilson C.B.				

Notes.

Passed by the Provincial Council 20th August 1863, assented by Superintendent on behalf of the Governor on 4th September 1863. Sam Bealey, Charles Bowen, Henry Bacon Quin.

12. The Cattle Driving Ordinance 1863.

Analysis.

Preamble.

1. Repealing Clause.
2. Notice to be given by person driving cattle under penalty.
3. Herd of cattle may be inspected.
4. Penalty for removing cattle from off cattle run without consent of person in charge of such run.
5. Penalties: how to be recovered. Maximum penalties.
6. Notice to be given that any cattle-run may come under the provisions of this Ordinance.
7. Interpretation of words "cattle" and "cattle-run."
8. Title.

Whereas it is expedient to make provisions for regulating the Driving of Cattle within the Province of Canterbury:

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

1. Repealing Clause.

That the "Cattle Driving Ordinance, 1862," be repealed.

2. Notice to be given by person driving cattle under penalty.

That on and after the first day of September, one thousand eight hundred and sixty-three, any person driving a herd of cattle in the said Province shall, at least six hours before entering upon any cattle-run for the purpose of driving cattle on or over the same, give notice in writing to the Occupier of such run, intimating his intention of driving cattle on or over the same by leaving the said notice affixed on some conspicuous part of such house or station: Provided always, that the service of such notice shall be renewed, unless the herd of cattle shall enter on such run within twenty-four hours after the expiration of the time given in

such notice: Provided also, that any person contravening this section shall, on conviction thereof, be liable to a penalty not exceeding forty shillings per head of cattle driven without due notice given.

3. Herd of cattle may be inspected.

Any Occupier of a cattle-run, or person in charge thereof, may inspect or cause to be inspected any herd of cattle which shall be on the said run, or upon any run adjoining thereto, or upon any highway passing through or bounding the same; and any person preventing or assisting in preventing such inspection shall, on conviction thereof, be liable in a penalty not exceeding twenty pounds.

4. Penalty for removing cattle from off cattle run without consent of person in charge of such run.

Any person who shall drive or assist in driving any cattle from off any cattle run, without previous consent, in writing, of the Owner or person in charge of such cattle run, shall, on conviction thereof, be liable to a penalty not exceeding Forty Shillings per head of cattle so driven.

5. Penalties: how to be recovered. Maximum penalties.

All penalties imposed and fees payable under this Ordinance are to be recovered in a summary way: Provided always that no penalty to be imposed under this Ordinance shall exceed the sum of One Hundred Pounds.

6. Notice to be given that any cattle-run may come under the provisions of this Ordinance.

Every person being an Occupier or an Owner of a cattle-run under this Ordinance, shall, on or before the first day of March in each year, serve a notice on the Provincial Secretary of the said Province, intimating his desire that such run shall be under the provisions of this Ordinance; and such notice shall, on or before the first day of May in such year, be published once in the Provincial Government Gazette, and four consecutive weeks in any newspaper published in the Province: Provided always, that on the service of such notice as aforesaid, the person serving such notice shall pay to the said Provincial Secretary the sum of twenty shillings, to be paid by him to the Provincial Treasurer, to be carried to the ordinary revenue of the Province.

7. Interpretation of words "cattle" and "cattle-run."

In the interpretation of this Ordinance, the word "Cattle" shall be taken to mean horned or neat Cattle; the words "Herd of Cattle," any number of cattle exceeding ten driven in one lot; the words "Cattle Run," any waste lands of the Crown held under a pasturage license in force in the Province, which have been brought under the provisions of this Ordinance.

8. Title.

This Ordinance shall be entitled, and may be cited as the " Cattle Driving Ordinance, 1863."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 1st September 1863, and assented to by the Superintendent on the 4th September.

13. The Stage Carriages Ordinance 1863

Analysis

Preface

1. Penalty for keeping a stage carriage without a License.
2. Chief Officer of Police to grant Licenses.
3. Officer to forward Licenses to Treasurer.
4. Requisition for License to be signed: by Applicant.
5. Particulars to be specified in Licenses.
6. Carriage to be exhibited to Officer.
7. Licenses to be renewed annually.
8. Penalty for carrying a greater number of Passengers than authorized by License.
9. Driver and Children in lap not to be counted as Passengers.
10. Particulars to be painted on stage carriage.
11. Luggage on the top of any stage carriage not to exceed weight specified.
12. Penalties on Driver or Guard for misconduct.
13. Penalty on Driver or Guard endangering Passengers or property through negligence.
14. Penalty for ill-treatment of horses.
15. Summons left with Book-keeper to be good service.
16. Fines recoverable in a summary way.
17. Interpretation.
18. Title.

Whereas it is expedient that Stage Carriages in the Province of Canterbury should be subject to proper Regulations:

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

1. Penalty for keeping a stage carriage without a License.

If any person shall keep, use, or employ, or shall be concerned as Proprietor or part Proprietor in the keeping, using, or employment of any stage carriage, without having a License in force so to do, granted under the authority of this Ordinance, every person so offending, shall be liable to a penalty not exceeding Twenty Pounds.

2. Chief Officer of Police to grant Licenses.

It shall be lawful for the Chief Officer of Police, for any district on or through which any stage carriage may be intended to pass, to grant a License, under his hand, in the form set forth in the Schedule to this Ordinance annexed, to any person who shall apply for such License in manner hereinafter mentioned.

3. Officer to forward Licenses to Treasurer.

The Officer by whom such license shall be granted, shall forthwith transmit every such license to the Provincial Treasurer, or to the Sub-Treasurer, whose office shall be nearest to the place at which such license was granted, and shall also forthwith notify to the person to whom such license shall have been granted, that such license is ready to be issued, and such Treasurer or Sub-Treasurer shall issue the license to the Licensee upon his application for the same, and upon payment of the sum of five pounds.

4. Requisition for License to be signed: by Applicant.

Before any license shall be granted or renewed under the provisions of this Ordinance for or in respect of any stage carriage, or requisition for such license shall be made and signed by the Proprietor or one of the Proprietors of the stage carriage in respect of which such license shall be applied for, and in every such requisition there shall be truly set forth the Christian name and surname and place of abode of the person applying for such license, and of every person who shall be a Proprietor or part Proprietor of such carriage, or who shall be concerned, either solely or in partnership, with any other person in the keeping, using, or employing of such carriage; and in case any person shall neglect or omit to specify truly in such requisition as aforesaid the name of any person who shall be concerned as aforesaid in the keeping, using, or employing of such carriage, every person so offending shall be liable to a penalty not exceeding ten pounds.

5. Particulars to be specified in Licenses.

In every license to be granted or renewed under this Ordinance, there shall be specified the following particulars, that is to say:—the Christian and surname and place of abode of every person who shall be a Proprietor or part Proprietor of the stage carriage in respect of which such license shall be granted, or who shall be concerned, either solely or in partnership, with any other person in the keeping, using, or employing of such carriage, the names of the extreme places from and to which such carriage shall be authorized by such license to go or pass, and the greatest number of Passengers to be conveyed by such carriage, as shall have been determined by the Officer as aforesaid, distinguishing (when the same is

intended to convey both inside and outside Passengers) the number to be carried on or about the outside from the number to be carried in the inside of such carriage.

6. Carriage to be exhibited to Officer.

Before any such license shall be granted, the stage carriage in respect of which such license is applied for shall be exhibited to the Officer to whom application shall be made for such license; and it shall be lawful for such Officer, upon an examination of such stage carriage, to determine the number of Passengers which may be safely and conveniently carried by such stage carriage, both in the inside and on the outside thereof.

7. Licenses to be renewed annually.

Every license granted under the authority of this Ordinance shall be and continue in force from the time that the fee upon such license was paid, to the thirtieth day of June next ensuing, the time such license was granted, and every such license shall be renewed from year to year; and whenever any change in the Owners or Proprietors of any stage carriage shall take place, the said change of ownership shall be notified to the Chief Officer of Police.

8. Penalty for carrying a greater number of Passengers than authorized by License.

If the number of Passengers at any one time conveyed in upon or about any licensed stage carriage shall be greater in the whole than the number of Passengers which the license granted in respect of such carriage shall authorize or allow to be conveyed thereby, or if the number of Passengers at any one time conveyed in the inside of such stage carriage, or upon or about the outside thereof, shall be greater respectively than the greatest number of inside or outside Passengers respectively specified in or upon such license and allowed thereby, the person to whom such license shall have been granted shall be liable to a penalty of not more than five pounds for every Passenger so conveyed above the number allowed by such license to be conveyed in the whole or in the inside, or on or about the outside of such carriage respectively, and the Driver of such stage carriage, at the time when such offence shall be committed, shall also be liable to a penalty not exceeding five pounds.

9. Driver and Children in lap not to be counted as Passengers.

The several numbers of outside Passengers by this Ordinance allowed to be carried by any such stage carriage as aforesaid shall be reckoned exclusive of the Driver, but including the Conductor or Guard, if there shall be a Conductor or Guard of such stage carriage, and that no Child or Children in the lap shall be counted as a Passenger or Passengers, and that no Child not in the lap but under seven years of age shall be counted, unless there shall be more than one such Child, and if there shall be more than one such Child not in the lap, but under seven years of age, then two of such Children shall be accounted equal to

one adult person, and considered as one Passenger, and so on in the same proportion.

10. Particulars to be painted on stage carriage.

No stage carriage shall be used or employed in the Province of Canterbury unless there shall be truly painted in words at length, and in legible and conspicuous letters, one inch at least in height, and of a proper and proportionate breadth, and in colour different from and opposite to the colour of the ground on which such letters shall be painted, upon some conspicuous part of each side of such carriages, and clear of the wheels thereof, so that the same shall be at all times plainly and distinctly visible and legible, the Christian name and surname of the Proprietor or of one of the Proprietors of such carriage, and also the names of the extreme places from which and to which such carriage shall be licensed to travel or go; and there shall also be painted in manner aforesaid upon some conspicuous place on the back of such stage carriage, and so that the same shall be at all times plainly and distinctly visible and legible, the greatest number of Passengers allowed to be carried in or by such carriage, and also, when such carriage shall be licensed to carry both inside and outside Passengers, the greatest number of Passengers allowed to be taken in the inside and on the outside thereof respectively; and if any person shall use or employ any stage carriage upon which all such particulars as aforesaid shall not be truly painted in such legible and conspicuous letters, and in manner aforesaid, or in case such particulars or any of them shall be partially obliterated or defaced from or upon such carriage, then, if such person shall neglect to paint or cause to be painted again in manner aforesaid every particular so obliterated or defaced, such person so offending in any of the cases aforesaid shall be liable to a penalty not exceeding five pounds.

11. Luggage on the top of any stage carriage not to exceed weight specified.

No luggage which shall be carried on the top or roof of any stage carriage drawn by four or more horses shall in any case exceed ten feet and nine inches in height from the ground, nor shall any luggage which shall be carried on the top or roof of any stage carriage drawn by two or three horses only in any case exceed ten feet and three inches in height from the ground, measuring to the highest point of any part of such luggage when placed upon the top or roof of such carriages respectively; and if any such luggage shall in either of the cases aforesaid exceed the height by this Ordinance in that behalf limited, the Driver of such carriage, at the time when such offence shall be committed, shall be liable to a penalty not exceeding five pounds.

12. Penalties on Driver or Guard for misconduct.

If the Driver of any stage carriage drawn by three or more horses shall, at any place where such carriage shall stop, quit the box of such carriage, or the horses drawing the same, without delivering the reins into the hands of some fit and proper person, or before some fit and proper person shall be placed and stand at the heads of the horses and shall have the command thereof, or if any person so

placed and standing at the heads of the horses shall leave such horses before some other proper person shall be placed and stand in like manner and have the command of such horses, or before the Driver of such stage carriage shall have returned and seated himself upon the box and taken the reins, or if the Driver of any stage carriage shall permit any Passenger or any person other than himself to drive the horses drawing such carriage, or of the Driver of any stage carriage shall quit the box of such carriage without reasonable occasion, or for a longer time than such occasion shall absolutely require; and if the Driver or Conductor or Guard of any stage carriage shall neglect to take due care of any luggage whatsoever carried or to be carried by such carriage, or if any such Driver or Conductor or Guard shall demand or receive for the fare of any Passenger more than the sum which such Passenger shall be liable to pay, or more than the money properly chargeable for the carriage of any luggage, or if any such Driver or Conductor or Guard shall, when thereto required, neglect or refuse faithfully to account to his Employer for all moneys received by him in respect of any Passenger or any luggage which shall be carried by such carriage, or if any such Driver or Conductor or Guard shall assault or use abusive or insulting language to any person travelling, or about to travel, or having travelled as a Passenger with or by such carriage, or to any person accompanying or attending upon such Passenger in coming to or going from any such carriage, every such Offender in any of the several cases aforesaid shall be liable to a penalty not exceeding five pounds, or imprisonment for a period not exceeding fourteen days.

13. Penalty on Driver or Guard endangering Passengers or property through negligence.

If the Driver, Conductor or Guard of any stage carriage, or any other person having the care thereof, or employed in or upon or about such carriage, shall through intoxication or negligence, by wanton or furious driving, or by or through any other misconduct endanger the safety of any Passenger or other person, or shall injure and endanger the property of the Owner or Proprietor of such stage carriage, or of any other person, or shall permit any person or persons in a state of intoxication to travel by such carriage to the annoyance of any Passenger or Passengers therein or thereon, every such person so offending shall be liable to a penalty not exceeding five pounds, or imprisonment for a period not exceeding fourteen days.

14. Penalty for ill-treatment of horses.

Every Driver, Conductor, or other person who shall use any horse for the drawing of stage carriages licensed under this Ordinance when such horse shall, from sores or other injuries, be unfit for work, or shall in any way subject any horse to unnecessary pain or suffering, shall, for every such offence, be liable to a penalty not exceeding Five Pounds, or, in default, to be imprisoned, with hard labour, for any term not exceeding fourteen days.

15. Summons left with Book-keeper to be good service.

Any summons issued by any Justice of the Peace, commanding any Driver, Conductor, Guard, Owner or Proprietor of any stage carriage to appear before him for any offence committed against the provisions of this Ordinance, shall be deemed to be well and sufficiently served in case either the original or a copy of such summons be left with the known or acting Book-keeper for such carriage in any town or place into or through which such carriage shall be driven.

16. Fines recoverable in a summary way.

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

17. Interpretation.

Every coach or other carriage or vehicle used, employed, or let out for the purpose of conveying Passengers for hire within the Province of Canterbury, and which, when travelling along any highway or other road shall travel at a rate of four miles or more in the hour, shall be deemed and taken to be a stage coach within the meaning of this Ordinance: Provided that each Passenger to be carried by any such carriage or vehicle shall be charged or shall pay a separate and distinct fare for his or her place or seat therein or conveyance thereby.

18. Title.

This Ordinance shall be entitled, and may be cited as " The Stage Carriages Ordinance, 1863."

Schedule.

Whereas A.B. (or A.B. and C.D. naming the Proprietor or Proprietors) or a certain stage carriage being (here insert in general terms the description of carriage and the number of wheels) having applied to me, E.F., Chief Officer of Police for the District of _____ to grant to him (or them as the case may be) a license to authorize him (or them) to keep, use and employ the said stage carriage between _____ and (naming the extreme places). And whereas I the said Chief Officer, having had this day exhibited to me the said stage carriage, and having examined the same and being satisfied that the said carriage is calculated safely and conveniently to carry the number of Passengers hereinafter mentioned, do hereby authorize and license the said A.B. (or A.B. and C.D.) to carry and convey between _____ aforesaid and _____ aforesaid the number of Passengers in and by the said stage carriage, that is to say, the number of Passengers in the inside, and _____ Passengers on the outside thereof, subject to the several regulations and provisions of "The Stage Carriages Ordinance, 1863." This license to cease and determine on the thirtieth day of June, 18 .

Given under my hand this _____ day of _____ 18 .

Notes.

Passed by the Provincial Council 8th September 1863, assented by Superintendent on behalf of the Governor on 16th September 1863. Sam Bealey, Charles Bowen, Henry Bacon Quin.

14. The Canterbury City Council Ordinance 1863

Analysis.

Preamble.

1. Validity of Ratepayers' List.
2. Notice of completion of the Ratepayers' Roll to be advertised.
3. How objections are to be heard.
4. Ratepayers' Roll to be conclusive.
5. Title.

Whereas a Ratepayers' List was some time since prepared under the provisions of the Twenty-fourth Section of "The Christchurch City Council Ordinance, 1862:" And Whereas the Council gave public notice, by advertisement, in one or more Newspapers published within the Province and circulating within the city, of the completion of such List, and of the time and place at which objections thereto would be heard and determined, but the said List or a true copy thereof was not kept from the time of such notice up to the time appointed for such hearing in the custody of the Clerk of the Council; And Whereas, by reason thereof, doubts have been entertained whether any rate made according to the said List would be valid: And Whereas it is expedient to make further provisions for the revision of the said List:

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

1. Validity of Ratepayers' List.

Subject as hereinafter mentioned, the List so prepared as aforesaid shall be deemed to be valid and effectual to all intents and purposes whatsoever.

2. Notice of completion of the Ratepayers' Roll to be advertised.

Immediately after the passing of this Ordinance, the Council shall give public notice, by advertisement in one or more Newspapers published within the Province and circulating within the city, of the completion of such List, and of a time and place at which objections thereto will be heard and determined as

hereinafter provided. A true copy of such List shall be kept in the custody of the Clerk of the Council, and shall be open to the inspection of all persons interested therein at all reasonable hours from the date of such notice aforesaid until the day appointed for hearing the objection thereto.

3. How objections are to be heard.

After the publication of such notice as last aforementioned, all notices of objection to the said List and objections thereto shall be made, heard, and determined respectively, and corrections therein shall be made in manner provided by Sections 26, 27, and 28 of the said Ordinance.

4. Ratepayers' Roll to be conclusive.

After the revision of the said List as aforesaid, the same shall be called the "Ratepayers' Roll," and shall be binding and conclusive upon all persons whom it may concern.

5. Title.

This Ordinance shall be entitled, and may be cited as " The Christchurch City Council Ordinance, 1863."

Notes.

Passed by the Provincial Council 10th September 1863, and reserved for the assent of the Governor. Assented NZG No. 66, 23rd December, 1863, 555p. Sam Bealey, Charles Bowen, Henry Bacon Quin.

15. The Fencing Ordinance 1863

Analysis.

Preamble.

1. Repealing Clause.
2. Interpretation Clause.
3. Occupier of land desirous of making fence to give notice.
4. If parties cannot agree, matter to be settled by two Justices.
5. Each Occupier to pay half the expenses.
6. Fence shall then be made.
7. If default made by one party the other party may make fence.
8. Occupier may recover from Owner. In certain cases Occupier not to recover.
9. Repairs of fences. Previous provisions applicable to repairs.
10. Present value of fence apportioned may be recovered.

11. Land may be entered upon for purpose of making or repairing fence.
 12. Occupier may give notice to adjoining Occupier to trim live fence.
 13. In case of default to maintain fence, mode of procedure.
 14. Fence apportioned to be maintained by Owner.
 15. Person making, on behalf of person liable, entitled to recover.
 16. In default of Occupier contributing to or repairing fence—amount how recoverable.
 17. Sufficiency of fence to be settled by Justices.
 18. Procedure when notice cannot be delivered.
 19. Person giving notice may proceed ex parte.
 20. Cases of land held under license abutting on land granted.
 21. Act not to affect agreements.
 22. Money recoverable in Court of Resident Magistrate.
 23. Ordinance to come into operation.
 24. Title.
- Schedule.

Whereas an Ordinance was made by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, entitled " An Ordinance to encourage the Fencing of Land, Session VIII., No. 8," and it is expedient that certain parts of the same be repealed, and that better provision be made for regulating the contributions of Owners or Occupiers of land to the making and maintaining party or dividing fences:

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

1. Repealing Clause.

The second, third, fourth, and fifth Sections of the said recited Ordinance are hereby repealed within the Province of Canterbury.

2. Interpretation Clause.

The word " fence," in this Ordinance, shall be construed and mean a fence between land in the occupation of a person and the land adjoining; the word "land," shall be construed and mean any land in the Province of Canterbury not being waste lands of the Crown.

