

Session XXXI 1869 (May to June 1869)

1. The Little River Reserves Sales Ordinance 1869

Whereas by grant from the Crown bearing date the third day of May One thousand eight hundred and sixty-nine all that piece or parcel of land in the Province of Canterbury in the Colony of New Zealand containing by admeasurement five hundred acres more or less and being Reserves Nos. 220 and 221 (in red) on the map of the Chief Surveyor of the said Province and more particularly described in the plan on the said Crown Grant was granted unto the Superintendent of the Province of Canterbury and his successors in trust for a Reserve for Timber for Railway and other purposes of the Provincial Government:

And whereas by grant from the Crown bearing date the third day of May One thousand eight hundred and sixty-nine all that piece or parcel of land in the Province of Canterbury in the Colony of New Zealand containing by admeasurement two hundred and fifty acres more or less and being Reserve No. 222 (in red) on the map of the Chief Surveyor of the said Province and more particularly described in the plan on the said Crown Grant was granted unto the Superintendent and his successors in trust for a Reserve for Timber for Railway and other purposes of the Provincial Government:

And whereas it is expedient that the above-named Reserves should be sold and that the proceeds thereof should be devoted to the construction of a road known as the Little River Road passing through the said Reserves:

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

1. Superintendent may sell land.

It shall be lawful for the Superintendent with the advice and consent of the Executive Council to alienate by way of sale by Public Auction the whole or any part of such land in one or more parcels Provided that no part of such land shall be sold for a less sum than at the rate of Two Pounds per acre.

2. Sales to be made on such terms and conditions as Superintendent may direct.

All sales hereby authorised to be made shall be made upon such terms and conditions as the Superintendent may with the advice and consent of the Executive Council direct.

3. Proceeds, how to be appropriated.

The proceeds of all such sales as aforesaid shall be paid to the Provincial Treasurer and by him to the public account of the Province and shall be appropriated to the purpose of the construction of the road leading from Little River to the Head of the Bay Akaroa commencing at Section 4113 and ending at the south-western corner of Section 335 at Barry's Bay.

4. Title.

This Ordinance shall be intituled and may be cited as "The Little River Reserves Sales Ordinance 1869."

2. The Education Ordinance 1864 Amendment Ordinance 1869

[31st May, 1869.]

Whereas an Ordinance intituled "The Education Ordinance 1864 was passed in the twenty-second Session of the Provincial Council by the Superintendent and Provincial Council for the establishment and maintenance of Schools within the Province:

And whereas it is expedient to amend the aforesaid Ordinance:

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

1. Chairman of Board of Education may convene meeting of owners and occupiers of land and householders to determine whether Schools in District shall be brought under control of local Committee.

Notwithstanding anything in the aforesaid Ordinance contained it shall be lawful for the Chairman of the Board of Education on a requisition from a considerable portion of the inhabitants of any Educational District to convene a meeting of the owners and occupiers of land and householders within such District for the purpose, of determining whether they are willing that the School or Schools in the District shall be brought under the control and management, of a Local Committee elected as provided in "The Education Ordinance 1864" and if the meeting shall determine in the affirmative such meeting may thereupon proceed to elect such Local Committee Provided always that nothing in this Ordinance shall be construed to apply to any School established in connection with any particular religious denomination.

2. Ordinance to be part of “Education Ordinance 1864.”

This Ordinance shall be interpreted as and be considered a part of "The Education Ordinance 1864."

3. Title.

This Ordinance shall be intituled and may be cited as "The Education Ordinance 1864 Amendment Ordinance 1869."

3. The Sheep Ordinance 1864 Amendment Ordinance 1869

[September 4, 1869.]

Whereas an Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury entituled "The Sheep Ordinance 1864" and whereas it is expedient to amend in certain particulars the said Ordinance:

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

1. Section 16 of “The Sheep Ordinance 1864” repealed and provision made in lieu thereof.

Section 16 of "The Sheep Ordinance 1864" hereinafter referred to as the said Ordinance is hereby repealed and the following provision is made in lieu thereof Every owner of sheep shall on or before the first day of April in every year pay to the Provincial Treasurer or to such other person as may be authorised by the Superintendent to receive the same the sum of eighteen shillings sterling for each and every thousand or fractional part of a thousand sheep being more in number than one hundred sheep owned by him on the first day of January preceding and specified in the return furnished by him as provided in section 15 of the said Ordinance. All and every such yearly sum or sums of money payable as aforesaid shall in case the same be not paid on or before the said first day of April be a debt owing by the owner of such sheep to the Superintendent and may be sued for and recovered by the ordinary course of law.