3. Occupier of land desirous of making fence to give notice.

Any Occupier of land who may be desirous to make a fence, shall deliver a notice, in writing, to the Occupier, or if there be no occupier, to the Owner of the land intended to be separated by such fence, containing the particulars set forth in the Schedule hereto annexed.

4. If parties cannot agree, matter to be settled by two Justices.

If, within forty-four days after the delivery of such notice, the Giver and Receiver thereof do not make or contract in writing as to the nature of the fence to be made and the cost thereof and the mode and time of making the same, or if either of such parties desire that such fence shall be apportioned and do not make a contract, in writing, as to the apportionment thereof, and as to the nature of the fence to be made and the mode and time of making the same and as to any questions relating thereto, such matters, or such of them as may be in difference, shall be settled by two or more Justices of the Peace, on evidence taken.

5. Each Occupier to pay half the expenses.

The Justices shall found their decision on the principle that each such Occupier shall bear one-half of the expense of making the fence.

6. Fence shall then be made.

When such matters shall have been settled, either by agreement between the parties or by two or more Justices as aforesaid, the fence or apportioned parts thereof respectively (as the case may be) shall be made by the persons at the cost and in the manner so agreed upon or decided.

7. If default made by one party the other party may make fence.

In case of default for twenty-eight days by either party duly to perform his part of such contract, or to obey the part of the decision which should be obeyed by him, the other party may perform such neglected duty, or, in case of non-payment of money, may recover the same or the cost of performing such neglected duty with the addition of one tenth, in the manner hereinafter provided.

8. Occupier may recover from Owner. In certain cases Occupier not to recover.

Any Occupier shall be entitled, at the expiration of the time for which he shall hold the land fenced under this Ordinance, to recover from the Owner thereof the then value of any fence made under this Ordinance, such value, in case of disagreement, to be settled by two or more Justices: Provided, that where the occupancy is for a term of which less than two years shall be unexpired at the time of the making of the fence, it shall not be lawful for the Occupier of any land to recover from the Owner thereof the value of any such fence unless he shall, previously to the making thereof, have received notice from an adjoining Occupier to make such fence, or unless he shall have obtained the consent, in writing, of the Owner of such land to the making thereof.

9. Repairs of fences. Previous provisions applicable to repairs.

The provisions hereinbefore contained with reference to the making of fences shall apply to the maintaining and repairing of fences already made, Mutatis mutandis, subject as hereinafter mentioned.

10. Present value of fence apportioned may be recovered.

If any fence existing at the time this Ordinance shall come into operation shall be apportioned under the power herein contained for the purpose of maintenance or

repair, the Owner of any land bounded thereby, being the person by whom any such fence was erected or deriving title under such person, shall be entitled to recover from the owner of the adjoining land bounded thereby the value, at the time of recovery, of that part of the fence appertaining to such adjoining land.

11. Land may be entered upon for purpose of making or repairing fence. For the purpose of making or repairing any fence, or for trimming any live fence, it shall be lawful for the Occupier or Owner of any land, or any person duly authorized by him, to enter upon that of such Occupier or Owner, and no action shall accrue therefrom.

12. Occupier may give notice to adjoining Occupier to trim live fence. The Occupier of land abutting on any live fence, may, at any time, give notice, in writing, to the Occupier of the adjoining land abutting on such fence, requiring him to cut and trim that side of the fence abutting on such adjoining land, and in the event of such Occupier failing to comply with such notice within ten days from the date thereof, or to show good and sufficient reason why the said fence should not be so cut and trimmed, it shall be lawful for the person giving such notice to cause the same to be done, and the amount of the cost of such trimming and cutting, with all costs, shall be recoverable as hereinafter provided.

13. In case of default to maintain fence, mode of procedure. In case of default by the Occupier of any land to well and sufficiently repair the part of any fence which shall have been apportioned to such land under the provisions of this Ordinance, the Owner or Occupier of the land abutting thereon may, by notice in writing, delivered to the person making such default, require him, within seven days, to repair the said fence, and on the expiration of the said seven days, if the fence shall not previously have been well and sufficiently repaired, it shall be lawful for the person delivering the notice aforesaid to repair such fence on behalf of the person making such default.

14. Fence apportioned to be maintained by Owner. Whenever a fence shall have been apportioned under this Ordinance, the Occupiers or Owners of the land on each side of such fence shall, at all times thereafter, maintain and keep in repair the portions apportioned to them or their Predecessors in the holding.

15. Person making, on behalf of person liable, entitled to recover. Any person who, under the provisions of this Ordinance, shall become entitled to make or repair, and shall have well and sufficiently made or repaired any fence on behalf of an adjoining Occupier or Owner, shall be entitled to recover from such Occupier or Owner, or his Heirs or Assigns, the value thereof, with an addition of one-tenth.

16. In default of Occupier contributing to or repairing fence—amount how recoverable.

If any Occupier shall fail to contribute, as herein provided, towards the making or repairing of any fence, the amount of contribution shall be recoverable from any subsequent Occupier; but if there shall, within three months, be no subsequent Occupier, then from the Owner of the said land. And in this last case the amount of such contribution shall be considered as a liability, under an Act of the General Assembly of New Zealand, entitled "The Sale, for Non-payment of Rates Act, 1862 ;" and such Land shall be liable to be sold under the said Act, and the person or persons who shall be entitled to recover such contributions are hereby appointed and authorized to subscribe the Memorial mentioned in the said Act, and to do all other things, for the purpose of procuring the sale of such land, as collectors of unpaid rates are authorized to do by the said Act.

17. Sufficiency of fence to be settled by Justices.

Should any dispute arise as to the sufficiency or value of any fence, or repairs, or as to any matter under the provisions of this Ordinance, the same shall be settled by two or more Justices.

18. Procedure when notice cannot be delivered.

When there shall be no Occupier of the adjoining land, and the Owner thereof cannot, after due enquiry, be found, or when such Owner is not resident within the Province, in lieu of the delivery of any notice herein prescribed, such notice may be inserted twice, at intervals of not less than six days, in some Newspaper published and circulated within the Province, and also in the Provincial Government Gazette.

19. Person giving notice may proceed ex parte.

At any time after the expiration of thirty days from the last insertion as aforesaid of such notice, the person giving such notice may apply ex parte to two or more Justices, who shall settle all the matters with reference to the making or repaying or apportioning (as the case may be) of the fence therein referred to in the same manner as if the notice had been given to the adjoining Occupier, and he, and the Giver of the notice, had failed to agree as to the particulars mentioned in Section 4.

20. Cases of land held under license abutting on land granted.

Any person occupying land under any Pasturage License held under the Crown, may require any Occupier of any adjoining land granted by the Crown to make or repair a fence between the land in their respective occupation, and all the provisions of this Ordinance shall apply to such case as if both such Occupiers held land which had been granted by the Crown; but an Occupier of land granted by the Crown, abutting on Land occupied under such License as aforesaid, shall not be entitled to require the person occupying such last mentioned land to make a fence between the lands occupied by them respectively. Provided always, that the liability of any person occupying under such License as aforesaid shall only extend to one fourth of the cost of such fence, or of the

repair of such fence; and the Occupier of the land so granted as aforesaid shall be liable to the remaining three-fourths of such cost.

21. Act not to affect agreements.

Nothing in this Ordinance contained shall make void or affect any Covenant or Agreement relative to fencing which shall be now subsisting or shall be hereafter entered into between adjoining Occupiers or Owners, or between Landlord and Tenant, under any lease, or by implication of Law or otherwise.

22. Money recoverable in Court of Resident Magistrate.

All moneys recoverable under this Act shall be recoverable before two or more Justices of the Peace or a Resident Magistrate.

23. Ordinance to come into operation.

This Ordinance shall come into operation on the First day of January, one thousand eight hundred and sixty-four.

24. Title.

This Ordinance shall be entitled and may be cited as " The Fencing Ordinance, 1863."

Schedule.

Notice To Make (or Apportion, etc.) Fence.

To Occupier (or Owner as the case may be) of (describing adjoining land).

Take notice that I desire that the boundary or separating fence between (describing the lands) be made (or apportioned as the case may be) immediately (or before the day of 18 . (and that such fence shall be a (here describe the fence).

Dated this day of , 18 .

A.B., Occupier (or Owner)

16. The Sheep Ordinance 1863 D NZG 1864 p1

Analysis.

Preamble.

1. Repealing Clause.
2. All sheep to be branded.
3. Registrar of Brands to be appointed.
4. Sheep brands to be registered.
5. Registering or using brand of another person.
6. Branding sheep without leave of Owner.
7. Brand prima facie evidence of Ownership.
8. Inspectors of Sheep.
9. No person to cut off more than one-third of sheep's ear, under penalty.
10. False Report or Certificate.
11. Inspector may require Declaration from Owner as to muster of sheep, &c.
12. Owners of sheep to erect dipping apparatus.
13. Apparatus to be constructed to the satisfaction of the Inspector. Penaty on non-erection of apparatus.
14. Penalty on not keeping apparatus in repair, &c.
15. Power to Inspector to enter on lands.
16. Possession of scabby sheep: fines and penalties.
17. Six months to elapse between convictions.
18. Scabby sheep to be herded in certain cases.
19. List of scabby flocks to be published monthly.
20. If; six months after conviction, sheep not clean all rams to be separated from the ewes.
21. Owners of sheep to give notice of disease.
22. Scabby sheep to be branded S.
23. Infected sheep to be kept certain distance from boundary of run.
24. Justices may order infected sheep to be herded and yarded.
25. Landing sheep without Certificate.
26. Declaration of Owner before landing sheep.
27. Penalty on Master of vessel allowing sheep to be landed without Certificate.
28. Introducing sheep by land without Certificate.
29. Declaration of Owner before introducing sheep by land.
30. Sheep introduced by land to be dipped.
31. 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 case of sheep landed at Port Lyttelton.
32. Sheep for importation to be branded with Inspector's brand.
33. Power of Inspector to refuse to grant Certificate.
34. To call upon persons for evidence.
35. Driving, &c., infected sheep.
36. Separate informations for every run crossed.
37. Scabby sheep trespassing and not removed may be destroyed.
38. Notices when sheep driven through run.
39. Occupier may, without warrant, examine sheep on his run.
40. Justices may order inspection of sheep.
41. Penalties for resisting, &c., inspection.
42. Sheep dying of catarrh not to be thrown into streams, &c.

43. Sheep dying of catarrh to be burnt or buried.
44. Slaughtering infected sheep.
45. Recovery of strayed sheep.
46. Unauthorized removal of sheep.
47. Every Occupier of sheep run to give at least twenty-four hours' notice before mustering flock.
48. Wilfully communicating scab.
49. Maximum penalty.
50. Saving other remedies at Law to persons suffering damage.
51. Expenses of prosecution to be paid out of penalties.
52. Fines and penalties may be levied by distress and sale of goods.
53. Penalties recoverable summarily.
54. Interpretation.
55. Title.

Whereas certain Ordinances were passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled respectively, "The Sheep Ordinance, Session X., No. 9," "The Scab Prevention Ordinance, Session X., No. 10," "The Sheep Ordinance Amendment Ordinance, Session XI., No. 11," and "The Sheep Ordinance Amendment Ordinance, 1861." And whereas it is expedient that the said recited Ordinances should be repealed and that other provision should be made in lieu thereof:

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

1. Repealing Clause.

From and after the passing of this Ordinance, the above-recited Ordinances shall be, and the same are hereby repealed, except in so far as the same extend to repealing any previous any previous Ordinance. All legal proceedings in execution of the said Ordinances, taken before the coming into operation of this Ordinance, shall be as valid, to all intents and purposes, and may be continued, executed, and enforced after this Ordinance shall come into operation, in the same manner as if this Ordinance had not been passed.

2. All sheep to be branded.

All sheep and lambs above the age of four months, within the Province of Canterbury, shall be branded on the wool thereof with the brand of the Owner; which brand shall, from time to time, be renewed, as occasion may require, so that the same shall always be distinct and legible; and every Owner of any such sheep or lambs not so branded, shall be liable to a penalty not exceeding twenty pounds; and if the said sheep, not being so branded, shall exceed four hundred in number, such Owner shall be liable to a further penalty of not less than twopence, nor more than sixpence for every such sheep or lamb not being so branded as aforesaid.

3. Registrar of Brands to be appointed.

It shall be lawful for the Superintendent to appoint some fit person to be the Registrar of Brands, and, with the advice and consent of the Executive Council, to make rules and regulations for the management of the office of such Registrar, and to fix a Scale of Fees, which shall be payable to such Registrar; and all such rules, regulations, and tables of fees, shall be published in the Government Gazette, and shall thereupon be binding upon all persons whom they may concern, and shall have the force of Law. Provided always, that the present Registrar of Brands shall be deemed to have been duly appointed, and all such rules, regulations, and tables of fees as aforesaid, as are now in force under the "Sheep Ordinance, Session X., No. 9," shall be deemed to have been duly made and fixed under this Ordinance.

4. Sheep brands to be registered.

Every Owner of sheep shall cause his sheep brand to be registered in the office of the Registrar of Brands; and any Owner neglecting so to register such brand as aforesaid, shall be liable to a penalty not exceeding five pounds: Provided always, that any brand already registered under the provisions of "The Scab and Catarrh Ordinance, Session III., No. 2," or of the "Sheep Ordinance, Session X., No. 9," shall be deemed to have been registered under this Ordinance.

5. Registering or using brand of another person.

After any person shall have so registered a brand, it shall not be lawful for any other person to register or to brand any sheep with the same brand, or one so nearly similar, as, in the opinion of the Registrar of Brands to be not readily distinguishable therefrom, or to make or cause to be made any branding-iron bearing the same, or nearly similar brand as aforesaid: And any person offending against the provisions of this section, shall be liable to a penalty not exceeding ten pounds: and every day during which, after any person shall have been convicted under the provisions of this section, his sheep shall continue to be branded with the registered brand of another person, shall be deemed a separate offence against the provisions of this section: Provided always that any person having duly registered a brand, may, by writing, addressed to the Registrar of Brands, relinquish his right to the said brand, and upon the due receipt of such writing by such Registrar, he shall forthwith cause the registry of such brand, in his "Register of Brands," to be cancelled; and thenceforth it shall be lawful for any other person to register such brand in his own name, in the office of the Registrar of Brands, and to cause his sheep to be branded therewith, as if such brand had not been previously registered.

6. Branding sheep without leave of Owner.

If any person shall brand any sheep without the authority of the Owner thereof, or shall deface or efface any brand upon any sheep, without such authority in writing, he shall be liable to a penalty of not less than Five nor exceeding One Hundred Pounds.

7. Brand prima facie evidence of Ownership.

The mark or impression of any registered brand upon any sheep shall, for the purposes of this Ordinance, be prima facie evidence of the ownership of such sheep by the person in whose name such brand shall have been registered in the office of Registrar of Brands.

8. Inspectors of Sheep.

It shall be lawful for the Superintendent, from time to time, to appoint fit persons to be Inspectors of Sheep, and from time to time to remove the same, and to appoint others in their stead, and such Inspectors, so appointed, shall have at all times the powers hereinafter given to certain persons acting under the Warrant of any one or more Justices of the Peace; and it shall be lawful for the Superintendent, with the advice of his Executive Council, to make such Regulations as he may think fit for the guidance of all such Inspectors in the execution of their duty, and for the carrying this Ordinance into effect: Provided always, that no such Regulations shall have any force until after they shall have been published in the Government Gazette. Provided further, that any Inspector already appointed, and any such regulation as aforesaid as are now in force under the Sheep Ordinance, Session X., No. 9, shall be deemed to have been duly appointed and made under this Ordinance.

9. No person to cut off more than one-third of sheep's ear, under penalty.

If any person shall cut off more than one-third part of the ear of any sheep, he shall be liable to a penalty of more than five pounds for each sheep in respect of which such offence has been committed.

10. False Report or Certificate.

If any Inspector of Sheep, or Provisional Inspector, to be appointed as hereinafter provided, shall wilfully make any false report, or deliver any false certificate as to the condition of any sheep examined by him, he shall be liable, on conviction thereof before any two Justices of the Peace, to a penalty not less than twenty pounds, nor exceeding one hundred pounds, or, at the discretion of such Justices, to be imprisoned for any term not exceeding six calendar months. If any Inspector of Sheep or Provisional Inspector shall, under colour of his office or employment, exact or accept any fee or reward whatsoever, other than his authorized salary or allowance, his office shall, on his conviction of such offence before any two Justices of the Peace, become ipso facto vacant, and he shall be liable to a penalty of fifty pounds.

11. Inspector may require Declaration from Owner as to muster of sheep, &c.

It shall be lawful for any Inspector of Sheep, or any Provisional Inspector, when it shall appear to him to be necessary, for the purpose of enabling him to decide satisfactorily upon the condition of any sheep, to call upon the Owner of such sheep to make a Declaration in the form or to the effect specified in Schedule A to this Ordinance; and if any such Owner shall refuse or neglect to make such

Declaration when so called upon, he shall be liable to a penalty not exceeding Fifty Pounds; and if any person shall make any such Declaration, knowing the same to be false, he shall, on conviction thereof before any 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.

12. Owners of sheep to erect dipping apparatus.

Every Owner of any sheep within the Province of Canterbury shall within six months after the passing of this Ordinance, or within six months after the land or run on which such sheep are depastured shall have been used for the purpose of depasturing sheep (if such land or run shall not at the time of the passing of this Ordinance be used for that purpose, erect and thenceforth maintain in good working order on the said land or run, or on some land in his own occupation immediately adjoining thereto, a good and sufficient apparatus for properly dipping for the cure of scab so many sheep as he shall for the time being, be the Owner of. Provided always, that it shall not be necessary to erect new dipping apparatus where dipping apparatus conforming to the terms of this Ordinance have been already erected.

13. Apparatus to be constructed to the satisfaction of the Inspector. Penalty on non-erection of apparatus.

Every such dipping apparatus shall be construed to the satisfaction of an Inspector of Sheep, and if any Owner of any sheep shall fail to erect such dipping apparatus to the satisfaction of the said Inspector, within the time hereinbefore limited for that purpose, he shall be liable to a penalty of not more than fifty pounds, and for every calendar month after the expiration of such time that shall elapse before he shall have so erected such apparatus, he shall be liable to a separate penalty of not more than fifty pounds. Provided, that if any Owner of sheep convicted on an information under this clause shall show, to the satisfaction of two Justices of the Peace, that from causes beyond his control it was impossible for him to erect such dipping apparatus, it shall be lawful for such Justices to suspend the penalty inflicted under such information for a period not exceeding three calendar months. Provided always, that if any Owner of sheep shall, within such period of suspension, produce a certificate, under the hand of an Inspector of Sheep, that such dipping apparatus has been erected, such penalty shall be altogether remitted.

14. Penalty on not keeping apparatus in repair, &c.

If any Owner of any sheep shall not maintain any dipping apparatus erected or to be erected as aforesaid in complete repair and good working order, to the satisfaction of an Inspector of Sheep, and shall not, from time to time if necessary, alter and enlarge the same to the like satisfaction, so that it may be sufficient for properly dipping the number of sheep of which he is for the time being the Owner, he shall be liable to a penalty of not more than twenty-five pounds; and for every fifteen days for which he shall neglect to repair, put in order, alter or enlarge the said dipping apparatus after notice in writing so to do

shall have been given him by the said Inspector, he shall be liable to a separate penalty of not more than twenty-five pounds.

15. Power to Inspector to enter on lands.

For the purpose of inspecting and examining such dipping apparatus, or for doing any other act which he is authorized or empowered to do by this Ordinance, it shall be lawful for any Inspector of Sheep, at all reasonable times, to have free ingress, egress, and regress through, over and upon any lands or tenements whatsoever, in the Province of Canterbury.