2. Section 20 of “The Sheep Ordinance 1864” repealed and provision substituted in lieu thereof.

Section 20 of the said Ordinance is hereby repealed and the following provision is substituted in lieu thereof 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 or to have been destroyed 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 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 is not making reasonable exertions to clean the same then such suspension shall by such 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.

3. It shall not be lawful for any owner of sheep having one out of several flocks upon the same or adjoining runs infected with scab to remove any of the sheep of any such flocks without certificate from Inspector.

When any owner of sheep shall have several flocks of sheep depasturing upon the same or adjoining runs and one of these flocks shall be infected with scab it shall not be lawful for the said owner to remove any of the sheep of any such flocks from off the said run or runs until he shall have obtained from an Inspector of Sheep a certificate that all the flocks in his possession depasturing upon the same or adjoining runs are entirely free from the said disease and no sheep shall be removed from the said run or runs for six months from the date of such certificate unless the several flocks shall have been mustered and found free from disease and the sheep required to be removed shall be dipped under the supervision and to the satisfaction of an Inspector of Sheep and any person offending against the provision of this section shall be liable to a penalty of Fifty Pounds.

4. Section 29 of "The Sheep Ordinance 1864 repealed and provision substituted in lieu thereof.

Section 29 of the said Ordinance is hereby repealed. and the following provision is substituted in lieu thereof If any person shall himself or by means of any agent or servant remove or cause to be removed from any ship boat or other vessel 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 or any sheep whatever unless they shall within seven days previous to such removal have been inspected by an Inspector of sheep and unless such person shall have received from such Inspector of Sheep a certificate in the form or to the effect specified in Schedule C to the said Ordinance he shall be liable to a penalty of One Hundred Pounds and for every day during which such sheep so removed in contravention of the provisions of

this section 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 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.

5. Section 34 of “The Sheep Ordinance 1864” repealed and provision substituted in lieu thereof.

Section 34 of the said Ordinance is hereby repealed and the following provision is substituted in lieu thereof 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 boundary of the Province at which such sheep shall have been introduced until such sheep shall have been effectually dressed at least twice within fourteen days from the date of their being so introduced to the satisfaction of an 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 the better and more effectual dressing of any sheep so introduced it shall be lawful for such Inspector if he shall think fit to order the same to be shorn previously to such dressing and for every day during which any sheep shall be driven depastured or suffered to stray in contravention of the provisions of this section the owner of such sheep shall be liable to a penalty not exceeding One Hundred Pounds and the before-mentioned certificate shall at any time within six months after the date thereof be produced by the owner of such sheep to any person demanding the same under a penalty of Five Pounds Provided always that it shall be lawful for such Inspector to authorise the omission of the second dressing herein required in any case in which he shall certify in writing that such second dressing is unnecessary Provided also 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 and if they shall be so landed.

6. Sheep introduced by land not to be driven to greater distance than three miles until dressed to satisfaction of Inspector of Sheep.

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 of the Province at which such sheep shall have been introduced until such sheep shall have been effectually dressed at least twice within fourteen days from the date of their being so introduced to the satisfaction of an 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 the better and more effectual dressing

of any sheep so introduced it shall be lawful for such Inspector if he shall think fit to order the same to be shorn previously to such dressing and for every day ,during which any sheep shall be driven depastured or suffered to stray in contravention of the provisions of this section the owner of such sheep shall be liable to a penalty not exceeding One Hundred Pounds and the before-mentioned certificate shall at any time within six months after the date thereof be produced by the owner of such sheep to any person demanding the same under a penalty of Five Pounds Provided always that it shall be lawful for such Inspector to authorise the omission of the second dressing herein required in any case in which he shall certify in writing that such second dressing is unnecessary Provided also that in the case of sheep from the Otago Province and of sheep that have been depasturing in the country south of the River Waiau-ua in the Province of Nelson for a period of not less than twelve months previously it shall be lawful for such Inspector upon the production of a Certificate from some legally appointed Inspector or Inspectors of Sheep in the District or Districts from or through which sheep have been driven to the effect that the said sheep are entirely free from scab and as regards sheep that have been depasturing south of the River Waiau-ua aforesaid that they have been so depasturing for a period of not less than twelve months previously and have not so far as could be ascertained been mixed with infected sheep or travelled through infected country for a period of at least six months if he shall himself be satisfied after careful inspection that the sheep are free from scab to authorise the omission of both the dressings provided for in this section.

7. Notice as to driving of sheep across runs.

Every person giving Notice under the provisions of "The Sheep Ordinance 1864" that he is about to drive sheep across any run shall state in such notice at what point it is intended that such sheep shall enter upon such run and in what direction it is intended they shall cross such run.