16. Possession of scabby sheep: fines and penalties.

Every Owner of any sheep infected with scab shall be liable to a fine of not less than one shilling, nor more than five shillings, for every such infected sheep: Provided that it shall be lawful for the Justices before whom any information under this clause shall be heard, to suspend the payment of any penalty, by the conviction made on such information ordered to be paid, for a period of not more than six months from the date of such information; and if at any time within such period of suspension, such sheep shall appear upon the report of any Inspector of Sheep, deposited with the Clerk of the Court in which such conviction shall have been made, to be again free from scab, such penalty shall be altogether remitted; but if it shall not so appear, then payment of such penalty shall be enforced in the usual way: Provided also, that if at or before the expiration of such period, it shall appear to the satisfaction of any two Justices of the Peace, and upon the certificate of an Inspector of Sheep, that peculiar and exceptional circumstances, beyond the control of the Owner of such sheep, and such as could not have been met by foresight and exertion on his part, have rendered it impossible effectually to clean such sheep, it shall be lawful for such Justices to extend such period for a further period of four calendar months, but no longer: Provided however, that if at any time during such period of suspension, it shall be proved, upon the evidence of an Inspector of Sheep, to the satisfaction of any two Justices, that the Owner of such sheep was not making reasonable exertions to clean the same, then such suspension shall, by the Justices, be declared to be null and void, and the payment of the penalty shall forthwith be enforced in the usual way. A separate information under this section may be laid in regard to every separate flock in the possession of one Owner, and if any one such flock shall exceed three thousand sheep in number, a separate information may be laid for every additional three thousand sheep, or fractional part of such number contained in such flock.

17. Six months to elapse between convictions.

No Owner of sheep who shall have been convicted under the last preceding section, shall, until the expiration of six months after the date of such conviction, be liable to any further penalty, under the said section, on account of such disease in any sheep which he shall prove, to the satisfaction of the Justices before whom any information under the said section may be heard, to be the same sheep in respect of which he had been so convicted as aforesaid:

Provided however, that if at any time or times during such period of six months, it is proved to the satisfaction of any two Justices of the Peace, that such Owner is not making reasonable exertions to clean his sheep, he shall forthwith be liable to a further information, under the provisions of the preceding section, notwithstanding such period of six months shall not have expired.

18. Scabby sheep to be herded in certain cases.

If it shall appear to any Inspector of Sheep upon his own view, that any sheep are infected with scab or catarrh, and that such sheep may, if suffered to run at large, cause damage to the Owners of neighbouring flocks, it shall be lawful for such Inspector, by warrant under his hand, in the form or to the effect set forth in Schedule B to this Ordinance, to order the Owner of such sheep to cause them to be constantly herded by day, and to be kept by night within a sheep-proof enclosure, until it shall appear, upon the certificate of an Inspector of Sheep, that such sheep are entirely free from the said diseases; and for each day upon which such Owner shall neglect to have such sheep herded as aforesaid, and likewise for each night upon which such Owner shall neglect to have such sheep enclosed as aforesaid, he shall be subject to a penalty not exceeding twenty-five pounds. It shall be lawful for such Owner, within fourteen days after the receipt of such warrant as aforesaid, to appeal against the same to any two Justices of the Peace; who, after ascertaining that due notice of such appeal had been given to the Inspector, and taking such evidence as they may think fit, shall either confirm or reverse the order given in such warrant: Provided, that any order so appealed against, shall, until reversed, continue in full force and effect.

19. List of scabby flocks to be published monthly.

There shall be published once in every month, in one or more newspapers within the Province, a list, certified by the Inspector of each district, of all stations on which there are at that time any sheep infected with the scab or catarrh.

20. If; six months after conviction, sheep not clean all rams to be separated from the ewes.

When any Owner of sheep shall have been convicted, under the provisions of this Ordinance, of having in his possession any sheep infected with the scab, and such sheep shall not, within six months from the date of such conviction, have been certified by an Inspector of Sheep to be entirely free from the said disease, the Owner of such sheep shall, immediately on the expiration of such period of six months, cause all rams to be separated from any ewes in his possession which may be so infected, and shall cause such rams to be kept separate from such ewes until they shall be certified by an Inspector of Sheep to be entirely free from scab; and for every day during which such rams shall not be kept separate from such ewes, such Owner shall be liable to a penalty of not one pound, nor more than ten pounds, in respect of each ram which shall not be kept separate as aforesaid.

21. Owners of sheep to give notice of disease.

Whenever the Owner of any sheep shall become aware, or shall have reasonable grounds to suspect that the same are infected with either scab or catarrh, he shall, within forty-eight hours thereafter, give notice thereof, in writing, to the adjoining Sheep-owners, in the manner prescribed for the delivery of notices by section thirty-eight of this Ordinance, and shall also, within ten days thereof, give a like notice to the Inspector of Sheep acting for the district in which such sheep are, either by delivering the same to him personally, or by leaving the same at his office or his usual place of abode; and every person offending against the provisions of this section shall, for every case in which he shall fail to give such notice, be subject to a penalty not exceeding fifty pounds, and to a separate penalty not exceeding ten pounds for every twenty-four hours for which he shall fail to give such notice after such periods forty-eight hours and ten days respectively. . All sheep shall, for the purpose of this section, be deemed to be infected with scab or catarrh, which shall be known by the Owner thereof to have mixed with other sheep so infected within three months previously.

22. Scabby sheep to be branded S.

Every Owner of any sheep infected with the scab shall cause the same to be distinctly wool-branded on the back thereof with the letter S, such letter not being less than four inches in length; and every such Owner shall be liable to a fine of not less than sixpence nor more than five shillings for every sheep not being so branded as aforesaid.

23. Infected sheep to be kept certain distance from boundary of run.

If any sheep infected with scab or catarrh shall be found, not being at the time herded by a Shepherd, within half-a-mile of the boundary of the land to which they belong, or upon which they shall be lawfully depastured, such boundary not being a natural barrier, or guarded by a sheep-proof fence, or within half-a-mile of any public highway, the Owner of such sheep shall be subject to a penalty of not less than sixpence, nor more than five shillings for every sheep so found within half-a-mile of such boundary or highway as aforesaid.

24. Justices may order infected sheep to be herded and yarded.

If it shall appear to any two Justices of the Peace, upon the oath of any one or more credible Witnesses, that any sheep are infected with scab or catarrh, and that such sheep may, if suffered to run at large, cause damage to the Owners of neighbouring flocks, it shall be lawful for such Justices, by warrant, under their hands, in the form or to the effect set forth in Schedule B to this Ordinance, to order the Owner of such sheep to cause them to be constantly herded by day, and to be kept by night within a sheep-proof enclosure, until it shall appear, upon the certificate of any Inspector of Sheep, that such sheep are entirely free from the said diseases; and for each day upon which such Owner shall neglect to have such sheep herded as aforesaid, and likewise for each night upon which he shall neglect to have such sheep enclosed as aforesaid, he shall be subject to a penalty not exceeding twenty-five pounds.

25. Landing sheep without Certificate.

If any person shall himself, or by means of any Agent or Servant, land, or cause to be landed from any ship, boat, or other vessel, any sheep, unless they shall, within seven days previous to such landing have been inspected by an Inspector of Sheep or a Provisional Inspector, and unless such person shall have received from such Inspector of Sheep or Provisional Inspector a Certificate, in the form or to the effect specified in Schedule a to this Ordinance, that such sheep are entirely free from either scab or catarrh, he shall be liable to a penalty of not less than five shillings nor more than five pounds for every sheep so landed: Provided that if such sheep, so landed, shall not amount to twenty in number, he shall nevertheless be liable to a penalty of one hundred pounds; and for every day during which such sheep, so landed, without such certificate, shall be driven, depastured, or suffered to stray within the Province of Canterbury, the Owner thereof shall be liable to a penalty not exceeding ne 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.

26. Declaration of Owner before landing sheep.

It shall not be lawful for any Inspector of Sheep or Provisional Inspector to grant the certificate mentioned in the preceding section until the Owner of the sheep for which such certificate is required shall have made before such Inspector a declaration, in the form or to the effect specified in Schedule D to this Ordinance; and if any person shall make any such declaration, 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.

27. Penalty on Master of vessel allowing sheep to be landed without Certificate.

Any Master, Owner, or Supercargo of any ship, boat or other vessel, who shall permit any sheep to be landed therefrom before they shall have been inspected by an Inspector of Sheep, or a Provisional Inspector, and before the certificate mentioned in section twenty-six of this Ordinance shall have been given, shall be liable to a penalty of not exceeding one hundred pounds.

28. Introducing sheep by land without Certificate.

If any person shall himself, or by means of any Agent or Servant, introduce, or cause to be introduced into the Province of Canterbury, by land, any sheep, unless they shall, within fourteen days previous to such introduction, have been inspected by an Inspector of Sheep, and unless such person shall have received from such Inspector a certificate, in the form or to the effect specified in Schedule C to this Ordinance, that such sheep are entirely free from scab or catarrh, he shall be liable for every sheep so introduced to a penalty of not less than one shilling, nor more than one pound: Provided that if the number of sheep so introduced be less than one hundred, he shall nevertheless be liable to a penalty of one hundred pounds; and for every day during which such sheep, so

introduced, without such certificate shall be driven, depastured, or suffered to stray within the Province of Canterbury, the Owner thereof shall be liable to a penalty not exceeding one hundred pounds, and the beforementioned 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.

29. Declaration of Owner before introducing sheep by land.

It shall not be lawful for any Inspector of Sheep to grant the certificate mentioned in the preceding clause until the Owner of the sheep, for which such certificate is required, shall have made, before such Inspector, a declaration in the form or to the effect specified in Schedule D to this Ordinance; and if any person shall make any such declaration, 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.

30. Sheep introduced by land to be dipped.

When any sheep shall have been introduced by land 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 boundary at which such sheep shall 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 beforementioned 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.

31. 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 case 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 beforementioned 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. Provided further, that all sheep, so landed, shall be dressed, at some such place as aforesaid, within fourteen days after they have been so landed: and the Owner of any sheep offending against the provisions of this section shall be liable to a penalty not exceeding five shillings for each sheep which has not been so dressed within the time limited for that purpose.

32. Sheep for importation to be branded with Inspector's brand.

When any Inspector of Sheep shall have examined any sheep with a view to their importation into the Province of Canterbury, either by sea or land, and shall be prepared to grant a certificate in the form of Schedule C to this Ordinance, he shall, before granting such certificate, cause such sheep to be distinctly wool-branded on the back thereof, at the cost and charges of the Owner of such sheep, with a brand which shall have been registered in the office of the Registrar of Brands as the special brand of such Inspector. The absence of any such brand from any sheep so imported shall be prima facie evidence that they have not been certified for importation as herein provided, unless it shall be proved that such sheep have been shorn since their importation. If any person shall, without authority, use the brand of any Inspector of Sheep registered as above, or one so similar as not to be readily distinguishable therefrom, he shall be liable, on conviction before any two Justices of the Peace, to a penalty of not less than twenty-five nor more than one hundred pounds.

33. 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 or to make the report referred to in sections twenty-five and twenty-eight and sixteen respectively of this Ordinance.

34. 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.

35. Driving, &c., infected sheep.

If any person shall by himself, his Agent, or servant, drive, depasture, or suffer to stray, any sheep infected with scab or catarrh, or which shall, within three months previously, have been mixed with any sheep so infected, or have undergone any dressing for the cure of the scab, across or upon any land not being the property of, nor being rented by such person, and not being land of which he shall have the right of pasturage, or upon or along any public highway, he shall, for every day during which such sheep shall be so driven, depastured, or suffered to stray, be subject to a penalty of not less than twenty-five pounds, nor more than one hundred pounds: Provided always, that nothing herein contained shall prevent the Occupier of any land or run upon which shall be found trespassing any sheep infected as aforesaid, and owned by the Occupier of adjoining land or an adjoining run, from driving such sheep to the residence of such Owner on such adjoining land or run.

36. Separate informations for every run crossed.

Nothing herein contained shall prevent separate informations being laid by every Occupier of land upon which such infected sheep as aforesaid shall have been driven, depastured, or suffered to stray; or by every Occupier of land through or adjacent to which any public highway shall lie, upon or along which public highway any such infected sheep shall have been driven, depastured, or suffered to stray. Every Inspector of Sheep shall have the same power of laying separate informations which is hereby given to every Occupier.

37. Scabby sheep trespassing and not removed may be destroyed.

If any sheep infected with scab or catarrh shall be found on any land or run not in the lawful occupation of the Owner of such sheep, and such Owner shall not remove the same within forty-eight hours after he shall have been served in the manner prescribed for the service of notices by section thirty-eight of this Ordinance, with written notice that they are so trespassing; or if such Owner cannot, after reasonable inquiry, be discovered, it shall be lawful for the Occupier of such land or run forthwith to destroy such sheep: Provided always, that the nature of such reasonable inquiry, together with the number and brands of the sheep so found and destroyed, shall by the Occupier aforesaid, be certified, in writing to the Inspector of the district within eight days of the destruction of such

sheep: And every person offending against the provisions of this section shall be liable to a penalty of not less than five pounds nor more than twenty-five pounds.

38. Notices when sheep driven through run.

Any person about to drive any sheep across any lawfully occupied land or run in the Province of Canterbury, shall give to the Occupier thereof at least twenty-four hours' previous notice, in writing, of the day upon which he intends to drive such sheep across such land or run, by leaving such notice with some adult inmate of the principal house or station thereon; or if no such inmate can be found, by leaving the same affixed to some conspicuous part of such house or station, and such notice shall be renewed unless the sheep shall be so driven within three days after the time specified therein; and every person offending against the provisions of this section shall be liable to a penalty of not less than sixpence, nor more than one shilling for every sheep so driven.

39. Occupier may, without warrant, examine sheep on his run.

Every Occupier of land, or of a Run, may, without warrant or other authority, inspect, or cause to be inspected any sheep which shall be found upon such land or run, or upon any land or run immediately adjoining thereto, or upon any part of a highway passing through or lying adjacent to the land or run in his occupation.

40. Justices may order inspection of sheep.

Any Justice of the Peace having reasonable grounds, from information, stated on oath before him, to suspect any sheep within the Province of Canterbury, or on board any ship, boat, or vessel in any harbour of the said Province, to be infected with scab or catarrh, or being satisfied by such information that it is expedient such sheep should be inspected, may, by a warrant, in the form or to the effect specified in Schedule E to this Ordinance, order the inspection of such sheep, by any one or more competent person or persons named in such warrant, who shall, for the purposes of such inspection, be called Provisional Inspectors; and such Provisional Inspectors shall, immediately after such inspection, report the result thereof, in writing, to the Justice issuing the said warrant, and shall declare to the truth of the said report, upon oath, before him; and it shall be lawful for such Justice thereupon to order each of such Provisional Inspectors to be remunerated at the rate of not more than twenty shillings, by the day, during the time in which he or they shall have been reasonably employed in such inspection; and in case such sheep shall prove to be infected, such remuneration shall be paid by the Owner of the same; but if they shall prove to be uninfected, the remuneration as aforesaid shall be paid by the Informant. Provided always, that such Provisional Inspectors shall have, for the purposes of such inspection, the like powers as are conferred upon Inspectors of Sheep by the fifteenth section of this Ordinance.

41. Penalties for resisting, &c., inspection.

Every Owner of any sheep who shall refuse to allow such inspection to be made by any Provisional Inspector under such warrant as aforesaid, or by such

Occupier as aforesaid, or by any Inspector of Sheep, or shall obstruct, or shall refuse or neglect to muster his sheep for the purpose of such inspection with all convenient speed, or to afford all reasonable facilities for making such inspection to such Provisional Inspectors, Occupiers, or Inspectors of Sheep, shall be subject to a fine not exceeding one hundred pounds.

42. Sheep dying of catarrh not to be thrown into streams, &c.

If any person, by himself, his Servant, or Agent, shall cast or cause to be cast, the carcase of any sheep infected with catarrh at the time of its death into any stream or pond, or other water, he shall be liable to a penalty of not less than five pounds, nor more than twenty pounds.

43. Sheep dying of catarrh to be burnt or buried.

The Owner of any sheep infected with the disease called catarrh at the time of its death, who shall fail to consume the carcase by fire, or to bury it at least three feet under the ground within twelve hours after death, shall be liable to a penalty of not less than ten shillings nor more than five pounds for each carcase not so buried or destroyed.

44. Slaughtering infected sheep.

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

45. Recovery of strayed sheep.

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

46. Unauthorized removal of sheep.

Every person who shall, except as hereinbefore provided, drive or remove any sheep from any land or run not in his own occupation, without the consent of the Owner of such land or run, shall be liable to a penalty not exceeding Twenty Pounds.

47. 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 thirty-eight of this Ordinance; 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.

48. Wilfully communicating scab.

If any person shall wilfully communicate, or cause to be communicated to any sheep the diseases called scab or catarrh, he shall, on conviction thereof before any two or more Justices of the Peace, be imprisoned for a term of six calendar months. If any person shall knowingly and wilfully set at large or abandon any sheep infected with scab or catarrh, he shall be liable, on conviction thereof before any two Justices of the Peace, to a penalty not exceeding fifty pounds, or to be imprisoned for a term not exceeding two calendar months.

49. Maximum penalty.

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

50. Saving other remedies at Law to persons suffering damage.

Nothing in this Ordinance shall be construed to limit or deprive any person suffering loss or damage from the driving, depasturing, or suffering to stray of any sheep infected with scab or catarrh of any remedy which he might have had at Law or otherwise for recovering the same, provided this Ordinance had not been passed.

51. Expenses of prosecution to be paid out of penalties.

In all cases in which any fine or penalty shall be paid under the provisions of this Ordinance, it shall be lawful for the Justices before whom any such conviction shall take place, to award to the Prosecutor such portion of such fine or penalty as shall appear to such Justices a reasonable compensation for expenses incurred by him in the course of such prosecution.

52. Fines and penalties may be levied by distress and sale of goods.

All fines and penalties which shall be ordered to be paid under the authority of this Ordinance in case of non-payment thereof either immediately or within such period as may be appointed for the payment thereof, may be levied (with the costs of all proceedings rendered necessary by such non-payment), by distress and sale of the goods and chattels of the person liable to pay the same, by Warrant, under the hand of any Justice of the Peace; and if no sufficient goods and chattels as aforesaid can be found whereon to levy such distress, such fines or penalties may, after the expiration of one week from the date of a public notice in one or more Newspapers within the Province that such fines and penalties are due and unpaid, be levied, with costs as aforesaid and by Warrant as aforesaid, by distress and sale of the sheep in respect of which such fines or penalties may have been incurred, or of the sheep under the same charge, control, or management.

53. Penalties recoverable summarily.

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

54. Interpretation.

In the interpretation of this Ordinance, the words "Owner of any sheep " shall be taken to mean the person having the charge, control, or management of such sheep; and the word "sheep" shall, unless otherwise specially provided, be taken to mean all sheep of any age and either sex; the term " Inspector of Sheep " shall mean an Inspector appointed by the Superintendent, under the provisions of section eight of this Ordinance; the term "Provisional Inspector " shall mean an Inspector appointed by a Justice of the Peace under section forty of this Ordinance; the term "highway" shall mean any land laid down as a public road on the map of the Chief Surveyor of the Province of Canterbury; the term " herded " shall mean constantly followed and kept within sight. All sheep shall be deemed to have been "dressed for the cure of scab," to which there shall have been applied any reputed scab-destroying preparation, unless such sheep shall, within fourteen days previous to such application, have been certified by an Inspector of Sheep or a Provisional Inspector to be entirely free from scab; and every sheep belonging to any flock, or on board any ship, boat, or other vessel in which there shall be one sheep which shall, within any given period, have undergone any dressing for the cure of the scab, shall be deemed to have been dressed within such period. Every sheep belonging to any flock, or on board any ship, boat, or other vessel, or which may have been placed in any yard or enclosure in which there shall have been, at any time within two months previously, one sheep infected with the scab or catarrh, respectively, shall be deemed to be infected with scab or catarrh within the meaning of this Ordinance, unless in the case of scab, such yard or enclosure shall, in the meantime, have been effectually scoured with some reputed scab-destroying preparation.

55. Title.

This Ordinance shall be entitled and may be cited as " The Sheep Ordinance, Session X., No. 9."

Schedule A. Declaration to be made before Inspector as to Sheep examined by him.

I, _____ of do hereby solemnly declare that [I have made a complete muster of all the sheep in my charge, and that *] my sheep branded _____ being _____ in number, now being at _____ have not within _____ months [been subjected to any dressing for the cure of the scab] had applied to any _____ of them any reputed scab-destroying, preparation, nor within _____ months been mixed with any sheep infected with the scab or catarrh, and I make this solemn declaration, conscientiously believing the same to be true.

A . B .

Declared before me at _____ this day of _____ 18 .

C . D .

Inspector of Sheep.

(Provisional Inspector.)

* May be omitted when not required by the Inspector.

Schedule B. Warrant for Herding or Yarding Sheep.

Province of Canterbury, New Zealand,) To _____ and all others

To wit. _____) whom it may concern.

Whereas it appears to us _____ and _____ two of her Majesty's Justices of the Peace for the said Province, by information, upon oath, of _____ in the said Province _____ that certain sheep are depastured upon land situated at _____ being in the occupation of _____ of _____ in the said Province and that such sheep are infected with the disease called _____ and that there is danger lest such sheep, being suffered to run at large, should cause damage to the Owners of sheep in the neighbourhood thereof. These are therefore, in the name of our Lady the Queen, and in pursuance of the provisions of an Ordinance passed by the Superintendent and Provincial Council of the said Province, in the Twenty-

seventh year of the reign of her Majesty, entitled " The Sheep Ordinance, 1863," to require you that you do cause the said sheep to be constantly herded by day, and to be kept by night within a sheep-proof enclosure; and we do hereby require all persons having or being concerned in the charge, control, or management of such sheep, to aid and assist you in causing the same to be constantly herded and enclosed according to the provisions of the above recited Ordinance in that behalf made.

Given under our hands and seals at _____ in the said Province, this _____ day of _____ in the year of our Lord one thousand eight hundred and _____ .

A. _____ . B _____ , J.P.

C. _____ . D _____ , J.P.

Schedule C. Certificate of Inspector.

I, A. B., Inspector of Sheep [Provisional Inspector] hereby certify that I have carefully examined _____ sheep, branded _____ the property of C.D., now being depastured at _____ [on board the _____ at _____] and that I find such sheep to be entirely free from scab or catarrh.

Given under my hand at this _____ day of _____ 18 _____ .

A B
Inspector of Sheep,
(Provisional Inspector.)

Schedule D. Declaration as to Imported Sheep.

I, _____ of _____ do hereby solemnly declare that the sheep _____ in number, marked _____ now being depastured by me at _____ [on board of the vessel _____ commander, _____ now lying at _____ in the said Province] have not within three months last past had applied to any of them any reputed scab destroying preparation, nor been mixed with any sheep infected with scab or catarrh, and I make this solemn

declaration, conscientiously believing the same to be true.

I.J.

Declared before me, at this day of 18 .

A. B. .
Inspector of Sheep.

Schedule E. Warrant for Inspecting Sheep.

Province of Canterbury, New Zealand,) To and all others
To wit.) whom it may concern.

Whereas it appears to me one of her Majesty's Justices of the Peace for the said Province, by information, upon oath, of of in the said Province that certain sheep are depastured upon land situated at being in the occupation of of in the said Province [on board of the vessel commander, now lying in in the said Province], and that [there is reasonable ground to suspect that the said sheep, or some of them, are infected with the disease called] it is desirable such shhep should be inspected with a view of ascertaining whether they are infected with the disease called . These are therefore, in the name of our Lady the Queen, and in pursuance of the provisions of an Ordinance passed by the Superintendent and Provincial Council of the said Province, in the twenty-seventh year of the reign of Her Majesty, entitled "The Sheep Ordinance, 1863," to authorize and require you to enter upon the said land (vessel) and carefully to inspect the said sheep, and that you do immediately upon such inspection, report, in writing to me, whether the said sheep or any of them are infected with the said disease, and also whether there be any danger lest such sheep, being suffered to run at large, should cause damage to the Owners of sheep in the neighbourhood thereof; andI do hereby require all persons having or being concerned in the charge, control or management of the said sheep, to aid and assist you in making such inspection, according to the provisions of such recited Ordinance in that behalf made.

Given under our hands and seals at in the said Province, this
day of in the year of our Lord one thousand eight hundred
and .

A. . B , J.P.

Notes.

Passed by the Provincial Council 16th September 1863, assented by Superintendent on behalf of the Governor on 20th October. The Ordinance was disallowed by the Governor; Proclamation NZG No 1, 12th January, 1864 1p. Sam Bealey, Charles Bowen, Henry Bacon Quin.

17. The Bush Fires Ordinance 1863 D NZG 1864 p1

Analysis.

Preamble.

1. Persons firing grass, scrub, bush, &c., for a certain period in each year, liable to a penalty.
2. Owner or Occupier of ground upon which fire is discovered deemed guilty of offence unless otherwise proved, &c.
3. Refuse of sawpits to be destroyed before First day of November in each year under penalty.
4. Offences determined by oaths of Witnesses, or confession of parties accused.
5. Penalties may not be recovered unless within six months after offence committed.
6. Interpretation Clause.
7. Title.

Whereas serious loss has arisen by reason of the negligent lighting of fires in that part of the Province of Canterbury described in the schedule to this Ordinance, and it is expedient to make provision to control the lighting of such fires:

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

1. Persons firing grass, scrub, bush, &c., for a certain period in each year, liable to a penalty.
Every person who shall set fire to any grass, fern, scrub, underwood, or bush, or to the refuse of any sawpit in that part of the Province of Canterbury described in the Schedule to this Ordinance, from the first day of November in any one year, to the thirty-first day of March in the next succeeding year, shall forfeit and pay a sum of not less than forty shillings, nor more than twenty pounds for every such offence.

2. Owner or Occupier of ground upon which fire is discovered deemed guilty of offence unless otherwise proved, &c.

The Tenant, Possessor, or Occupier of the ground upon which any fire of grass, fern, scrub, underwood, or bush, or of the refuse of any sawpit, shall be made or discovered within the time aforesaid, shall be deemed and taken to be guilty of the offence, and shall be liable to the penalties aforesaid, unless such Tenant, Possessor, or Occupier shall prove to the satisfaction of the Resident Magistrate, or Justices before whom he or she shall be prosecuted, that such fire was communicated from some neighbouring ground, or was raised upon his or her own ground by some other person not in his or her service or family.

3. Refuse of sawpits to be destroyed before First day of November in each year under penalty.

All persons occupying or using any sawpit, within the hereditaments described in the said schedule, shall, before the first day of November in this present and each succeeding year, burn and consume, or otherwise destroy, all the waste material and refuse accumulated in and about such sawpit, and every person offending against the provisions of this section, shall forfeit and pay a sum not less than forty shillings nor more than twenty pounds.

4. Offences determined by oaths of Witnesses, or confession of parties accused.

All offences against this Ordinance, shall, and may be enquired into and determined, either by the oath or oaths of one or more credible Witnesses, or by the confession or oath of the parties accused, before any two Justices of the Peace, or a Resident Magistrate.

5. Penalties may not be recovered unless within six months after offence committed.

No penalty or forfeiture under this Ordinance shall be recovered, unless the prosecution for recovering the same shall be commenced within six months after the offence committed.

6. Interpretation Clause.

Nothing in this Ordinance shall be construed to limit or deprive any person suffering loss or damage from any fire, of any remedy which he might have had at law, or otherwise for recovering the same provided this Ordinance had not been passed.

7. Title.

This Ordinance shall be entitled and may be cited as the "Bush Fires Ordinance, 1863."

Schedule.

Port Victoria, Akaroa, Bays, and Wainui Districts, as set forth in the Schedule to "The Provincial Council Extension Ordinance, Session XVII., No. 4."

Notes.

Passed by the Provincial Council 16th September 1863, and assented by the Superintendent on 20th October. Ordinance disallowed.

Disallowed NZG No. 1. 12th January, 1864, p 1.

18. The Christchurch Hospital Ordinance 1863

Analysis.

Preamble.

1. Repealing Clause.
2. Superintendent may retain a site for Public Hospital.
3. Such site to be conveyed to Body Corporate herein created.
4. Subscription of Thirty Guineas to constitute a Life Governor, and Two Guineas annually a Governor during payment.
5. Hospital to be ruled by two Boards of Governors.
6. Nine Governors necessary to constitute a General Board.
7. General Board to meet four times a year, and oftener, if necessary.
8. Officers elected by the General Board.
9. Board: of whom to consist.
10. Powers and duties of Board of Management.
11. The Board to meet 1st May in each year. Accounts to be audited and published.
12. Penalty for infringement of Rules.
13. Persons duly qualified alone to be permitted to practice in said Hospital.
14. Title.

Whereas it is expedient that an Ordinance passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled the "Public Hospital Ordinance, Session XIX., No. 20," should be repealed, and other provisions made in lieu thereof:

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

1. Repealing Clause.

The said recited Ordinance is hereby repealed.

2. Superintendent may retain a site for Public Hospital.

It shall be lawful for the Superintendent to retain, as a site for a Public Hospital and grounds connected therewith, a portion of land situate near Christchurch, commonly known as Hagley Park; being bounded on the north by a creek running into the River Avon, on the south-east by the Lincoln Road, measuring, from the river, four hundred and nineteen links to the corner of the plantation; and on the south, from the corner of the plantation on the Riccarton Road to a point six hundred and fifty links along that road, and thence in a northerly direction to a creek at the starting point, and containing five acres one rood and thirty-eight perches.

3. Such site to be conveyed to Body Corporate herein created.

It shall be lawful for the Superintendent, with the advice of the Executive Council, to convey the site herein described to a Body Corporate, which is hereby created, and which shall consist of the Superintendent of the Province, and the Members of the Executive Government of the Province for the time being, to be for ever held, in trust, for the uses and purposes of a Public Hospital; and the said Superintendent and Members of the Executive Council shall constitute such Body Corporate, under the name and title of " Trustees of Christchurch Hospital," and by that name they shall have perpetual succession and a common seal, with full power and authority to alter, break, and renew the same at their discretion, and by the same name and style to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all Courts of Law or Equity whatsoever. And it shall be lawful for the said Trustees, and they are hereby authorised and empowered to accept all such voluntary grants or emises of land, tenements, or other donations, whether of money or personal property, as shall or may be made to them as such Body Corporate.

4. Subscription of Thirty Guineas to constitute a Life Governor, and Two Guineas annually a Governor during payment.

For the purpose of carrying out the general management of the said Hospital, every person who shall subscribe Thirty Guineas at one n Governor during time shall be a Governor for life, and all Subscribers of Two Guineas or upwards annually, Governors during payment. And any Corporation, or Firm, Institute or Society, or other associated Body, which shall subscribe Thirty Guineas at one time, shall have the po ver of nominating one individual of the said Corporation, or Firm, Institute, or Society, or other associated Body, as a Life Governor of the Eospital for every Thirty Guineas so subscribed.

5. Hospital to be ruled by two Boards of Governors.

All affairs of the Hospital shall be directed and controlled by two Boards of Governors, to be called " The General Board," and " The Board of Management."

6. Nine Governors necessary to constitute a General Board.

The General Board shall consist of all the Governors of the Hospital, nine of whom shall be necessary to constitute a Board; it shall possess the sole power of making, altering, and repealing By-laws; of nominating, electing, removing and fixing the salaries of Officers, and in it shall be vested the supreme authority in all matters.

7. General Board to meet four times a year, and oftener, if necessary.

The General Board shall meet at four stated periods in the year, and as much oftener as may be necessary on special business; all such meetings to be convened by public advertisement, at least fifteen days prior to the day of meeting, due notice of which shall be given in one or more Newspapers of the Province, and specifying the particular subjects to be then taken into consideration.

8. Officers elected by the General Board.

There shall be a President, a Treasurer, and Secretary, all of whom shall be elected by the General Board.

9. Board: of whom to consist.

The Board of Management shall consist of the President and the Treasurer, who shall be ex officio Members, and nine Governors (not being Medical or Surgical Officers of the Institution), who shall be elected at the annual meeting of the General Board. Of the Governors thus elected, six shall retire in rotation at the end of every year, but shall be eligible for re-election.

10. Powers and duties of Board of Management.

The Board of Management shall regulate the affairs of the Hospital, subject to the powers vested in the General Board; they shall have power to appoint, remove and fix the salaries of Nurses and Servants, and shall have power to suspend the Apothecary, Secretary, or Matron for misbehaviour, and to appoint others during suspension.

11. The Board to meet 1st May in each year. Accounts to be audited and published.

The General Board shall, on the first day of May in each year, forward to the Trustees hereby created, correct copies of all Laws, By-laws, and Regulations then in force, and an Account of all moneys received and disbursed, for the purpose of being audited by the Provincial Auditor, an Abstract whereof shall be published in the Provincial Government Gazette by the said Board.

12. Penalty for infringement of Rules.

Any person in the said Hospital who shall behave in a disorderly manner therein, or on the premises thereof, or any person who shall supply any spirituous liquors to the Patients in the said Hospital, contrary to the By-laws then in force in the

said Hospital, shall, on conviction thereof, be liable to a penalty of not exceeding Ten Pounds, to be recovered in a summary way.

13. Persons duly qualified alone to be permitted to practice in said Hospital. No person shall at any time be permitted to attend as Medical or Surgical Adviser on any Patient in the said Hospital, or to hold any medical or surgical office or appointment in or about the said Hospital, except such person shall be a duly qualified Medical Practitioner under some Act or Ordinance for the time being in force in the Province of Canterbury.

14. Title.

This Ordinance shall be entitled and may be cited as "The Christchurch Hospital Ordinance, 1863."

Notes.

This Ordinance was passed by the Provincial Council on 16th September 1863 and assented to by the Superintendent on 25th of that month.

19. The Roads Districts Ordinance 1863

Analysis.

Preamble.

I. Repealing and Interpretation Clauses.

1. Repealing former Ordinance.
2. Interpretation.

II. Respecting Districts.

3. Districts how constituted.

III. Respecting Boards.

4. Boards: how constituted.
5. Who eligible to be Members.
6. Re-election when vacancy occurs.
7. Penalty for acting on the Board when not eligible.
8. Board to be a Body Corporate.
9. Chairman of the Board.
10. If Chairman vacates, Board to elect again.
11. Majority to decide: three to be a quorum.
12. No act of Board to be invalid by vacancy, &c.

13. Roads to be under control of Board.
14. Board to employ servants and take security.
15. Board to keep records and accounts.
16. Board to be bound by votes of Provincial Council, &c.
17. Accounts of Board to be audited.

IV. Respecting the Ratepayers' Roll.

18. Form of Ratepayers' Roll.
19. Crown Lands and Public Buildings not liable to be rated.
20. Board to correct Ratepayers' Roll annually.
21. Roll to be revised by Revising Justices.
22. Justices may order fresh assessment.
23. Adjourned meetings of Justices.
24. Roll to be signed by Justices.

V. Respecting Meetings of Ratepayers.

25. Ratepayers to vote at meetings: Scale of votes.
26. Annual and other meetings.
27. Chairman of Board to be Chairman of meeting.
28. Chairman to cause records to be kept.
29. Election of Members of Board at annual meeting.
30. If poll demanded.
31. The Board to make rates.

VI. Respecting Rates.

32. Rates: by whom payable.
33. Notice of rate to be served.
34. Rates: how to be recovered.
35. Erection of toll-gates and toll-houses, and imposition of tolls.
36. Table of tolls to be put up and tickets to be provided.
37. Overcharge or misbehaviour of Toll Collector.
38. Toll misdemeanours.
39. Leasing of tolls.
40. Expenditure of residue of tolls levied.

VII. Initiatory and Suspending Clauses.

41. Electoral Roll to be Ratepayers' Roll temporarily.
42. First Board when to be elected.
43. First Board to make Ratepayers' Roll.
44. Three Members to retire at first annual meeting.
45. If Ratepayers and Board do not act, Superintendent may appoint Commissioner.
46. Commissioner to make Ratepayers' Roll if not previously made. Ratepayers may again elect Board.
47. Rates, tolls, &c., recoverable.
48. Title.

Whereas an Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled " The Road Ordinance, Session VI., No. 2," and it is expedient that the same should be repealed, and that other provisions should be made for the construction and maintenance of Roads within the said Province: Be it therefore enacted by the Superintendent and Provincial Council of the Province of Canterbury, as follows:—

I. Repealing and Interpretation Clauses.

1. Repealing former Ordinance.

The said recited Ordinance is hereby repealed.

2. Interpretation.

In the interpretation of this Ordinance, the words "the district," "the board," "the Ratepayers' Roll," shall mean a district, a Board, and a Ratepayers' Roll, as the same are severally constituted by the provisions of this Ordinance. The words " Public Notice," shall mean the publication of such notice in some Newspaper ordinarily circulated within the district, or the posting of such notice in not less than twelve public places within the district, for a space of not less than ten days prior to the event to which such notice refers. A notice shall be deemed to be served when it shall have been served on the person on whom service is required, either personally, or by leaving the same at his ordinary abode or place of business within the district: or if he shall have no such abode or ordinary place of business within the district, then by affixing the same to some conspicuous place on the land in respect of which, or in respect of the right of pasturage over which land such person shall be liable to be rated, and the word " road " shall be held to mean any public road, bridle-road, foot-path, bridge, or other works included within a reserve for a road laid on the authenticated Map of the Chief Surveyor.

II. Respecting Districts.

3. Districts how constituted.

Every district set forth and described in the Schedule A to this Ordinance shall be deemed to be a district for the purposes of this Ordinance.

III. Respecting Boards.

4. Boards: how constituted.

There shall be in every district, for the purposes of this Ordinance, a Board, consisting of five Members, of whom three Members and two Members

alternately shall be elected in each successive year, at the annual October meeting of the Ratepayers of the district as hereinafter provided: And those Members, whether three, or two as the case may be, who shall have been in office two years, shall go out of office on the day of such annual meeting: Provided that every Member, so retiring, shall be eligible to be re-elected.

5. Who eligible to be Members.

No person shall be eligible to be elected to be a Member of the Board unless he shall be a Ratepayer of the district, and shall reside or have his ordinary place of business therein, and shall have paid all rates which he shall have been liable to pay under the authority of this Ordinance at the time of such election. And if any Member of the Board shall become insolvent, or of unsound mind, or shall have been convicted of any felony, or shall have ceased to reside or to have his ordinary place of business within the district, or shall be in arrear of any rates which he shall have 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 shall have any pecuniary interest in any work done under the authority of the Board other than as a Shareholder in a public registered Company contracting therewith, or shall have resigned his seat at the Board, by writing, under his hand, addressed to the Chairman thereof, or shall have been absent from four consecutive meetings of the Board without leave from the Board, in writing, first obtained, his seat at the Board shall, ipso facto, become vacant.

6. Re-election when vacancy occurs.

When any such vacancy shall occur, the Board shall forthwith, by public notice, call a meeting of the Ratepayers to elect a Member to fill such vacancy, 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 elected.

7. Penalty for acting on the Board when not eligible.

If any person shall act as a Member of the Board, or vote at any meeting thereof, not being eligible to hold a seat thereat, he shall be liable to a penalty, not exceeding Twenty Pounds, for every such act or vote, to be recovered in a summary way, upon the information of any Ratepayer of the district.

8. Board to be a Body Corporate.

Every Board shall be, and is hereby declared to be a Body Corporate, under the name and title of the Road Board of the district, and under such name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded in any Court of Law or Equity, and is hereby empowered to hold and enjoy property both real and personal, and to enter into contracts, and to enforce the same for the purposes of this Ordinance.

9. Chairman of the Board.

Every Board shall, at its first meeting, elect one of its Members to be the Chairman thereof, who shall preside at the meetings of the Board, and shall have

an original and 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.

10. If Chairman vacates, Board to elect again.

If the person shall cease to be a Member of the Board, or shall, by writing, under his hand, addressed to the Board, vacate the office of Chairman, the Board shall, at its next meeting thereafter, elect another Member to be Chairman in his stead.

11. Majority to decide: three to be a quorum.

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.

12. No act of Board to be invalid by vacancy, &c.

No act of the Board shall be invalid by reason of any vacancy having occurred, or by reason of any Member being ineligible to occupy his seat thereat.

13. Roads to be under control of Board.

All roads within the district shall be deemed at Law to be under the control and management of the Board, and it shall be the duty of the Board, out of any moneys in its hands available for such purpose, to make and maintain the same in good and efficient repair.