8. Title.

This Ordinance shall be entitled and may be cited as "The Sheep Ordinance 1864 Amendment Ordinance 1869."

4. The Trespass of Cattle Ordinance 1869

[September 4. 1869.]

Whereas an Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury entitled, "The Trespass of Cattle Ordinance Session XIV. No. 1 " And whereas another Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury entitled

"The Trespass of Cattle Ordinance No. 2 Session XVII. No. 13" And whereas another Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury entitled "The Trespass of Cattle Ordinance 1862 " And whereas it is expedient to consolidate and amend the law relating to the Trespass of Cattle within the Province of Canterbury:

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

1. Repealing Clause.

All the above recited Ordinances shall be and the same are hereby repealed within the Province of Canterbury except as to any proceedings already commenced or taken or matters done or liabilities or penalties incurred under the said Ordinances or any of them.

2. Interpretation Clause.

In the interpretation of this Ordinance the word " Cattle" unless otherwise specially defined shall be deemed to include all horned and neat cattle horses mules asses sheep goats and swine of all ages and of either sex and the words "Owner of Cattle " shall be taken to mean the person having the lawful charge control and management of such cattle and the term " Sufficient Fence " shall be taken to mean any fence of the several kinds described in the Schedule A to this Ordinance the smallest part in which shall be of not less dimensions than those set forth in the same Schedule The term " Fenced Land " shall mean land enclosed by a sufficient fence within the meaning of this Ordinance and the term, " Ordinary Damages " shall be deemed to be the amount or damages in every case respectively according to the scale set forth in the Schedule B to this Ordinance and the words " Special Damages " shall be deemed to be the amount of actual damage to the occupier which it shall be proved to the satisfaction of the Court has been caused by, the trespass of any cattle and the word "Residence" of the Owner of any Cattle shall be taken to mean the nearest known residence or homestead in use by the owner of such Cattle and the word " Occupier" of any land shall be taken to mean the person having the use or occupation of such land or holding a license from the Crown for the depasturing of Cattle thereupon or the Agent Bailiff or Servant of any such person and the words " the nearest Public Pound " shall be taken to mean such public pound as any Court before whom any question arising under this Ordinance shall be heard shall deem the most convenient for the purpose having regard to the circumstances of each case.

3. Cattle to be impounded under the provisions of this Ordinance.

From and after the passing of this Ordinance no cattle shall be impounded except only under the authority and in accordance with the provisions of this Ordinance.

4. Cattle straying in streets and thoroughfares.

If any cattle shall be at any time found straying in or lying about any street thoroughfare highway or other public place or across any part thereof or shall be found tethered in any street thoroughfare highway or other public place or so immediately adjoining to such street thoroughfare or other public place as to obstruct the same it shall be lawful for any person, to drive the same to the nearest pound and the owner thereof shall for every head of cattle so found straying lying or tethered be liable to a fine or penalty of not less than Five Shillings nor more than Twenty Shillings together with the reasonable expenses of removing such cattle from the place where the same shall be found to the fields stable or residence of the owner or to the nearest Public Pound This, clause shall not apply to cattle owned by any Licensee of Crown Lands, if such cattle are depasturing on roads over which he has a right of pasturage.

5. Cattle trespassing upon land.

If any cattle shall be found trespassing upon any land it shall be lawful for the occupier of such land or of the pasturage thereof thereupon to take such cattle and either to drive them to the residence of the owner or to detain them on his own land at some convenient place and immediately thereupon to give notice of such detention at the residence of the owner thereof and if the cattle so detained shall not be removed within twelve hours after the service of such notice it shall be lawful for the person detaining the same to drive them to the residence of the owner or to the nearest Public Pound as he shall think fit but if the owner of such cattle shall be unknown to such occupier it shall be lawful for him to detain such cattle on his own land as aforesaid and if such cattle shall not be removed within twelve hours it shall be lawful for such occupier to drive the same to the nearest Public Pound and such occupier shall be entitled to recover from the owner of such cattle ordinary damages and charges for driving the same and for giving notice of the detention of the same according to the scale respectively set forth in Schedule C this Ordinance Provided also that such occupier if claiming ordinary damages may demand the payment of such ordinary damages before restitution of such cattle within the period of twelve hours aforesaid but if such occupier shall claim special damages then such cattle shall not be detained if application be made by the owner for their restitution Provided also that no owner or occupier of any unfenced freehold land shall be entitled to demand or recover any damages whatever by reason of the trespass thereon of any cattle or any fees for driving or for giving notice of the detention of such cattle Provided also that if the land upon which any cattle shall be found, trespassing is within the distance of three miles from any Public Pound, the occupier of such land may drive such cattle at once to the nearest Public Pound.