14. Board to employ servants and take security.

The Board shall have power, from time to time, as it shall think fit, to employ all such Clerks, Treasurers, Collectors, Assessors, Surveyors, Engineers, Overseers, and other persons as may be required to carry this Ordinance into operation, and the same so often as it shall think fit to remove and employ others in their stead. Provided that the Board shall require every Collector, Treasurer, or other person through whose hands any moneys, being the property of the Board, shall pass, to give security, by two Sureties, in such amount as the Board shall think sufficient for the safe custody of such moneys, and for the due disposition thereof as the Board shall determine.

15. Board to keep records and accounts.

The Board shall cause true and faithful Records and Accounts to be kept of all its proceedings, and of all contracts entered into by it, and of all moneys received and expended by it under the authority of his Ordinance, and all such Records and Accounts shall be laid before every meeting of the Ratepayers, and shall be open to be inspected, at all reasonable hours, by any Ratepayer of the district, or by the Superintendent, or by any person appointed by him to inspect the same.

16. Board to be bound by votes of Provincial Council, &c.

The Board shall expend an 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 arising from rates levied within the district in accordance with any Resolutions which may be passed by the Board in that behalf.

17. Accounts of Board to be audited.

The Superintendent shall, with the advice of the Executive Council, appoint an Auditor for each district, who shall audit all the accounts thereof, and every Report of such Auditor, shall be laid before the next meeting of the Ratepayers, and a copy thereof shall be sent to the Superintendent, and shall be laid before the Provincial Council during the next Session of the same.

IV. Respecting the Ratepayers' Roll.

18. Form of Ratepayers' Roll.

There shall be within each district a Ratepayers' Roll, which shall contain the name, in order, of every person holding property within the district liable to be rated under the provisions of this Ordinance, together with an assesment of the net annual value at which the same might reasonably be expected to be let from year to year, of an the land not being waste land of the Crown, and of all buildings, in respect of which, every such person shall be liable to be rated as hereinafter provided.

19. Crown Lands and Public Buildings not liable to be rated.

It shall not be lawful to make or levy any rates on any land or premises belonging to, and in the occupation of her Majesty, or of to be of the Provincial Government of Canterbury, or on any land or building used exclusively for public, charitable, or literary, or scientific purposes, or on any building used exclusively for public worship, or for a public school, or school-house, provided it be inhabited only by the Master or Mistress of said school, or his or her family.

20. Board to correct Ratepayers' Roll annually.

The Board shall, on or before the first Tuesday in the month of August in each year, cause the Ratepayers' Roll to be revised and collected, both in respect to the names of the persons liable to be rated, and in respect to the value of the rateable property entered therein, and shall, on or before such day, give public notice of the place where such corrected Roll may be inspected, and such corrected Roll shall be open to the inspection of all Ratepayers, and of all persons claiming to be affected thereby, between the hours of ten a.m. and four p.m., on every day, not being a Sunday or public holiday, until the first Tuesday in the month of September next following.

21. Roll to be revised by Revising Justices.

The Superintendent shall, by public notice in the Government Gazette appoint, for each district, two persons, being Justices of the Peace, not resident within the district, and not occupying or being possessed of any rateable property therein,

to be the Revising Justices to revise the Ratepayers' Roll of the district; and such Justices shall meet on the first Tuesday in the month of September in each year, at such place within the district, as the Board shall, by public notice, appoint, and shall hear and determine all objections to the Ratepayers' Roll; and such Justices shall, after hearing all such objections, and all evidence which may be offered relating thereto, amend the said Roll in such manner as they shall think fit, by adding thereto the name of any person omitted therefrom, together with the description and assessed value of the property in respect of which he is liable to be rated, or by erasing therefrom the name of any person erroneously entered therein, or by altering the description or value of the property in respect of which any person is liable to be rated. Provided that no such alteration shall be made, except on the application of a Ratepayer of the district, nor unless it shall be proved to the satisfaction of such Justices that a notice, setting forth the nature of the alteration proposed to be made, shall have been served on every person affected thereby, at least ten days before the hearing of such application.

22. Justices may order fresh assessment.

It shall be lawful for such Justices, if they shall think fit to order a fresh Assessment to be made of the value of any property to which any objection shall have been made, and to appoint such Valuers as they shall think fit to make such Assessment, and to order the cost of making such new Assessment to be paid out of any moneys at the disposal of the Board for the purposes of this Ordinance.

23. Adjourned meetings of Justices.

If either of the said Justices shall not attend at such meeting, or if all the applications shall not be determined thereat, such meeting may be adjourned to any day not later than seven days thereafter, and so on, from time to time, until the Ratepayers' Roll shall be completed and signed.

24. Roll to be signed by Justices.

The said Roll, when so amended, shall be signed by such Justices, and shall be the Ratepayers' Roll for the district, for the ensuing year, and shall continue in force until the same shall be amended and signed in like manner, in the year following.

V. Respecting Meetings of Ratepayers.

25. Ratepayers to vote at meetings: Scale of votes.

Every person of full age, whose name shall appear on the Ratepayers' Roll, and who shall have paid all rates which he shall have been liable to pay under the authority of this Ordinance, and who shall be of sound mind, and shall not have been convicted of felony, shall be entitled to take part at an meetings of the Ratepayers of the district, and shall be entitled to vote thereat, according to the following scale, that is to say, every person who shall appear on the Ratepayers'

Roll as liable to be rated in respect of property of net annual value, not exceeding Twenty-five Pounds, shall have one vote; in respect of property exceeding the value of Twenty-five Pounds, and not exceeding Fifty Pounds, two votes; exceeding Fifty Pounds, and not exceeding One Hundred Pounds, three votes; exceeding One Hundred Pounds and not exceeding Two Hundred Pounds, four votes; and exceeding Two Hundred Pounds, five votes.

26. Annual and other meetings.

The Chairman of the Board shall be Chairman of every meeting of Ratepayers, and if he shall not be present thereat, the Ratepayers present shall, before proceeding to any other business, elect a Chairman who shall preside at such meeting; and all questions coming before such meeting shall be determined by a majority of the Ratepayers present thereat, and the Chairman shall have a casting, but not an original vote thereat.

27. Chairman of Board to be Chairman of meeting.

An annual meeting of the Ratepayers shall be held at the hour of noon, on the first Tuesday in the month of October in each year, and meetings of the Ratepayers shall be held at such other times, and at such places within the district as the Board shall appoint; and the Board shall give public notice of the time and place of all such meetings, and any such meeting may be continued by adjournment.

28. Chairman to cause records to be kept.

The Chairman shall cause to be entered in the Minute Book of Ratepayers' Meetings, which the Board shall keep for that purpose, and shall lay before every meeting of the Ratepayers true and faithful Minutes of all the proceedings of such meeting, and having signed the same, shall transmit such book to the Board.

29. Election of Members of Board at annual meeting.

At the said annual meeting the Ratepayers shall elect Members to fill the vacancies occurring in the Board as hereinbefore provided, and the Chairman shall put the name of each Candidate separately to the meeting, and shall declare, according to the majority of the votes of the Ratepayers present, upon whom the election has fallen: Provided that the Chairman shall propose no person for election unless he shall be eligible to be a Member of the Board as hereinbefore provided, and unless he shall have declared, in writing, addressed to the Chairman, that he is willing to accept such office, and to fulfil the duties thereof.

30. If poll demanded.

If any Candidate shall demand a poll, such poll shall be held forthwith, and shall be closed at five o'clock of the same day, and such polling shall be conducted in accordance with the provisions of an Act of the General Assembly of New Zealand, entitled "The Regulation of Elections Act, 1858," and the Board shall

make all necessary arrangements for such poll being held in accordance with such Act.

31. The Board to make rates.

It shall be lawful for the Board, from time to time, to make a rate or rates upon an the property within the district, as the same shall appear in the Ratepayers' Roll, and to order the days upon which such rate or rates, or any part thereof, shall become payable, and to order the proceeds of such rate to be expended in the construction and maintenance of the roads generally within the district, as the Board shall direct, or to order the proceeds of any such rate, or of any part thereof, to be expended in the construction or maintenance of any particular road or roads within the district: Provided that all the rates payable in any one year shall not exceed the sum of One Shilling in the Pound on the net annual value of such property.

VI. Respecting Rates.

32. Rates: by whom payable.

An rates payable in respect of land or buildings shall be paid by the Occupier thereof, or if there shall be no Occupier, such rates shall be paid by the Owner thereof.

33. Notice of rate to be served.

When any rate shall become due, the Board shall cause a notice, in the form set forth in the Schedule hereunto annexed, to be served by a Collector, duly authorised to receive the same, upon every person liable to pay such rate; and if such rate be not paid to such Collector, on the service of such notice, it shall be paid at the place named therein within thirty days after the service thereof, and if not paid within such thirty days, it shall be forthwith recovered as hereinafter provided.

34. Rates: how to be recovered.

All rates, when made as hereinbefore provided, shall be deemed to be the property of the Board, and may be recovered in a summary way, at the suit of any Collector duly authorised by the Board to collect and receive the same.

35. Erection of toll-gates and toll-houses, and imposition of tolls.

It shall be lawful for any District Board, subject to the approval of tolls. of the Superintendent, from time to time to erect toll-gates or bars, and toll-houses upon the roads and bridges within their respective districts, at such places as may to them seem convenient, and also, with such approval as aforesaid, to remove, whenever they may think fit so to do, such toll-gates or bars and toll-houses, and to impose tolls upon an animals and vehicles at a rate not exceeding the several

sums set forth in the Schedule B to this Ordinance: Provided that her Majesty's mails, and persons in charge thereof, Police Constables on duty, and Prisoners, shall be exempt from tolls.

36. Table of tolls to be put up and tickets to be provided.

Before any toll shall be demanded at any toll-gate to be erected as aforesaid, the Board shall cause to be put up and maintained at every toll-gate within their respective districts, a table, painted in legible black letters, on a board with a white ground, containing at the top the name of the gate, distinguishing the several tolls, together with the Christian name and surname of the Toll Collector, and also a List of the several gates (if any) which shall be cleared by the payment of toll at the toll-gate or bar where such table of tolls shall be affixed; and the said Board shall also, where more than one gate shall be erected in the district, provide tickets denoting the payment of toll, and on such tickets shall be specified the name of the gate at which the same respectively shall be delivered, and also the names of the several gates freed by such payment, one of which tickets shall be delivered gratis to the person paying the toll, and on production of such ticket at any gate or gates therein mentioned as being cleared as aforesaid by payment of the toll at the gate here such ticket was delivered, the person producing the same shall, on the day of the issue thereof, pass through the gate or gates therein mentioned without paying any further or additional toll for the same animal or vehicle.

37. Overcharge or misbehaviour of Toll Collector.

Every Toll Collector appointed under the authority of this Ordinance, who shall take more or less toll than authorised as aforesaid or who shall refuse to give his name to any person demanding the same after having paid the toll, or who shall in any wise hinder any person from reading the inscriptions on such aforesaid table, or who shall unnecessarily detain, or wilfully obstruct or hinder any Passenger from passing through any toll gate, or who shall use any abusive language to any Traveller or Passenger, shall, for every such offence, forfeit and pay any sum not exceeding Five Pounds.

38. Toll misdemeanours.

Any person forcing his way through any toll-gate or bar, or evading the payment of any toll for passing through, or fraudently claiming exemption from toll, shall forfeit and pay for every such offence any sum not exceeding Five Pounds.

39. Leasing of tolls.

It shall be lawful for any Board, subject to the approval of the Superintendent, from time to time, to farm out, for any term not exceeding three years, an or any of the tolls authorized to be collected by this Ordinance, together with any toll-bar, toll-gate, and house; such farming out to be either by tender, to be advertised for at least three consecutive weeks in the public Newspapers, and to be published in the Provincial Government Gazette; or by public auction, duly advertised in like manner; and such security shall be taken by the said Board as

they shall think fit for the due performance of the conditions of the lease of any tolls; and any person to whom such tolls may be leased, shall, for the purposes of this Ordinance, be deemed to be a Collector thereof, duly appointed under the powers of this Ordinance: Provided that previously to so letting out, the Board shall fix the maximum rate of toll which shall be demanded within the limits prescribed by the Schedule A to this Ordinance, and shall in no case decrease the amount of tolls without the consent, in writing, thereto of the Lessee.

40. Expenditure of residue of tolls levied.

All tolls levied under the authority of this Ordinance, shall, after deducting the expenses of collecting the same, be expended in making and maintaining the roads whereon such tolls shall from time to time be collected.

VII. Initiatory and Suspending Clauses.

41. Electoral Roll to be Ratepayers' Roll temporarily.

For the purpose of bringing this Ordinance into operation, every person whose name shall appear on the Electoral Roll for the time being in force for the election of Members of the Provincial Council for the electoral district or districts in which the district for the purposes of this Ordinance may be situated, in respect of property situate within such last-mentioned district, and every resident Householder within such district shall be taken and deemed to be a Ratepayer for the purposes of this Ordinance.

42. First Board when to be elected.

A meeting of such Electors shall be held at the hour of noon, on such day for each district respectively, as the Superintendent shall appoint, after the First day of the month of December, one thousand eight hundred and sixty-three, for the purpose of electing five Members, who shall constitute the first Board for the district, and the Superintendent shall cause public notice of such meeting to be given within each district.

43. First Board to make Ratepayers' Roll.

It shall be the duty of the Board, so constituted, to cause the Ratepayers' Roll to be made up on or before the first Tuesday in the month of August, one thousand eight hundred and sixty-four; and the Ratepayers' Roll, so made up, shall be deemed to be the Ratepayers' Roll corrected, as required by the 20th Clause of this Ordinance, and shall be dealt with accordingly.

44. Three Members to retire at first annual meeting.

At the annual meeting, to be held on the first Tuesday in October, one thousand eight hundred and sixty-four, three of the Members, who shall be chosen by lot, shall retire from the Board, and three other Members shall be elected in their room, as herein provided.

45. If Ratepayers and Board do not act, Superintendent may appoint Commisloner.

If, at any time, the Ratepayers of a district shall refuse or neglect to elect Members of the Board, or if the Members of the Board shall refuse or neglect to carry this Ordinance into operation, or to resign their seats thereat, and to make due provision for the election of other Members in their room, the Superintendent shall, with the advice of the Executive Council, by Proclamation, published in the Provincial Govenment Gazette, declare the powers of such Board to be suspended, and shall, by such Proclamation, appoint a Commissioner for such district, and all the powers, rights, privileges, and duties of such Board, shall, from the date of such Proclamation, vest in, and be exercised by such Commissioner, on behalf of the Board, and the Superintendent shall cause such salary as he shall think fit to be paid to such Commissioner out of any funds belonging to the Board, an applicable to the use of the 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 Superintendent in that behalf.

46. Commissioner to make Ratepayers' Roll if not previously made. Ratepayers may again elect Board.

It shall be the duty of such Commissioner, if no Ratepayers' Roll shall have been made, to cause a Ratepayers' Roll to be made and revised in the manner herein provided, and if at any time after the elect Board making thereof, the Ratepayers shall, at the annual meeting, elect five Members to form a Board, such Members shall constitute the Board under the authority of this Ordinance, and the appointment of the Commissioner, together with all his powers, shall thereupon cease and determine, and at the next annual meeting after such election, three of the Members, to be chosen by lot, shall retire from the Board, and three other Members shall be elected in their room, as hereinbefore provided.

47. Rates, tolls, &c., recoverable.

All Rates, Tolls, Fines and Penalties, imposed under this Ordinance, shall be recoverable in a summary way.

48. Title.

This Ordinance shall be entitled and may be cited as the short title " Road Districts Ordinance, 1863."

Schedule A.

1. THE NORTH SEFTON DISTRICT comprises that portion of the Province bounded on the north by the Province of Nelson; on the east by the sea, on the south by the south bank of the River waipara to the summit of the Pass north of Runs Nos. 165,166, 168, and a line from thence to Ashley Head, Esk Head, Snowy Peak, and the Teramakau Saddle.

2. THE SOUTH SEFTON DISTRICT comprises that part of the Province bounded on the north by the North Sefton District, on the east by the sea, on the south by the south bank of the River Ashley to its source at Ashley Head.

3. THE OXFORD DISTRICT comprises that portion of the Province bounded on the north by the North and South Sefton Districts and the Province of Nelson, on the east by a true north and south line through trig.-pole C 30, on the south by the south bank of the Waimakariri to the head-waters of its westernmost source, and a true west straight line to the West Coast; on the west by the sea.

4. THE RANGIORA AND MANDEVILLE DISTRICT comprises that portion of the Province bounded on the North by the south bank of the Ashley; on the east by the sea, on the south by the south bank of the River Waimakariri, from trig.-pole C 30 to the sea, on the west by the Oxford District, save and except the town of Kaiapoi, as hereinafter described.

5. THE TOWN OF KAIAPOI DISTRICT comprises the 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.

6. THE EAST AVON DISTRICT comprises that portion of the Province bounded on the North by the south bank of the River Waimakariri, from the sea to its junction with the western side of the North Road, forming the eastern boundary of Section 812; on the east by the sea; on the south by the north boundary of the city of Christchurch, and the north bank of the River Avon to the sea; on the west by the western side of the main North Road to the city of Christchurch District.

7. THE CENTRAL AVON DISTRICT comprises that portion of the Province bounded on the north by the south bank of the River Waimakariri, on the east by the East Avon district and the western boundary of the city of Christchurch electoral district, on the south by the north-west side of the Lincoln Road to Archer's Bridge and the north-east side of the Lincoln and Riccarton Junction Road to its junction with the Great South Road; the south side of the Great South Road to its junction with the south side of the Harewood Road by Riccarton, to a point in a line with the west side of the Prebbleton and Kaiapoi Junction Road, on the west side of the Prebbleton and Kaiapoi Junction Road to the Waimakariri, at the north-east corner of Rural Section No. 2197.

8. THE WEST AVON DISTRICT comprises that portion of the Province of Canterbury bounded on the north by the south bank of the Waimakariri, on the east by the Central Avon District to the south side of the Great South Road; on the south by the south side of the Great South Road, on the west by a true north and south line through trig.-pole C 30 to a point on the south side of the Great South Road.

9. THE EAST HEATHCOTE DISTRICT comprises that portion of the Province bounded on the north by the East Avon District and the city of Christchurch; on the east by the sea; on the south by the Port Victoria Electoral District, on the west by the west side of the Dyer's Pass Road, and the west side of the continuation of Colombo-street south, to the city of Christchurch.

10. THE CENTRAL HEATHCOTE DISTRICT comprises that portion of the Province bounded on the North by the city of Christchurch and the Central and West Avon Districts; on the east by the East Heathcote District; on the south by the south bank of the River Heathcote to the south side of the Canal Reserve and the south bank of the River Halswell to the old river bed, and the west edge of the old river bed to the Great South Road.

11. THE SOUTH HEATHCOTE DISTRICT comprises that portion of the Province bounded on the north by the Central Heathcote district on the east by the East Heathcote district and the boundary of the Port Victoria electoral district; on the south by the boundary of the Port Victoria electoral district; on the west by the west side of the River Halswell.

12. THE EAST LINCOLN DISTRICT comprises that portion of the Province bounded on the north by the Central Heathcote and West Avon districts and the south side of the Great South Road; on the east by the South Heathcote district and the west bank of the River Halswell; on the south by the north bank of the Halswell, and the north side of the road from the thirteen-mile bridge to trig.-pole L 1, and the north side of the Lincoln and Coal Tramway Road to its junction with the Weeden and Springs Road, and the east side of the Weeden and Springs Road to its junction with the Great South Road.

13. THE WEST LINCOLN DISTRICT comprises that portion of the Province bounded on the north by the East Lincoln district and the south side of the Great South Road; on the east by the west bank of the river Halswell, on the south by the edge of Lake Ellesmere and the north bank of the River Selwyn.

14. THE PORT VICTORIA DISTRICT comprises that portion of the Province bounded on the north by the south-west boundary of the native reserve at Rapaki; on the east by a line from the eastern point of Camp Bay to the north-east corner of Section 399, thence along the east boundary of Section 399 to the south corner of the said section, thence by a straight line to Mount Herbert Peak, thence by a straight line to Mount Herbert, thence by a straight line to trig.-pole L 1, thence following the ridge of the hills by Cooper's Knobs, and Cass's Peak to the south-west boundary of the native reserve at Rapaki.

15. THE PORT LEVY DISTRICT comprises that portion of the Province bounded on the north by the sea, on the east by a line from a point half way between the east head of Port Levy and the west head of Pigeon Bay to the head of Little

River; on the south by a straight line drawn from the head of Little River to Mount Herbert Peak; on the west by the Port Victoria district.

16. THE LITTLE RIVER DISTRICT comprises that portion of the Province bounded on the north by the East Lincoln, the South Heathcote, and Port Victoria districts; on the east by the Port Levy and Wainui districts; on the south by the sea; on the west by the east shore of Lake Ellesmere and the West Lincoln district.

17. THE TOWN OF AKAROA AND WAINUI DISTRICT comprises that portion of the Province bounded on the north by the highest ridge of the hills and the spur leading to Putakolo Head; on the east and south by the sea; on the west by the Port Levy and Little River districts.

18. THE BAYS' DISTRICT comprises that portion of the Province bounded on the north and east by the sea; on the south by the Wainui district, and on the west by the Port Levy district.

19. THE EAST RAKAIA DISTRICT comprises that portion of the Province bounded on the north by the south bank of the Waimakariri; on the east by the West Avon, East Lincoln and West Lincoln districts; on the south by the Selwyn and the Hororata branch of the Selwyn to the east boundary of Run No. 37; on the west by the east boundary of Run No. 37 to the south bank of the Wakaepa branch of the Selwyn, thence south-easterly along the south bank of the Wakaepa, to a point opposite to and in a line with the east boundary of Run No. 41, thence north-easterly by the boundary of Run No. 41 to the south bank of the Waimakariri.

20. THE SOUTH RAKAIA DISTRICT comprises that portion of the Province bounded on the north by the West Lincoln district, on the east by Lake Ellesmere; on the south by the sea and north bank of the Rakaia; on the west by the west side of the Great South Road.

21. THE NORTH RAKAIA DISTRICT comprises that portion of the Province bounded on the north and east by the south bank of the Waimakariri and the East Rakaia district; on the south by the Wakaepa branch of the Selwyn to its junction with a creek running from the Thirteen-mile Bush; thence north-westerly in a straight line to the southernmost point of Lake Lyndon; thence in a straight line to the southernmost point of the Black Range, thence following the summit of the range to the head waters of the Waimakariri.

22. THE WEST RAKAIA DISTRICT comprises that portion of the Province bounded on the north by the Oxford, North and East Rakaia districts; on the east by the South Rakaia district; on the south by the north bank of the Rakaia to its south-westernmost source, thence by a straight line due west true to the West Coast, and on the west by the sea.

23. THE ASHBURTON DISTRICT comprises that portion of the Province bounded on the north by the West Rakaia district, on the east by the sea, on the south by the north bank of the Rangitata to the source of its north-west branch, and a true west line thence to the West Coast; on the west by the sea.

24. THE GERALDINE DISTRICT comprises that portion 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.

25. THE TOWN OF TIMARU comprises that portion 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 No. 2367, the Cemetery Reserve No. 1706, and the north boundaries of sections Nos. 1606 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 No. 1652, till it meets Whale's Creek to the sea.

26. THE WAITANGI DISTRICT comprises that portion 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.

97. THE MOUNT COOK DISTRICT comprises that portion 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.

Schedule B. Notice of Assessment.

District of .

Notice is hereby given that at a meeting of the Board of the said district, duly held on the day of at it was resolved to adopt a rate of in the Pound upon the assessment of the said district, and all persons whose names appear in the assessment for such district for the current year are hereby required, within fourteen days after the publication thereof, to pay the amount of such rate, according to the sum at which they appear to be assessed in such assessment to at his residence, at the said

Dated
(Signed)

Chairman

Schedule C.

For every horse, ass, or mule

For every beast carrying a burden

For all horned or neat cattle, per head

For every wheeled vehicle drawn by one horse

or other being duly authorised to receive such rates

... ..

For every additional horse or beast drawing such vehicle

... ..

For every sheep, lamb, goat, or pig, in one drove, not exceeding 100

... ..

For every additional sheep, lamb, goat, or pig ...

Sixpence.

Sixpence.

Fourpence.

One Shilling.

Sixpence.

One Penny.

Halfpenny.

Notes.

Passed by the Provincial Council on 17th September 1863, and reserved for the assent of the Governor, who assented. This was notified in NZG, No 66, 23rd December, 1863, 555p.

20. The Peacock Jetty Extension Ordinance 1863 Not Assented

Analysis.

Preamble.

1. Superintendent may lease land described in Schedule to John Jenkins Peacock.

2. Superintendent may resume possession of land so leased.
3. The Lessee not to be entitled to compensation.
4. Interpretation clause.
5. Title.

Whereas by an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury, entitled "The Peacock Wharf Ordinance, Session VIII., No. 9," it is enacted that it should be lawful for the Superintendent, with the advice and consent of the Executive Council, at any time from and after the coming into operation of the said Ordinance, to demise to John Jenkins Peacock, of Sydney, in New South Wales, Merchant, his Executors, Administrators, and Assigns, a parcel of land, being part of the demesne lands of the Crown within the said Province, and described in the Schedule A to the said Ordinance, for the purpose of erecting wharves and jetties thereon, subject to certain conditions in the said Ordinance set forth; and whereas the said John Jenkins Peacock is desirous of obtaining a lease of the parcel of land in the Schedule A to this Ordinance particularly described, for the extension of the jetty erected on the parcel of land described in the Schedule A to the said recited Ordinance; and whereas it is expedient that a power to grant leases of the said parcel of land should be granted to His Honor the Superintendent of Canterbury, subject to the conditions hereinafter contained:

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

1. Superintendent may lease land described in Schedule to John Jenkins Peacock.

It shall be lawful for the Superintendent, with the advice and consent of the Executive Council, at any time after the coming into operation of this Ordinance, to demise unto the said John Jenkins Peacock, his Executors, Administrators, and Assigns, by any deed or deeds to be made by and in the name of such Superintendent, and executed under the public seal of the said Province, the parcel of land in the Schedule to this Ordinance particularly described, or any part or parts thereof, for any term not exceeding forty-eight years in possession, at a nominal rent, and upon such terms and conditions, and subject to such covenants on the Lessee's part as the Superintendent shall think fit, so soon as a Crown Grant of the same parcel of land shall have been procured.

2. Superintendent may resume possession of land so leased.

If at any time during the said term the premises specified in the Schedule to this Ordinance or any part thereof shall be required for any purpose of public utility, it shall be lawful for the Superintendent for the time being, with the advice of the Executive Council, to resume the possession of the said parcel of land, upon giving to the said John Jenkins Peacock, his Executors, Administrators, or

Assigns, or leaving at his or their last or usual place of abode in New Zealand, six calendar months' previous notice in writing of the intention to resume possession.

3. The Lessee not to be entitled to compensation.

In the event of the said parcel of land, or any part thereof being resumed as aforesaid, the said John Jenkins Peacock, his Executors, Administrators, or Assigns shall not be entitled to any compensation whatsoever by reason thereof: Provided always, that no such resumption shall take place until the said John Jenkins Peacock, his Executors, Administrators, or Assigns shall have been tendered or have received compensation for the land demised to him by an Ordinance entitled "The Peacock Wharf Ordinance," Session VIII., No. 9."

4. Interpretation clause.

Except as aforesaid, this Ordinance shall be interpreted as and considered a part of "The Peacock Wharf Ordinance, Session VIII., No. 9."

5. Title.

This Ordinance shall be entitled, and may be cited as " Ordinance, 1863."

Notes.

Passed by the Provincial Council 22nd September 1863, and reserved for the assent of the Governor. Sam Bealey, Charles Bowen, Henry Bacon Quin.

21. The Roads District No 2 Ordinance 1863 AW. NZG 1863 p 555

Analysis.

Preamble.

1. Ratepayers' Roll to contain an assessment of the annual value of Pasturage Licenses.
2. Interpretation clause.
3. Title.

Whereas by an Ordinance passed in the present Session of the Provincial Council, entitled the "Roads Districts Ordinance, 1863," provision has been made for the appointment of Road Boards, and the formation of Ratepayers' Rolls, in the districts mentioned in the said Ordinance, and whereas it is desirable to make further provision in that behalf, as hereinafter mentioned:

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

1. Ratepayers' Roll to contain an assessment of the annual value of Pasturage Licenses.

The Ratepayers' Roll in each district constituted under the provisions of the said Ordinance, in addition to the matters directed by the said Ordinance to be contained therein, shall contain an assessment of the net annual value, at which the same might reasonably be expected to let from year to year, of the right of pasturage over all land included in any pasturage license held under the Crown upon the terms of such pasturage license, and the Occupier or Owner of such right of pasturage shall be liable to be rated under the provisions of the said Ordinance in respect of the same right of pasturage.

2. Interpretation clause.

This Ordinance shall be interpreted and construed as part of the "Roads Districts Ordinance, 1863."

3. Title.

This Ordinance shall be entitled, and may be cited as the "Roads Districts Ordinance, No. 2, 1863."

Notes.

Passed by the Provincial Council on 22nd September 1863, and reserved for the assent of the Governor.

Sam Bealey, Charles Bowen, Henry Bacon Quin.

22. The Lyttelton Municipal Council Ordinance 1863

Analysis.

Preamble.

1. Repealing clause.
2. Interpretation clause.

Constitution of Council.

3. Lyttelton Municipal Council constituted.

Election of Council.

4. By whom Council to be elected.
5. Meeting for annual election.

6. Proceedings at such election.
7. Retirement of Councillors in rotation.
8. Extraordinary vacancies: how occasioned.
9. Elections to fill extraordinary vacancies.
10. Payment of expenses of elections.

Division of Town into Wards.

11. Superintendent may divide town into wards.

Proceedings of Council.

12. Council incorporated.
13. Selection of Chairman.
14. Vacancy for Chairman: how occasioned, and how to be filled up.
15. Quorum.
16. Rules for conduct of business.

Rates.

17. Power to levy rates.
18. Rates to be on annual value.
19. General town rate.
20. Special town rate.
21. Special local rate.
22. Rates: by whom to be paid.
23. Joint Occupiers.

Ratepayers' Roll.

24. Preparation of Ratepayers' roll.
25. List open to inspection.
26. Notice of objection.
27. Objections: how to be heard and determined.
28. Council may correct trifling errors in roll.
29. Roll for previous year may be adopted with alterations.
30. If no roll made by time of election, previous roll to be used.

Mode of Levying Rates.

31. Rate: how to be made.
32. Objections to rate: how to be heard.
33. Rates due from Occupier having quitted may be recovered from Owner.
34. Rates may be remitted on account of poverty.
35. Rate Collectors to be appointed.
36. Rates recoverable at suit of Collectors.

Loans.

37. Power to borrow on mortgage.
38. Mortgage to be by deed.
39. Mortgage may be transferred.

40. Transfer of mortgage to be registered.
41. Works executed by loan subject to supervision.

Government Works in the Town.

42. Superintendent may entrust Government works in the town to the Council.

Accounts.

43. Accounts to be kept, and to be open to inspection.
44. Accounts and balance-sheet to be laid before annual meeting.

Officers.

45. Power to appoint Officers.
46. Members of Council disqualified from being Contractors.

By-law.

47. By-laws: on what subjects to be made.
48. Maximum penalty under bylaw.
49. By-laws subject to Superintendent's approval.

Management of Streets, Sewers, etc.

50. Streets, &c., under management of Council.
51. Sewers, materials of works, &c., vested in Council.
52. Council may provide for supply of water, lighting, and sanitary measures.
53. Council to give notice of alterations in sewers or levels of streets.
54. Plans of intended works.
55. Objections to proposed works: how to be dealt with.
56. Power to make new sewers.
57. Power to alter or stop up old sewers.
58. Remedy for injury to private individuals by alterations.
59. Council may require branch drains to be made.
60. Penalty for making branch drains without permission.
61. No building, cellar, &c., may interfere with sewers.
62. All sewers to be furnished with stench traps.
63. Use of city sewers outside the town.

Privies, Cesspools, Nuisances, etc.

64. Council may require privies, &c., to be made and altered.
65. Council may regulate cleansing of privies, &c.
66. Council may provide receptacles for dung, rubbish, &c., and provide for its removal.
67. Council may require immediate removal of nuisances.
68. Council may fill up hollows on private property.

Levels of New Streets and Houses subject to Approval of Council.

69. Private individuals about to build or lay out streets to give notice to Council.

70. Council may disapprove of levels, and fix others.
71. In default of notice, Council may alter such streets or houses.
72. If Council does not object, works may proceed.

Miscellaneous Powers and Duties of Council.

73. Protection and removal of dangerous buildings, &c.
74. Materials thereof may be sold to defray expenses.
75. Council may order removal of projections from buildings, &c.
76. No cellars to be made under, or openings in the streets.
77. Gutter pipes to be provided.
78. Boards may be erected indicating names of streets.
79. Power of entry on private lands.
80. Council may temporarily stop thoroughfares.
81. Protection against accident; penalty for interfering with barriers, &c.
82. Council may compromise suits.
83. Council may apportion certain expenses between Owner and Occupier.
84. Remedy if Occupier prevents Owner from executing works required.
85. Power to recover expenses incurred by Council.

Protection of Officers.

86. Members and Officers not personally liable.
87. Penalty for obstructing Officers, &c.

Service of Notices.

88. Officers of Council may receive and give its notices.
89. Notices on Owners and Occupiers to be served.

Power of Interference by Superintendent.

- Superintendent may dissolve Council if it does not fulfill terms of loan, &c.
91. If no Council elected, powers to pass to Superintendent.

Miscellaneous.

92. Limitation of penalties.
93. Penalties recoverable summarily.
94. Title.

Whereas it is expedient to make further provision than now exists for the improvement of the streets in the town of Lyttelton, and for the preservation of the health of the Inhabitants thereof:

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

1. Repealing clause.

"The Municipal Council Ordinance, Session XIV, No. 2," shall be, and the same is hereby repealed so far as regards the town of Lyttelton.

2. Interpretation clause.

In the interpretation of this Ordinance, the words "town" and "town of Lyttelton" shall mean the town of Lyttelton as described in Schedule A to this Ordinance; the words "the Council" shall mean the Lyttelton Municipal Council hereinafter constituted; the word "Ratepayer" shall mean every male person of full age liable to be rated under the provisions of this Ordinance, either as Owner or Occupier of property within the town, and whose name shall appear on the Ratepayers' Roll for the time being, and who shall have paid all rates due from and payable by him under this Ordinance; the words "Ratepayers' Roll" shall mean the Ratepayers' Roll prepared under the authority of this Ordinance. Provided, that until a Ratepayers' Roll shall have been so prepared, such words shall include any Ratepayers' Roll which may have been prepared by the authority of the present Municipal Council of Lyttelton; and the word "street" shall include an bridges, squares, roads, streets, lanes, paths, or other public paces within the town.

Constitution of Council.

3. Lyttelton Municipal Council constituted.

For the purposes hereinafter mentioned, there shall be constituted within the town of Lyttelton, a Council, consisting of nine Members, to be called the Lyttelton Municipal Council, and to be elected in manner hereinafter prescribed. Provided that until the first election of such Council, the existing "Municipal Council of Lyttelton" shall be deemed and taken to be the Lyttelton Municipal Council.

Election of Council.

4. By whom Council to be elected.

At the election of Members of the Council every Ratepayer shall be entitled to vote or to be elected a Member of the Council. If the property in respect of which such Ratepayer is liable to be rated shall not exceed One Hundred Pounds in annual value, he shall be entitled to one vote; if it shall exceed such annual value and not exceed the annual value of Three Hundred Pounds, then such Ratepayer shall have two votes, and if it shall exceed the annual value of Three Hundred Pounds then such Ratepayer shall have three votes. Provided always, that until a Roll shall have been prepared under the authority of this Ordinance, each Ratepayer shall have but one vote.

5. Meeting for annual election.

A meeting of the Ratepayers shall be held on the second Tuesday in January in every year, at the hour of noon, for the purpose of the annual election of Members of the Council. The Chairman of the Council shall give fourteen days' public notice of such meeting, by advertisement, in one or more Newspapers circulating within the town, stating the time and place of holding such meeting.

6. Proceedings at such election.

At such meeting of Ratepayers, the Chairman of the Council, if present, shall preside; if not, then some person appointed by the meeting. Every Candidate shall be proposed and seconded by Ratepayers. If there be not more Candidates than vacancies, the Chairman shall declare such Candidates duly elected; or if there be more Candidates than vacancies, such Chairman shall call for a show of hands for each Candidate, and shall declare the Candidate or Candidates in whose favour such show of hands was exhibited to be duly elected unless any Candidate or four Ratepayers shall demand a poll, in which case such Chairman shall proceed on the next day (not being a public holiday, and in that case on the day after) to hold a poll and to cause the votes of the Ratepayers to be recorded, and shall open such poll at Ten o'clock in the morning, and close it at Four o'clock in the afternoon of the same day, and shall, as soon as practicable after the closing of such poll, declare the numbers each Candidate respectively polled, and the names of the Candidate or Candidates who shall have been elected, and shall forthwith transmit the same, in writing, to the Municipal Council. Such Chairman shall, at such election, make such arrangements for receiving and recording the votes of Electors, and otherwise for the due and equitable management of the election as to him shall seem most desirable. The decision of the Chairman in respect of any disputed vote shall be final and conclusive.

7. Retirement of Councillors in rotation.

At the first annual election which shall be held after the passing of this Ordinance, four Members of the Council shall retire (to be decided by ballot at a meeting of the Council to be held not less than thirty days previously), and four duly qualified persons shall be elected in manner herein provided to fill up the vacant seats: At the second annual election the five Members who were elected two years previously shall retire, and five duly qualified persons shall be elected to fill their seats, and so on; every Member retiring from office at the expiration of two years from the date of his election. Any Member so retiring shall, if duly qualified, be eligible for re-election.

8. Extraordinary vacancies: how occasioned.

If any Member of the Council shall die, or, by writing, under his hand, delivered to the Chairman of the Council, shall resign his seat, or shall become insolvent, or be convicted of any felony, or shall become of unsound mind, or shall, without the leave of the Council first obtained, absent himself from six consecutive meetings of the Council, the seat of such Member shall become ipso facto void, unless cause for such absence be satisfactorily proved to the Council.

9. Elections to fill extraordinary vacancies.

Whenever, from any of the causes aforesaid, the number of the Members of the Council shall be reduced below seven, the Chairman shall, by notice, advertised in one or more Newspapers published within the Province of Canterbury, call a meeting of the Ratepayers, for the purpose of electing persons to fill the vacancies; and every person so elected shall hold office only until the time at which the person in whose room he may have been elected would regularly have gone out of office. The proceedings at any such election shall be conducted in the same manner as at the annual election.

10. Payment of expenses of elections.

The Council may pay, out of any funds at its disposal such expenses as may necessarily have been incurred in or about the election of any Members of such Council, and of any public meeting called by such Council.

Division of Town into Wards.

11. Superintendent may divide town into wards.

It shall be lawful for the Superintendent, if he shall think fit, on the application of a majority of two-thirds of the Council by Proclamation in the Provincial Government Gazette, to divide the town into wards, for the purpose of the election of Members of the Council, and by such Proclamation to fix the boundaries and names of such wards, the number of Members to be elected for each ward, to provide for the preparation of Lists of persons qualified to vote at such elections, and to make all other provision necessary for the proper conduct of such elections, and for giving effect to such division of the town for the purposes aforesaid.

Proceedings of Council.

12. Council incorporated.

The Lyttelton Municipal Council shall be and is hereby created a Body Corporate, under the name of " The Lyttelton Municipal Council," and under such name shall have perpetual succession and a common seal, with power to alter, vary, break, and renew the same, and may sue and be sued, implead, and be impleaded, in any Court of Law or Equity; and is hereby empowered to hold and enjoy property both real and personal, and to alienate or dispose of the same; and to enter into contracts, and enforce the fulfilment thereof, for the purposes of this Ordinance.