6. Entire animals wandering at large.

If any bull entire horse ass or mule shall be found wandering at large on land not being in the lawful occupation of the owner of such animal or upon any street thoroughfare highway or other public place it shall be lawful for any person

thereupon to impound the same and the owner thereof shall be further liable to a penalty of not less than Two Pounds and not more than Five Pounds.

7. Damages may be recovered in the ordinary course of law.

Any person entitled to claim ordinary damages for any trespass done by cattle not having impounded such cattle may recover such damages in the ordinary course of law and if he shall have impounded such cattle such damages shall be paid to him by the Poundkeeper as hereinafter provided.

8. Cattle trespassing upon fenced land.

If any cattle shall be found trespassing upon any fenced land the occupier thereof shall be entitled to recover from the owner of such cattle either ordinary damages or special damages as he shall think fit and such occupier may recover the same in the due course of law.

9. Pigs trespassing upon land.

If any pigs shall be found trespassing on any land whether fenced or unfenced the occupier or owner of such land may recover from the owner of such pigs damages at the rate of one shilling per head and if any pigs the property of the same owner shall trespass on such land within the space of one month after the first trespass such occupier may recover from such owner damages at the rate of two shillings per head for every pig so trespassing Provided that in no case shall the total amount of damages so recovered for trespass upon any one occasion exceed the sum of two pounds Provided also that such occupier may either drive such pigs or cause them to be conveyed to the residence of the owner or to the nearest Public Pound and may recover from the owner the reasonable expenses of so doing.

10. Superintendent may cause Public Pounds to be erected and maintained.

It shall be lawful for the Superintendent to cause Public Pounds to be erected and maintained within the Province and from time to time abolish or remove the same and all such pounds shall be situate immediately adjoining some public highway and a notification of every such establishment abolition or removal of a Public Pound shall appear in the Government Gazette of the Province setting forth fully the situation of such Pound or the situation to which it is removed as the case may be together with the day being not less than ten clear days after the issue of such Gazette from and after which such establishment abolition or removal shall take effect.

11. Superintendent may appoint Poundkeepers.

It shall be lawful for the Superintendent by writing under his hand to appoint fit and proper persons to be Poundkeepers and from time to time to remove the same and to appoint others in their stead and every such appointment or removal shall take effect from the day upon which the same shall be notified in the public Gazette of the Province.

12. Poundkeeper to give security.

Every Poundkeeper shall give security for the due performance of the duties of his office by bond to the amount of Fifty Pounds by himself and two sureties bring substantial householders of the Province.

13. Duties of Poundkeeper.

It shall be the duty of the Poundkeeper to keep the Pound under his charge clean and in good order and the fences thereof in proper repair and every day or part of a day not being less than six hours during which any cattle shall be in the Pound to supply such cattle with a sufficient quantity of wholesome food and water and for every offence either by wilful act or by neglect against the provisions of this clause the Poundkeeper shall be liable to a penalty not exceeding Five Pounds and not less than One Pound.

14. Poundkeeper may demand fees set forth in Schedule D.

It shall be lawful for the Poundkeeper to demand and receive from the owner of any cattle impounded all such fees and charges as are set forth in the Schedule D to this Ordinance on account of the several services therein described and the Poundkeeper shall until the Superintendent shall notify his intention to hand over the control of the Pound to the Road Board or Municipality within the jurisdiction of which any Pound may be situate account for all such fees and charges to the Provincial Treasurer or to any Sub-Treasurer as the Superintendent may from time to time direct once in every quarter on the first days of January April July and October respectively and all such fees and charges shall be first applied in payment of the salary or remuneration of the Poundkeeper and any surplus after the payment of such salary or remuneration shall be paid to the public account of the Province.

15. Poundkeeper to erect and maintain board with table of fees painted thereon.

The Poundkeeper shall erect and maintain in some conspicuous part of the Pound under his charge a white board having painted thereon in legible black letters a table of all the fees and charges which he is authorised by this Ordinance to demand and receive and if he shall fail to maintain the same or permit any false statement to appear thereon he shall be liable to a fine of Five Shillings for every day during which any false statement shall appear thereon.

16. Poundkeeper liable to penalty for demanding or taking greater sum than authorised.

If any Poundkeeper shall demand or take any greater sum for any act or service than he is hereby authorised to demand and take or shall fail duly to account for the fees and charges received by him in the manner hereinbefore provided such Poundkeeper shall be liable to a penalty not exceeding Five Pounds nor less than One Pound for every such offence.