13. Selection of Chairman.

So soon after the election of the Members of the Council as conveniently may be, such Members shall elect from amongst themselves some one to be the Chairman of the Council, who shall continue in office until after the next annual

election of Members of the Council. The Chairman of the Council, whenever present, shall preside, and if he be not present, then the Council shall choose, as and in manner it may deem expedient, some other Member to preside. In case of an equality of votes at any meeting of the Council, the Chairman or presiding Member, besides his own vote, shall have a casting vote.

14. Vacancy for Chairman: how occasioned, and how to be filled up.

If the Chairman shall cease to be a Member of the Council, or shall, by writing, under his hand, addressed to the Council, resign such his office, the Council shall, at its next meeting thereafter, elect another Member to be Chairman in his stead, who shall hold office until the next annual election of Members of the Council.

15. Quorum.

Five members of the Council shall form a quorum, and the act of such quorum shall have the same force and effect, and shall be considered as the act of the whole Council. No proceeding of the Council shall be invalidated or be illegal in consequence of there being any vacancy in the number of its Members at the time of such proceeding, or in consequence of any defect in the appointment of, or of any incapacity in any of the Members present at the time of such proceedings.

16. Rules for conduct of business.

The Council shall, as soon as conveniently may be, make Rules for regulating the conduct of business at meetings of the Council.

Rates.

17. Power to levy rates.

The Council may make and levy rates on an lands, buildings or tenements within the town: Provided always, that no such rates shall be made or levied on any land or premises belonging to the Crown, or belonging to or in the occupation of the Provincial Government of Canterbury, or on any land or building used exclusively for public, charitable, or literary, or scientific purposes, or on any building used exclusively for public worship, or for a public school or school house, Provided it be inhabited only by the Master or Mistress of such school, or his or her family.

18. Rates to be on annual value.

The rates shall be levied on the net annual value of all such lands, buildings or tenements, that is to say upon the rent at which the same might reasonably be expected to let from year to year.

19. General town rate.

For the purpose of maintaining and repairing the streets, and of cleansing, repairing, and maintaining in effective operation the sewers and drains of the town, of the payment of Officers employed, and the ordinary expenses incurred on account of, or inuring to the common benefit of the town, it shall be lawful for the Council, from time to time to make and levy a rate or rates, to be called " the general town rate." No such general rate or rates shall in any one year exceed the sum of One Shilling in the Pound on the annual value of the property rated.

20. Special town rate.

For the purpose of defraying the expense of making any street, or making any new, or altering, improving, closing, or destroying any old sewer or drain, or erecting any other work or improvement of a permanent nature for the benefit of the town, the Council may, from time to time, make and levy a rate or rates to be called " the special town rate," of such amount as will be sufficient to discharge the amount of such expenses and interest thereon within such period, not exceeding five years, as the Council shall, in each case, determine. No such special rate or rates shall in any one year exceed the sum of Two Shillings in the Pound on the annual value of the property rated: Provided always, that in all cases in which any sum or sums of money shall have been or may be granted by the Superintendent and Provincial Council for or on account of any special work within the town, the same shall be carried to account for such work, and the special rate or rates shall be levied for the balance only, if any, of such expenses aforesaid.

21. Special local rate.

If at any time the persons liable to the payment of rates in any street or part of any street shall, by a majority of two-thirds of their votes, as provided in this Ordinance, request the Council to impose a rate upon the rateable property in such street or part thereof, for the execution of any work of special benefit to that particular locality, it shall be lawful for the Council to impose such rate accordingly, and to apply the proceeds thereof to the execution of such work. Such rate, so imposed, shall be called a "special local rate," and shall not in any one year exceed the sum of Two Shillings in the Pound on the annual value of the property rated.

22. Rates: by whom to be paid.

Except as hereinafter provided, the rate, whether general, special, or local, shall be paid by the Tenant or Occupier of the land, building, or tenement rated, or in case there be no Tenant or Occupier, then by the Owner thereof. Provided that the Owners of all rateable property of which the net annual value does not exceed the sum of Ten Pounds, or which is let to weekly or monthly Tenants, shall be rated to and pay the rates instead of the Occupiers thereof.

23. Joint Occupiers.

When any rateable property is jointly occupied, or if unoccupied, is jointly owned by more persons than one, each of such persons shall be deemed to be the

Occupier or Owner of rateable property of equal annual value to that of the whole of such first mentioned property divided by the number of such joint Occupiers or Owners thereof.

Ratepayers' Roll.

24. Preparation of Ratepayers' roll.

The Council shall, every year forthwith, after the election of the Chairman, cause to be prepared a List, containing the names and residences of all persons liable to be rated as hereinbefore provided, together with a description of the land, buildings, or tenements in respect of which every such person is liable to be rated, and a statement of the rateable value of the same.

25. List open to inspection.

The Council shall give public notice, by advertisement in one or more Newspapers published within the Province and circulating within the town, of the completion of such List, and of the time and place at which objections thereto will be heard and determined as hereinafter provided. A true copy of such List shall be kept in the custody of the Clerk of the Council, and shall be open to the inspection of all persons interested therein at all reasonable hours.

26. Notice of objection.

If any person shall object to such List on the ground of any error, omission, irregularity, or overcharge therein, or unfairness in the valuation of any property included therein, he shall, within Fourteen days from the publication of such notice of the completion of such List, give notice of such objection to the Clerk of the Council in the form set forth in Schedule B to this Ordinance, or to the effect thereof.

27. Objections: how to be heard and determined.

Every such objection shall be publicly heard and determined by two or more Justices of the Peace, at a meeting to be held at the time and place fixed by the Council in the notice abovementioned or at some adjournment thereof. It shall be lawful for such Justices to allow such objections in whole or in part, and to alter the List in conformity with such allowance, or to overrule such objections, and the List so altered or unaltered, as the case may be, shall be signed by two Justices present at such meeting, and shall thenceforth be binding and conclusive upon all persons whom it may concern, and shall be called the "Ratepayers' Roll." The production of such Ratepayers' Roll, so signed as aforesaid, shall be evidence in any legal proceeding, to all intents and purposes, that it has been duly made and confirmed according to the provisions hereof: Provided that if two Justices shall not be present at the time and place so appointed for any such meeting, the meeting shall stand adjourned to that day week, and so on, from time to time, until two Justices shall attend.

28. Council may correct trifling errors in roll.

It shall be lawful for the Council, from time to time, to correct any error of name or description which may be proved to their satisfaction to exist in any such "Ratepayers' Roll," provided that such correction shall not affect the amount of the rate payable in respect of any property described therein, nor the person liable to pay the same.

29. Roll for previous year may be adopted with alterations.

It shall be lawful for the Council in preparing, from time to time, the List of Ratepayers prescribed by Section 24 of this Ordinance to adopt the "Ratepayers' Roll" theretofore in force, either in whole or with such alterations as may appear needful, and such Roll, when so adopted, shall be deemed to be a List of the Ratepayers made according to the provisions of the said Section 24, and shall be subject to revision, as provided in Section 27.

30. If no roll made by time of election, previous roll to be used.

If, at the time of any election, the Ratepayers' Roll for the year in which such election is held shall not have been completed, the Roll for the previous year shall, for the purposes of such election, be considered to be in force.

Mode of Levying Rates.

31. Rate: how to be made.

Previously to making or levying any rate, the Council shall cause a List to be prepared, setting forth the amount of the rate proposed to be made, the names of the persons liable to the payment thereof, the sum payable by each of such persons, and the property in respect whereof each such sum shall be payable; and the Council shall give not less than fourteen days' notice of the place where such List is deposited for inspection, and of the time and place at which objections thereto will be heard, as hereinafter mentioned.

32. Objections to rate: how to be heard.

If any person, whose name shall be on such list, shall object to thereto on the ground that he has ceased to be liable to be rated in respect of any property for which in such list he is proposed to be rated, he shall give notice of such objection, and of the grounds thereof, to the Clerk of the Council, three clear days, at least, before the time appointed for hearing objections. At the time and place so appointed, or at any adjournment thereof, the Council shall hear and determine all such objections, and shall make all necessary alterations in such List, by striking thereout the name of any person who may have ceased to be liable to the payment of rates, and by inserting therein the name of any person who may, in the stead of the person first mentioned, have become liable to such payment. After all necessary alterations shall have been made in such List, the Council may, if it shall think fit, order the rate therein described to be made and

levied, and the List to be sealed with the public seal of the Council, and signed by the Chairman thereof, and the production of such List, so signed and sealed, shall be evidence that the rate has been duly made by the said Council.

33. Rates due from Occupier having quitted may be recovered from Owner. When the Occupier of any rateable property shall have quitted the same without having paid all the rates to which he shall have become liable in respect thereof, and then payable by him, the Council may either recover such rates from the person so having quitted, or may elect to recover the same from the Owner of the property, who shall thereupon be liable to pay the same.

34. Rates may be remitted on account of poverty.

It shall be lawful for the Council, if it shall be represented to it by any person liable to pay any rate, that he is unable, by reason of poverty, to pay such rate, and if the Council shall be satisfied of the truth of such representation, to remit and excuse the payment of such rate or any part thereof.

35. Rate Collectors to be appointed.

The Council shall appoint a fit person or persons to collect the rates, and shall take security from every Collector for the due execution of his office, which security shall be to the amount of the sum likely to be in the hands of the Collector at any one time, and shall be, by bond or otherwise, as the Council may determine.

36. Rates recoverable at suit of Collectors.

All rates shall be recoverable at the suit of any Collector appointed by the Council.

Loans.

37. Power to borrow on mortgage.

The Council shall have power to borrow, by way of mortgage or otherwise, on the credit of the rates which it may be entitled to levy, any sum or sums of money that may be required for the purpose of making, carrying on or completing any permanent improvements that may directly benefit the town, but in no case shall the sum or sums so borrowed exceed in the whole the estimated revenue of the Council for the period of five years: Provided that no money shall be borrowed by the Council until the express sanction, in writing, of the Superintendent and Executive Council shall have been obtained, not only for the amount to be borrowed, but also for the works or improvements upon which it is proposed to expend the sum or sums so to be borrowed.

38. Mortgage to be by deed.

Every mortgage shall be by Deed, and shall be passed under the common seal of the Council, at a meeting of the Council, and be signed by the Chairman of the

meeting. A Register of all such mortgages shall be kept by the Council, and shall be open to public inspection at all reasonable hours, without fee or reward.

39. Mortgage may be transferred.

Any person entitled to any such mortgage may transfer his right and interest therein.

40. Transfer of mortgage to be registered.

Within thirty days after the date of Transfer, if executed within the Province, or otherwise within thirty days after the arrival thereof in the Province, such Transfer shall be produced to the Council, and thereupon an entry or memorial thereof shall be made in like manner, as in the case of the original Mortgagee; and for every such entry shall be paid a fee of Five Shillings, and after such entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full benefit of the original mortgage, and the principal and interest thereby secured; and such Transferee may, in like manner, transfer the same again toties quoties, and it shall not be in the power of any person, except the person to whom the same shall last have been transferred, his Executors, Administrators, or Assigns, to make void, release or discharge the mortgage so transferred, or any money thereby secured.

41. Works executed by loan subject to supervision.

Every work carried on by the Council with any money so borrowed as aforesaid, shall be subject to the same Rules, Regulations, supervision and control as are hereinafter provided in regard to particular works carried on by the Council after it shall have received any special Government aid for such works.

Government Works in the Town.

42. Superintendent may entrust Government works in the town to the Council.

It shall be lawful for the Superintendent to commit to the Council the expenditure of any moneys appropriated for the construction and maintenance of particular streets, bridges, drains and public works within the town, and to pay over the same to the Council, to be expended in such manner as the Council shall direct; the Plans and Specifications of all such works having first received the approval of the Superintendent. The Superintendent shall have authority to appoint any Engineer or other person to inspect all such works as aforesaid, during their progress, and to report thereupon, and in case it shall appear by the Report of such Engineer or other person, that such works are not being carried on in accordance with the Plans and Specifications so approved of as aforesaid; it shall be competent for the Superintendent to order such works to be forthwith stopped, and to make such further order in the matter as he may see fit.

Accounts.

43. Accounts to be kept, and to be open to inspection.

The Council shall, in books to be kept by it for that purpose, cause true Accounts to be kept of all sums of money by it received and paid, and of the several matters in respect whereof such sums shall have been received and paid: such Accounts shall be open to be inspected at all reasonable hours by any Ratepayer or by the Superintendent, or by any Officer appointed by him for that purpose.

44. Accounts and balance-sheet to be laid before annual meeting.

All such Accounts, with Vouchers and Papers thereto, together with a full Abstract or Balance-sheet thereof, signed by at least three Members of the Council, shall, at the annual meeting of Ratepayers, be submitted to such meeting, and shall (as soon thereafter as conveniently may be) be examined and audited by two or more persons to be appointed for that purpose by such meeting. A copy of such Balance-sheet shall be posted up by the Council at or before the commencement of such meeting as aforesaid, upon some conspicuous part of the place in which such meeting shall be held.

Officers.

45. Power to appoint Officers.

The Council may appoint such Clerks, Surveyors, Engineers, Valuers, Collectors, and other Officers, as may be necessary for carrying this Ordinance into operation, with such salaries and emoluments as may seem reasonable, and may dismiss or suspend such Officers and appoint others in their stead, and may reduce or increase such salaries and emoluments in such manner and at such times as such Council shall see fit, and may pay such salaries or emoluments out of the funds at the disposal of the Council.

46. Members of Council disqualified from being Contractors.

No Member of the Council shall, during the time he shall continue a Member thereof, become a Contractor with or hold any paid office in the gift of the Council; and any person offending against the provisions of this clause shall, upon conviction thereof, forfeit and pay a penalty not exceeding One Hundred Pounds. Provided that nothing herein contained shall be interpreted to apply to any Member of the Council who shall be a Shareholder in a Public Company which shall have entered into any contract with the said Council.

By-law.

47. By-laws: on what subjects to be made.

It shall be lawful for the Council to make By-laws for—

- (a) The collection of rates:
- (b) The prevention and extinguishing of fires:

- (c) The suppression of nuisances:
- (d) Regulating the traffic within the streets of the town, and preventing obstructions thereto:
- (e) Preventing encroachments upon or injury to any streets, and for securing the cleanliness thereof:
- (f) The preservation of the footpaths:
- (g) Preserving any streams or watercourses from pollution, obstruction, or injury:
- (h) Compelling all persons within the town to keep their premises free from offensive or unwholesome matters:
- (i) Regulating and licensing Porters, Public Carriers, Carters, and Water-drawers:
- (k) Regulating markets, market dues, fairs, and sales:
- (l) The preservation of public decency and public health:
- (m) The restraining noisome and offensive trades:
- (n) The general good rule and good government of the town: Provided always that no such By-laws shall be repugnant to or interfere with any Ordinance of the Superintendent and Provincial Council.

48. Maximum penalty under bylaw.

Each By-law so to be made as aforesaid, shall impose some maximum penalty not exceeding Ten Pounds for any neglect or breach thereof, and in the case of a continuing offence, a further penalty not exceeding Five Pounds for each day after written notice of such neglect or breach given to the Offender.

49. By-laws subject to Superintendent's approval.

No such By-law shall have any force or effect until the Superintendent, with the advice of his Executive Council, shall, under his hand, have signified his assent thereto; and when such By-law shall have been so assented to, the Superintendent shall cause publicity to be given thereto by Proclamation in the Provincial Government Gazette.

Management of Streets, Sewers, etc.

50. Streets, &c., under management of Council.

The Council shall have the care and management of the public roads, streets, squares, paths, wharves, bridges and thoroughfares, and watercourses, ponds, ditches, and the like, not being private property, within the town: Provided that nothing herein contained shall authorise the Council contrary to, or inconsistently with any private right to use, injure, or interfere with any watercourse, stream or river in which the Occupier or Owner of any lands, mills, or machinery shall have a light or vested interest, without his consent, in writing, being first obtained.

51. Sewers, materials of works, &c., vested in Council.

All main or public sewers and drains within the town, and all materials thereof, and all materials for making and repairing streets, and of works in progress of every description, or brought upon or near to any works in progress, for the

purpose of being used thereon, shall vest in, and belong to, and be under the management and control of the Council.

52. Council may provide for supply of water, lighting, and sanitary measures. The Council shall adopt such means as may seem to it desirable for the preservation of the public health, for securing the necessary supply of water for domestic or sanitary purposes, and for cleansing and lighting the streets of the town, and shall and may form, cleanse, repair, and maintain in effectual operation the sewers and drains of the town, as shall to such Council seem fit, subject to the provisions hereinafter contained.

53. Council to give notice of alterations in sewers or levels of streets. Fourteen days, at least, before fixing the level of any street Council to give notice which shall not have been hitherto levelled, and before making any sewer where none was before, or altering the level or course of, or abandoning or stopping any sewer, the Council shall give notice of its intention to perform such work, by posting a printed or written notice on a conspicuous place, in every such street through or in which such work is to be undertaken, in which notice shall be set forth the name or situation of the street intended to be levelled, and the names of the places through or near which it is intended that the new sewer shall pass, or the existing sewer be altered or stopped up, and also the places of the beginning and the end thereof, and such notice shall refer to Plans of such intended work, and name the place where such Plans may be seen, and a time when, and place where all persons interested in such intended work may be heard thereupon.

54. Plans of intended works.

Before giving notice of its intention to construct any work, of which by this Ordinance it is required to give notice, the Council shall cause a Plan and Section of the intended work to be made, on a scale not less for a horizontal plan than one inch to one hundred and ninety eight feet, and for a vertical section, not less than one inch to ten feet, and in case of a sewer, showing the depth of such sewer below the surface of the ground, which Plans may be deposited in the office of the Council or some other convenient place, and shall be open at all reasonable hours for the inspection of all persons interested therein during the time for which such notice is required to be given.

55. Objections to proposed works: how to be dealt with.

The Council shall, at the time and place mentioned in the notice, consider, either by itself or by some competent person appointed by it for that purpose, any objections made against such intended work, and all persons interested therein or likely to be aggrieved thereby shall be entitled to be heard thereupon. The Council may, in its discretion, grant compensation for, abandon, or make such alterations in the intended work as it may judge fit: Provided always, that if any person whose property may be effected by such decision shall object to the amount awarded by the Council in compensation for the injury he may sustain, he shall be entitled to demand that such compensation shall be assessed in

accordance with the provisions of " The Diversion of Roads Ordinance, Session XI., No. 3."

56. Power to make new sewers.

The Council shall, from time to time, subject to the restrictions herein contained as to the notice to be given and the Plans and Estimates to be prepared, cause to be made such main drain and other sewers as shall be necessary for the effectual drainage of the town, and also all such reservoirs, sluices, engines, and other works as may be necessary for cleansing such sewer. If, for completing any of the aforesaid works, it be found necessary to carry them into or through any land which is the property of private individuals, the Council may carry the same into or through such land accordingly, making full compensation to the Owners or Occupiers of any such land. The Council may also cause such sewers to communicate with and empty themselves into the sea or any public stream or river beyond the limits of the town, or cause the refuse of such sewers to be conveyed by a proper channel to the most convenient site for its deposit, collection, or sale for agricultural or other purposes, as may be deemed most expedient, but so that the same shall in no case be allowed to become a nuisance.

57. Power to alter or stop up old sewers.

The Council shall from time to time repair, and, as it sees fit, enlarge, alter, arch over, or otherwise improve all or any of the sewers vested in it: It may demolish or discontinue any sewer which may appear to it to have become useless, provided it be so done as not to create a nuisance.

58. Remedy for injury to private individuals by alterations.

If any person by means of any enlargement, alteration, or discontinuance of any sewer, or other proceeding of the Council, be deprived of the use of any sewer or drain which such person was theretofore lawfully entitled to use, the Council shall provide some other sewer or drain equally effectual for such purpose; and if the Council refuse, or do not within seven days next after notice, in writing, served upon it, begin and thereupon diligently proceed to restore to its former effective state such drain or sewer, the use whereof has been affected by the acts of the Council, or to provide such other sewer or drain as aforesaid, it shall forfeit to the person aggrieved any sum not exceeding Forty Shillings for every day after the expiration of such seven days during which he is deprived of the use of the drain or sewer to which he was so entitled.