17. Poundkeeper to keep copy of this Ordinance and a Pound-book.

The Poundkeeper shall keep at or near the Pound a copy of this Ordinance and also a Pound-book in the form set forth in Schedule E to this Ordinance and he shall enter into such book every particular required to be entered therein according to the said form and all such entries shall be made at the time the acts were done to which they refer respectively and every entry respecting the time of impounding any cattle and the cause for which they were impounded and the amount of damages claimed shall be entered in the presence of the person impounding such cattle and shall be signed by such person and the Pound keeper shall produce the copy of this Ordinance; and the Pound-book and all orders and other papers relating to the impounding of any cattle at all reasonable times to any person desiring to inspect the same and may demand and receive the sum of Sixpence for every such inspection and the Poundkeeper shall if required grant certified extracts from such books and papers and may demand and receive the sum of Sixpence for every such inspection and the Poundkeeper shall if required grant certified extracts from such books and papers and may demand and receive the sum of One Shilling for every such extract not comprising more than one hundred words and for every subsequent number of words not exceeding one hundred the sum of Sixpence.

18. Poundkeeper liable to a penalty for non-production of Ordinance or Pound-book when required.

If the Poundkeeper shall neglect or refuse to produce a copy of this Ordinance or the Pound-book or of any paper in his possession relating to the impounding of any cattle or shall refuse to permit any one having first tendered the charge hereby authorised to be demanded to make such inspection as aforesaid or shall refuse to furnish extracts from such books or papers as hereinbefore provided or if he shall have neglected to make any entry in the Pound-book which he is hereby required to make he shall for every such offence or default be liable to a penalty not exceeding Twenty Shillings and if such Poundkeeper shall wilfully delay making such entry or shall knowingly make any false entry in the Pound-book or shall wrongfully erase or destroy any previous entry therein he shall be liable for every such offence to a penalty not exceeding Ten Pounds.

19. Poundkeeper liable to penalty for loss or damage to cattle in his custody.

All cattle impounded shall be in the lawful custody of the Poundkeeper and if any loss or damage shall occur to such cattle through the wilful act or neglect of the Poundkeeper or his servants the owner thereof may recover compensation for the same in a summary way and the Poundkeeper shall not release such cattle from the Pound unless upon the payment of all lawful fees charges and damages which he is herein entitled to demand or receive and except upon the written authority of the person impounding the same together with such lawful fees and charges and it shall be his duty immediately upon such payment or upon such authority together with such payment as aforesaid to release and deliver up such cattle and if the Poundkeeper shall at any time release cattle from the Pound

except as herein provided or refuse to deliver up and release such cattle as he is lawfully required so to do he shall be liable to a penalty not exceeding Five Pounds.

20. Persons impounding cattle may claim damages set forth in Schedules B and C.

If the person impounding any cattle shall state to the Poundkeeper that he claims "ordinary damages" or "charges for driving cattle" or "charges for giving notice of the detention of cattle" as set forth in Schedules B and C respectively hereto annexed in satisfaction of the trespass for which such cattle are impounded and shall state the amount of such damages or charges and shall certify to the same in the Pound-book the Poundkeeper shall demand and he is hereby empowered to demand and receive such amount in addition to all other lawful fees and charges from the person taking delivery of such cattle and the Poundkeeper shall pay over such amount on demand to the person having claimed the same.

21. Impounded cattle not claimed how to be dealt with.

If any impounded cattle shall not be claimed within twenty-four hours after such impounding the Poundkeeper shall immediately send notice in writing to the owner thereof together with an extract from the Pound-book containing all the particulars of the impounding of such cattle and the amount of "ordinary damages" claimed if any and shall further state the day upon which such cattle will be sold if not sooner released and such notice shall be delivered personally to the Owner or shall be given to some adult person at his usual place of abode. Provided that if such owner shall live at a greater distance than five miles from the Pound such notice shall be given to any one being his known agent living within such distance and if neither the owner nor his agent shall be living within such distance or if the owner shall not be known to the Poundkeeper then the Poundkeeper shall post such notice at the Pounds and at some other place of public resort in the neighbourhood and shall advertise the same in the public newspapers of the nearest town and shall cause such advertisement to appear in every issue of such newspapers until the day of sale of such cattle provided that if such cattle shall consist of sheep goats or swine and be not more than two in number it shall not be necessary to give any other notice of such impounding than by posting such notice as aforesaid on the Pound and at some other place of public resort in the neighbourhood and for giving such notices the Poundkeeper shall be entitled to receive the fees set forth in Schedule F hereto annexed together with the full cost of inserting such advertisements in the newspapers.

22. Impounded cattle not claimed within twenty-one days after notice has been served may be sold.

If any impounded cattle shall not be released from the Pound within seven clear days after notice shall have been served as aforesaid or within twenty-one clear days after such notice shall have been posted as aforesaid the Poundkeeper may apply to any Justice of the Peace for an order for the sale of such cattle And if such Justice of the Peace shall be satisfied by inspection of the Pound-book

and by the evidence upon oath of the Poundkeeper and by such other evidence as he may require that the provisions of this Ordinance have been complied with such Justice may give an order in writing for the sale of such cattle and if such Justice shall find that the terms of this Ordinance have not been complied with and if delay in the sale of the cattle shall have been occasioned by any neglect of the Poundkeeper the Poundkeeper shall bear all the costs arising from such delay.

23. Pound sales how to be conducted.

All sales of impounded cattle shall take place at the Pound and shall commence at the hour of noon and each animal shall be put up in separate lot and shall be sold to the highest bidder (provided that any ducklings may be put up in the same lot with the mother thereof) and the Poundkeeper notwithstanding he shall not be duly licensed is hereby empowered to act as an Auctioneer at such sale Provided that it shall not be lawful for the Poundkeeper or the person impounding such cattle or the Justice making the order for the sale thereof either directly or indirectly to purchase any animal at such sale And every purchase made by such persons shall be absolutely null and void and the persons offending against the provisions of this clause shall be liable to a penalty of Five pounds over and above the restitution of the animal or animals so purchased.

24. Sale may take place earlier if proceeds of sale may not be sufficient to satisfy lawful demands of Poundkeeper.

Provided that it shall appear to any two Justices of the Peace upon the evidence of the Poundkeeper and upon such other evidence as such Justices may require that the proceeds of the sale of any cattle impounded may not be sufficient to satisfy the lawful fees and charges due to the Poundkeeper if such cattle shall be maintained in the Pound until the day of sale as hereinbefore provided it shall be lawful for such Justices to order such sale to take place upon any day they shall think fit earlier than the day of sale hereinbefore directed.

25. Disposal of proceeds.

The Poundkeeper shall receive the price of all impounded cattle sold as herein provided immediately after the sale thereof and shall apply the same - first in the payment of all lawful fees and charges, due to himself and secondly in payment of the damages "charges for driving cattle" and "charges for giving notice of the detention of cattle" (if any) claimed by the person impounding the cattle and he shall pay the residue to the owner of such cattle or to his Agent upon the same being demanded and if no such demand shall be made within thirty days after such sale he shall pay over such residue to the Provincial Treasurer and the receipt of the Provincial Treasurer shall be a legal discharge to the Poundkeeper for the amount named therein and if such sum of money shall not be claimed within two years from the date of the receipt thereof by the Provincial Treasurer it shall be lawful for the Superintendent by warrant under his hand to direct the same to be applied to the Public uses of the Province and to the support of the Government thereof.

26. Poundkeeper to keep copy of register of brands.

The Poundkeeper shall keep a true and faithful copy of the register of brands according to "The Sheep Ordinance 1864."

27. Cattle illegally impounded.

If any cattle shall have been illegally impounded the owner thereof shall be entitled to recover from the person impounding the same full compensation for all the loss and damage which he may have suffered thereby.

28. Penalty for rescue of cattle.

If any person shall rescue or attempt to rescue any cattle which shall have been lawfully seized for the purpose of being impounded or shall break down injure or destroy any Pound legally erected whether any cattle shall be impounded therein or not or shall commit any Pound breach or, rescue whereby any cattle of any description shall escape or be enlarged from any such Pound every such person shall upon conviction of such offence to be liable to a penalty not exceeding Twenty Pounds.

29. No penalty to exceed one hundred pounds.

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

30. Pounds and Poundkeepers at present existing deemed to be Pounds and Poundkeepers under this Ordinance.

Until further proceedings in that behalf in pursuance of this Ordinance as hereinbefore provided the Public Pounds at present by law established shall be taken and deemed to be Public Pounds and the Poundkeepers thereof to be Poundkeepers within the meaning and under the authority of this Ordinance.

31. Superintendent may notify to any Mayor or Chairman of Road Board his intention to hand over control and management of any Pound.

It shall be lawful for the Superintendent by writing under his hand to notify to the Mayor of any City or Borough or to the Chairman of any Road Board his intention to hand over the control and management of any Pound which shall be situated within the limits of any City Borough or Road District to the Council of such City or Borough or to such Road Board and from and after a day to be named in such notification the powers hereby given to the Superintendent shall be held and enjoyed by such City or Borough Council or Road Board respectively and the Poundkeeper shall account for all fees and charges received by him in such manner as may be directed by the Council of such City or Borough or any such Road Board.