59. Council may require branch drains to be made.

In an cases where a sewer of a sufficient size under the jurisdiction of the Council shall pass within one hundred feet of any house or building on a lower level than such house or building, the Council may, by notice, in writing, require the Occupier of such house or building forthwith, or within such reasonable time as shall be appointed by the Council, to construct or make from such house or building into the nearest common sewer, a covered drain of such materials, of

such size, at such level, and with such fall, as shall be adequate for the drainage of such house or building, and of its areas, water-closets, privies, and offices, if any, and to carry and convey the soil, drainage, and wash therefrom into the said sewer, and to provide a fit and proper trap affixed to the mouth of such drain to the satisfaction of the Council; and if the Occupier of such house or building shall neglect or refuse, during twenty-eight days after the said notice shall have been delivered to him or left at such house or building, to construct such drain, or shall thereafter fail to carry it on and complete it with all reasonable dispatch, the Council may, and it is hereby empowered to cause the same to be constructed and made, and to recover the expense to be incurred thereby from such Occupier.

60. Penalty for making branch drains without permission.

Every person, not being employed or authorized for the purpose by the Council, who shall make any branch drain into any of the sewers or drains vested in the Council, shall forfeit to the Council such sum, not exceeding Twenty Pounds, as the Council may determine; and the Council may cause such branch drain to be stopped or re-made as it may think fit, and all the expense incurred thereby shall be paid by the person making such branch drain, and shall be recoverable by the Council from him.

61. No building, cellar, &c., may interfere with sewers.

No building shall be erected over any sewer belonging to the Council, without the consent of the Council first obtained, in writing. All vaults, arches, and cellars shall be substantially made, and so as not to interfere or communicate with any sewers belonging to the Council. If, after the coming into operation of this Ordinance, any building is erected in the town, or any vault, arch, or cellar be made therein contrary to the provisions herein contained, the Council may demolish or fill up the same, and the expense incurred thereby shall be paid by the person erecting such building, or making such vault, arch, or cellar, and shall be recoverable as damages.

62. All sewers to be furnished with stench traps.

All sewers or drains within the town, whether public or private, shall be provided by the Council or other persons to whom they severally belong, with proper traps or other covering for means of ventilation so as to prevent stench.

63. Use of city sewers outside the town.

Any person being the Owner or Occupier of any lands beyond the town, and in respect of which he would not be liable to the payment of the rates authorized to be levied under this Ordinance, may, with the consent of the Council first obtained, in writing, and upon payment to them of a reasonable sum of money, to be agreed upon between them, at his own expense, and under the superintendence of the Surveyor of the Council, cause to branch into and communicate with any of the sewers belonging to the Council any sewer or drain in respect of the said property which may be lawfully made therefrom, of such

size and in such manner and form of communication as the Council may approve of.

Privies, Cesspools, Nuisances, etc.

64. Council may require privies, &c., to be made and altered.

The Owner or Occupier of any dwelling-house within the town shall provide the same with a privy or privies, constructed in an things to the satisfaction of the Council, within one month next after notice, in writing for that purpose given by the Council to him, and in default thereof the Council shall cause such privy or privies to be provided and the expense incurred thereby shall be recovered by the Council from such Owner or Occupier.

65. Council may regulate cleansing of privies, &c.

All drains, as well within as without the premises to which they belong, and all privies and cesspools within the town, shall be subject to the survey and control of the Council, and shall be altered, repaired, and kept in proper order, and cleansed at the costs and charges of the Owners or Occupiers of the premises to which the same belong, or for the use of which they are constructed, and the Council may cause the same to be repaired and cleansed, and recover the expenses incurred thereby from the Owner or Occupier of such premises.

66. Council may provide receptacles for dung, rubbish, &c., and provide for its removal.

It shall be lawful for the Council to make such provision as it shall think fit for the periodical removal of the refuse of every house or other building within the town, whether night soil, dung, ashes, slops, or other filth and rubbish, and for its conveyance to some convenient place for its deposit, and also from time to time to provide places convenient for deposit.

67 Council may require immediate removal of nuisances.

If at any time it shall be represented to the Council by any of its Officers, or by any duly qualified Medical Practitioner, that any stagnant water or accumulation of dung, soil, or filth, or other noxious or offensive matter within the town ought to be removed, as being injurious to the health of the Inhabitants, the Council shall forthwith give notice to the Owner or Occupier of the land or premises where the same may be to remove it forthwith, and if such Owner or Occupier shall refuse or neglect to comply with such notice, he shall be liable to a penalty not exceeding Five Pounds.

68. Council may fill up hollows on private property.

If it shall appear to the Council that any gully, drain, or hollow place on any private property within the town is a receptacle for filth or stagnant water, which is or is likely to be offensive or injurious to the health of the Inhabitants, the Council may, by Order, in writing, require the Owner or Occupier of such property to fill

up such gully, drain, or hollow place within a time to be specified in such Order, and if such Owner or Occupier shall not comply with such Order within the time so specified, the Council may, by its Officers, enter upon the said property, and cause such gully, drain, or hollow place to be filled, either with earth from any other part of the said property, or otherwise, as it may deem fit, and may recover the expense of so doing from such Owner or Occupier.

Levels of New Streets and Houses subject to Approval of Council.

69. Private individuals about to build or lay out streets to give notice to Council. Before any person shall lay out any new street, begin to build any house, or to re-build any existing house within the town, he shall give to the Council notice thereof, in writing, and shall accompany such notice with a Plan, showing the level at which such street or the foundation of such house is proposed to be laid, by reference to some level ascertained under the direction of the Council. Whenever any house is taken down to or below the roof of the floor, commonly called the ground or street floor, for the purpose of being built up again, such building shall be deemed a re-building within the meaning of this Ordinance.

70. Council may disapprove of levels, and fix others. Within fourteen days after receiving such notice, the Council may signify its disapproval of the level at which it is proposed to lay such street or the foundation of any such house, and in case of such disapproval, may fix the level at which the same is to be laid.

71. In default of notice, Council may alter such streets or houses. In default of sending such notice and Plan, or if such new street or building be begun or made at any level different from that fixed by the Council within the said fourteen days, or in any other respect contrary to the provisions of this Ordinance, the Council may, if necessary, cause such new street to be altered, or such building to be altered or demolished, as the case requires, and the expenses incurred by the Council in respect thereof shall be repaid to it by the person failing to comply with the provisions aforesaid, and shall be recoverable as damages.

72. If Council does not object, works may proceed. If the Council fail to signify, in writing, its approval or disapproval of the level shown on such Plan as aforesaid, within fourteen days after receiving such notice and Plan as aforesaid, the person giving such notice may, notwithstanding anything herein contained, proceed to lay out and make the street, or build or re-build the house therein referred to, according to the level shewn on such Plan: Provided that such building or re-building be otherwise in accordance with the provisions of this Ordinance.

Miscellaneous Powers and Duties of Council.

73. Protection and removal of dangerous buildings, &c.

If any building, or wall, or anything affixed thereon, within the city, be deemed by the Council, or any Surveyor appointed by it, to be in a state dangerous to Passengers, or to the Occupiers of the neighbouring buildings, such Surveyor shall immediately cause a proper board or fence to be put up for the protection of passengers, and shall cause a notice, in writing, to be given to the Occupier or Owner of such building or wall, if he be known, and resident within the town; and shall also cause such notice to be put on the door or other conspicuous part of the said premises, requiring such Owner or Occupier forthwith to take down, secure, or repair such building, wall, or other thing, as the case shall require; and if such Owner or Occupier do not begin to repair, take down, or secure such building, wall, or other thing, within the space of two days after any such notice has been so given or put up as aforesaid, and complete such repairs, or taking down and securing as speedily as the nature of the case will admit, or if no Owner or Occupier can be found on whom to serve such Order, the Council shall, with an convenient speed, cause all, or so much of such building, wall, or other thing as shall be in a dangerous condition to be taken down, repaired, or otherwise secured in such manner as it shall deem requisite; and all the expense of putting up such fence, and of taking down, repairing or securing such building, wall, or other thing, shall be paid by the Owner or Occupier thereof.

74. Materials thereof may be sold to defray expenses.

If any such building, wall, or other thing, as aforesaid, or any part of the same be pulled down by virtue of the powers aforesaid, the Council may sell the materials thereof, or so much of the same as shall be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such building, wall, or other thing, and restore any surplus to the Owner thereof on demand; nevertheless the Council, although they may sell such material for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as are hereinbefore given to them for compelling payment of the whole of the said expenses.

75. Council may order removal of projections from buildings, &c.

The Council may give notice to the Owner or Occupier of any house or building to remove or alter any porch, step, fence, veranda, or any other obstruction or projection erected, or placed against, or in front of any house or building within the town, and which is an obstruction to the safe and convenient passage along any street, or any encroachment thereupon, and such Owner or Occupier shall, within ten days after the service of such notice upon him, remove such obstruction, or alter the same in such manner as shall have been directed by the Council, and in default thereof shall be liable to a penalty not exceeding Five Pounds, and the Council in such case may remove such obstruction, projection,

or encroachment, and the expense thereof shall be paid to the Council by the Owner or Occupier so making default.

76. No cellars to be made under, or openings in the streets.

No cellar or vault may be made under any street within the town, nor shall any opening be made in any street or footpath to make an entrance into any cellar or vault. Every person so making any such cellar, vault, or opening, shall be liable to a penalty not exceeding Ten Pounds, and to a further penalty not exceeding Ten Pounds for every day, after he shall have received notice from the Council to fill up such cellar, vault, or opening, during which the same shall remain unfilled.

77. Gutter pipes to be provided.

The Council may order the Owner or Occupier of any house or building in, adjoining, or near to any street, to put up and keep in good condition a gutter-pipe or trough, to convey the water from the roof thereof, in such a manner that the water therefrom shall not fall upon the persons passing along the street, or flow over the footpath; and in default of compliance with such Order within seven days after service thereof, such Owner or Occupier shall be liable to a penalty not exceeding Forty Shillings for every day that he shall so make default.

78. Boards may be erected indicating names of streets.

The Council may, for the purpose of indicating the name of any street, or for other like purpose, affix a board, having the name of such street printed thereon, to any house, building, wall or fence within the town; and every person who shall wilfully remove, injure, or deface such board, shall be liable to a penalty not exceeding Five Pounds.

79. Power of entry on private lands.

The Council shall have power, by itself or its Officers, to enter, at all reasonable hours in the day-time, into and upon any land, buildings and premises within the city, without being liable to any legal proceeding on account thereof: Provided always, that except when herein otherwise provided, the Council or its Officers shall not make any such entry, unless with the consent of the Occupier, until after the expiration of twenty-four hours' notice for that purpose given to the Owner or Occupier.

80. Council may temporarily stop thoroughfares.

The Council may stop up any street, and prevent the same from being used as a common thoroughfare for a reasonable time during the execution of any work authorized by this Ordinance.

81. Protection against accident; penalty for interfering with barriers, &c.

The Council shall, during the execution of any work, or the stoppage of any street, take proper precaution for guarding against accident; and if any person shall, without the authority or consent of the Council, take down, alter, or remove

any bar, chain, or other protection, or extinguish any light placed at or near to any bar, chain, or work for protection, he shall, for every such offence, on conviction thereof before any Justice of the Peace, be liable to a penalty not exceeding Five Pounds, or to be imprisoned for any period not exceeding fourteen days.

82. Council may compromise suits.

The Council may compound and agree with any person who may have entered into any contract with the Council, or against whom it may bring any action or suit for any penalty contained in any such Contract, or in any Bond or other Securities for the performance thereof, or for or on account of any breach or non-performance of any such Contract, Bond, or Security for any sum of money or recompense, as the Council may think proper.

83. Council may apportion certain expenses between Owner and Occupier.

Whenever any question shall arise as to whether any work required by the Council to be performed ought to be performed by the Owner or Occupier of any premises, the Council may determine the matter, and may order that the expenses of executing any such work shall be borne by the Owner or Occupier, or by both, in such proportion as it may deem equitable.

84. Remedy if Occupier prevents Owner from executing works required.

If the Occupier of any premises shall prevent the Owner thereof from carrying into effect, in respect of such premises, any of provisions of this Ordinance, after notice of his intention so to do has been given by the Owner to such Occupier, the Council may make an Order, in writing, requiring such Occupier to permit the Owner to execute all such works with respect to such premises as may be necessary for carrying into effect the provisions of this Ordinance; and if, after the expiration of ten days from the date of such Order, such Occupier continues to refuse to permit such Owner to execute such work, such Occupier shall, for every day during which he so continues to refuse, be liable to a penalty not exceeding Forty Shillings; and every such Owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

85. Power to recover expenses incurred by Council.

If the Owner or Occupier of any premises made liable by this Ordinance for the repayment to the Council of any expenses incurred by it, do not, as soon as the same becomes due from him, repay all such expenses, the Council may recover the same from such Owner or Occupier by legal proceedings.

Protection of Officers.

86. Members and Officers not personally liable.

No act done by any Member or Officer of the Council, acting under the direction of the Council, and bona fide for the purpose of carrying into operation any of the

provisions of this Ordinance, shall subject such Member or Officer personally to any action, suit, or demand whatever, but the responsibility of such act shall lie upon the Council.

87. Penalty for obstructing Officers, &c.

Any person who shall obstruct or attempt to obstruct any Member or Officer of the Council acting in the execution of this Ordinance, shall be liable to a penalty not exceeding Ten Pounds.

Service of Notices.

88. Officers of Council may receive and give its notices.

All Notices, Orders, or Instructions which the Council is by this Ordinance authorized or required to give or receive, may be given or received by any Officers of the Council duly authorized by it for that purpose.

89. Notices on Owners and Occupiers to be served.

Where by this Ordinance any notice is required to be given to the Owner or Occupier of any land or premises, such notice, addressed to such Owner or Occupier, as the case may require, may be served by delivering the same to the Occupier, or by leaving the same for him with some inmate of his usual place of abode; if there be no Occupier, such notice may be served by posting the same upon some conspicuous part of such land or premises: Provided always, that when such Owner and his residence are known to the Council, it shall be the duty of the Council, if he be resident within the town, to cause every notice addressed to him to be served by delivering the same to him, or by leaving it for him with some inmate of his usual place of abode, and if such Owner be not resident within the town, but be resident within the Colony of New Zealand, the Council shall serve such notice by sending the same by the Post, addressed to the residence of such Owner, and by publishing the same in one or more Newspapers of the Province. It shall not be necessary in any such notice to name such Occupier or Owner otherwise than by describing him as the Occupier or Owner of such land or premises.

Power of Interference by Superintendent.

90. Superintendent may dissolve Council if it does not fulfill terms of loan, &c.

If the Council, after any money shall have been given or advanced to it out of the public revenues of the Province, whether as a loan or otherwise, or after a guarantee shall have been given in respect of any loan, shall refuse at any time to observe the conditions required by the terms of such loan or guarantee, then it shall be lawful for the Superintendent to declare that the functions and powers of the Council shall, from and after a day to be named by him and published in the Provincial Government Gazette, absolutely cease and determine, and its

functions, powers and liabilities, together with all its property, real or personal, shall thereupon be transferred to, and vest in a Board of Commissioners, consisting of not more than Five Members, to be appointed by the Superintendent, and such Board shall, under such Rules and Regulations as the Superintendent may prescribe, exercise all the powers and discharge all the functions of the Council mutatis mutandis as fully and effectually as the Council could do. Provided that such Board shall enter upon no new work within the town, and that its powers and functions shall cease and determine as soon as any such loan, and all interest thereon, shall have been fully repaid and satisfied, or any such guarantee shall have expired or been otherwise determined.

91. If no Council elected, powers to pass to Superintendent.

If at any time the persons duly qualified to elect Members of the Council shall refuse or neglect so to do, or to elect a sufficient number of such Members to form a quorum, all the powers and duties herein vested in or imposed upon the Council (except the power to levy a rate) shall be transferred to and vest in, and be imposed upon the Superintendent.

Miscellaneous.

92. Limitation of penalties.

No penalty to be imposed on any one conviction under the provisions of this Ordinance shall exceed the sum of One Hundred Pounds.

93. Penalties recoverable summarily.

All fines and penalties imposed under this Ordinance or under any By-laws made by authority thereof shall be recoverable in a summary way.

94. Title.

This Ordinance shall be entitled "The Lyttelton Municipal Council Ordinance, 1863."

Schedule A.

The town of Lyttelton is bounded on the north by the ridge of hills 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, and on the west by the eastern boundary of the Native Reserve at Rapaki.

Schedule B.

To the Lyttelton Municipal Council.

I hereby give you notice that I object to the following portion of the List of Ratepayers for the town of Lyttelton now deposited for inspection at the office of the Clerk to the Council [here recite the part objected to], that the following are the grounds of my objection [here state the grounds of objection], and that I shall appear in support of such objection at the meeting of Justices to be held on the .

Signature of Objector

.....

Description.....

Address

.....

Notes.

Passed by the Provincial Council on 22nd September 1863 and reserved for the assent of the Governor. Assented by the Governor NZG, No 1, 12th January, 1864, 4p.

Charles Bowen, Speaker, Henry Bacon Quin, Clerk of Council

23. The Appropriation Ordinance 1863

Analysis.

Preamble.

1. Appropriation of Provincial Revenue for the year ending 30th June 1864.
2. Provincial Treasurer shall issue and be allowed credit for sums appropriated as per Schedules B. and C.
3. Provincial Treasurer to issue upon Warrant by His Honor the Superintendent.
4. Provincial Treasurer shall be allowed credit for sums expended as per Schedule D up to 30th June 1863.
5. Title.

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

1. Appropriation of Provincial Revenue for the year ending 30th June 1864.

Out of the public revenues of the said Province there may be issued and applied for the public service of the Province, and for the charge of the Government thereof, for the period commencing on the First day of July, one thousand eight

hundred and sixty-three, and ending on the Thirtieth day of June, one thousand eight hundred and sixty-four, in manner set forth in the Schedule A to this Ordinance, any sum or sums of money not exceeding, the sums in such Schedule specified, amounting in the whole to the sum of Two Hundred and Ninety-three Thousand Three Hundred and Eighty-seven Pounds Three Shillings and Eightpence.

2. Provincial Treasurer shall issue and be allowed credit for sums appropriated as per Schedules B. and C.

Out of the public revenues of the said Province which shall have been raised by Debentures issuable under the authority of "The Lyttelton and Christchurch Railway Loan Ordinance, Session XIII. No. 1," there may be issued and applied, for defraying the charges of the Lyttelton and Christchurch railway works, for the period commencing on the First day of July, one thousand eight hundred and sixty-three, and ending on the Thirtieth day of June, one thousand eight hundred and sixty-four, in the manner set forth in the Schedule B to this Ordinance, any sum or sums of money not exceeding the sums in such Schedule specified, amounting in the whole to the sum of One Hundred and One Thousand One Hundred and Fifty Pounds, and out of the public revenues of the said Province, which shall have been raised by debentures issuable under the authority of " The Canterbury Loan Ordinance, 1862," there may be issued and applied, for defraying the charges of the works set forth in the Schedule A to this Ordinance, any su or sums of money not exceeding the sums in such Schedule specified, amounting in the whole to the sum of Sixteen Thousand Five Hundred Pounds.

3. Provincial Treasurer to issue upon Warrant by His Honor the Superintendent.

The Provincial Treasurer shall issue from time to time any sum or sums of money not exceeding the sums in such Estimates severally specified, to such persons, and in such portions as the Superintendent shall, by any Warrants under his hand, from time to time direct, and shall be allowed credit in his 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.

4. Provincial Treasurer shall be allowed credit for sums expended as per Schedule D up to 30th June 1863.

And Whereas, in defraying the charge of the Provincial Government and in the public service of the said Province for the nine months ending the Thirtieth June, one thousand eight hundred and sixty-three, certain sums of money, amounting in the whole to the sum of Fifteen Thousand Eight Hundred and Ninety Pounds Ten Shillings and Twopence, 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 D to this Ordinance, but were not included in any Bill for the appropriation of the public revenues of the said Province for the said nine

months: 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 D 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.

5. Title.

This Ordinance shall be entitled and may be cited as "The Appropriation Ordinance, 1863."