32. Penalty for wilfully driving cattle from unoccupied land on to either person's land or on to public road.

If any person shall wilfully remove or drive any cattle from any land of which he shall not be the owner or occupier on to the lands of any other person or on to any public road he shall on conviction be liable to a penalty not exceeding Five Pounds for every such offence.

33. Proceedings to be commenced within thirty days of occurrence of trespass.

No proceedings for the recovery of damages on account of any trespass shall be commenced under the authority of this Ordinance unless they be commenced within thirty days after the occurrence of such trespass.

34. Penalties how to be recovered.

All fines and penalties imposed under the authority of this Ordinance may be recoverable on conviction of the parties charged before any two Justices of the Peace.

35. Ordinance when to come into force.

This Ordinance shall come into force on the first day of September 1869.

Schedules.

Schedule A. Description of Sufficient Fence.

1. A post and rail fence at least four feet in height of substantial material firmly erected with no greater distance between the rails or between the rails and the ground at any point than nine inches and the posts not more than eight feet six inches asunder.
2. A substantial upright paling at least three feet six inches in height with no greater distance between the palings than four inches.
3. A substantial wire fence at the least four feet in height having not less than six wires tightly stretched with no greater distance between each of the three bottom wires or the bottom wire and the ground than six inches and the posts or standards of which are not further than nine feet from each other.
4. A bank or wall of substantial materials at the least four feet in height of which the slope is not more than one foot from the perpendicular.
5. A close and sufficient live fence at least four feet in height.
6. A combination of the above kind of fences at the least four feet in height.

7. A ditch not less than five feet broad with a bank or any fence or combination of the sorts of fences on the further side thereof the top of which shall be at least five feet six inches from the bottom of the ditch and three feet six inches above the level of the ground and where the slope of the bank on the ditch side thereof is not more than one in three and the slope of the ditch on the bank side not more than one in two.

8. Any fence erected previous to the passing of this Ordinance which shall be of the description contained in Schedule B to the Trespass of Cattle Ordinance Session XIV No. 1.

Schedule B. Scale of Ordinary Damages.

Within the District hereinafter defined as the Agricultural District:-

For every head of horses asses mules horned or neat cattle the sum of One Shilling and for every head of sheep or goats the sum of Threepence.

Within the portion of the Province not included in the Agricultural District or in the Towns as hereinafter specified:-

For every head of horses asses mules horned or neat cattle the sum of Threepence and for every sheep or goat One Penny.

Provided that in no case shall the sum to be charged for ordinary damages for trespass by cattle upon any one occasion exceed the sum of Two Pounds.

The Agricultural District shall comprise all that portion of the Province contained within the Avon the Heathcote and the Kaiapoi Electoral Districts except the Town of Kaiapoi and the Port Victoria Electoral District as set forth and described in the Provincial Council Extension Ordinance Sess. VIII. No. 8 and any other portions of the Province which shall have been or shall from time to time by Proclamation of the Superintendent in pursuance of a recommendation to that effect from the Provincial Council be declared to be included in such Agricultural District.

Schedule C. Charges for Driving Cattle.

For any number of cattle of any sort whatsoever not exceeding twenty-five in number Two Shillings and Sixpence for every mile or fractional part of a mile from the residence of the person driving such cattle to the residence of the owner of the same or to the Pound.

For any number exceeding twenty-five Five Shillings per mile.

For giving notice of the detention of cattle:-

For every mile or part of a mile exceeding one furlong from the residence of the person giving such notice to the residence of the owner of the cattle One Shilling. Provided that in no case shall the charge for so driving or for giving notice exceed the sum of Two Pounds.

Schedule D. Pound Fees.

	s.	d.
For each entire horse above the age of twelve months	02	06
For each mare gelding colt filly foal mule ass goat or pig	01	03
For each bull above the age of twelve months	02	06
For each ox cow steer heifer or calf (first ten)	00	06
For each ox cow steer heifer or calf (next ten)	00	04
For each ox cow steer heifer or calf (next thirty)	00	03
For each ox cow steer heifer or calf (above fifty)	00	02
For each ram above the age of nine months	00	06
For each ewe wether or lamb (first twenty)	00	02
For each ewe wether or lamb (next fifty)	00	01
For each ewe wether or lamb (above one hundred)	00	0½

The above fees to be paid for each day or part of a day during which the animal is kept in the pound.

Charges for Food.

	s.	d.
For every horse mare gelding mule ass colt filly foal or bull cow steer heifer or calf	01	00
For every sheep or lamb	00	01
For every goat	00	02
For every boar sow or pig	00	06

The above charges to be paid for each day or part of a day during which the animal is supplied with food and water by the Poundkeeper.

Schedule E. Form of Poundkeeper's Book.

[Form: Headings.]

Date.

Time.

Particulars of cattle impounded.

Brand marks.
 Owner.
 By whom impounded.
 For what cause impounded.
 Place where cattle were found trespassing.
 Time and mode of giving notice.
 How disposed of.
 Time when released or sold.
 Particulars of release or sale.

Schedule F. Poundkeeper’s Fees for Giving Notices of Cattle Impounded.

For giving notice to any owner agent or bailiff within five miles of the Pound:–	s. d.
For any distance not exceeding two miles	02 00
For every additional mile, or part of a mile	01 00
For posting a notice where the owner be not known or lives at a greater distance than five miles from the Pound and has no agent or bailiff within that distance	01 00

5. The Fencing Ordinance 1869

[4th September 1869.]

Whereas an Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury Session XXVI. No. 3 entitled "The Fencing Ordinance 1866 " And whereas such last-mentioned Ordinance was amended by another Ordinance passed by the Superintendent and Provincial Council of the Province of Canterbury Session XXVII. No. 8 entitled "The Fencing Ordinance 1866 Amendment Ordinance 1867 " And whereas it is expedient to consolidate and amend the law regulating the erection and maintenance of Dividing Fences within the Province of Canterbury:

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

1. Repealing clause.

The said recited Ordinances shall be and the same are hereby repealed Provided that Such repeal shall not affect the existing rights of any person under

the said Ordinances or either of them or any proceedings or directions already taken commenced or given under the said Ordinances or either of them.

2. Occupier may give notice to occupier of adjoining land to assist in making or repairing fence.

It shall be lawful for any occupier lessee for years or owner of land adjoining or abutting upon any other lands not being waste lands of the Crown held under any depasturing license and ,having no sufficient Dividing Fence by notice in writing in the form or to the effect set forth in the Schedule to this Ordinance to require any occupier lessee for years or owner of any adjoining land to assist in equal proportions in making or repairing any Dividing Fence Such notice to be delivered, personally or left at the usual or last known place of abode in the Province of Canterbury of the person to whom the same shall be directed or delivered personally to the attorney or agent within the said Province of such person.

3. Occupier making use of dividing fences towards erection of which no contribution has been paid shall be liable to pay moiety of value thereof.

If any such occupier lessee for years or owner shall at any time after the passing of this Ordinance make use of or avail himself of any Dividing Fence towards the erection of which no contribution shall have been paid such occupier lessee for years or owner shall be liable to pay to the then occupier lessee for years or owner of any such land upon which such Fence shall have been erected one moiety of the then value thereof or of so much thereof as shall be made available as a Fence to such adjoining land.

4. Occupier may give notice to occupier of adjoining land to cut and trim fence on his side.

The occupier of land abutting on any Live Fence may at any time give notice in writing to the occupier of 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 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 from the occupier of such adjoining land Provided always that if in the opinion of any Resident Magistrate or Justice of the Peace before whom such money is sought to be recovered it shall appear to have been unnecessary that such Fence should have been cut and trimmed the person giving such notice shall not be entitled to recover from such adjoining occupier.

5. Occupier may enter upon land of adjoining occupier for purpose of making repairing or for trimming fence.

For the purpose of making or repairing any Fence or for trimming any Live Fence it shall be lawful for the occupier lessee for years or owner of any land or any person duly authorised by him from time to time to enter upon that of the

adjoining occupier lessee for years or owner and no action shall accrue to such adjoining occupier lessee for years or owner by reason of such entry or entries.

6. When lessee or owner of adjoining land cannot be found notice may be inserted in newspapers in lieu of delivery.

When the lessee for years owner or owners of the adjoining land cannot after due enquiry be found or when such lessee for years owner or owners is not resident within the Province and shall not have left any Attorney or Agent within the Province or such Attorney or Agent shall not be known to the person giving any notice herein prescribed such notice may in lieu of delivery thereof be inserted twice at intervals of not less than six days in some newspaper published within the Province.

7. Occupier of land under pasturage license may require occupier of any adjoining land granted by the Crown to make or repair fence.

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 pay the remaining three-fourths of such cost.

8. This Ordinance not to affect subsisting covenants or agreements.

Nothing in this Ordinance contained shall make void or affect the liability of any person or persons under any now subsisting covenant or agreement relative to Fencing or to any covenant or agreement which shall be hereafter entered into between adjoining occupiers or owners landlord and tenant or any other person or persons whomsoever.

9. Persons not agreeing within fourteen days after notice as to description of fence may be summoned to appear in Court where question shall be decided.

If any person or persons liable to join in the erection of any Fence shall have received notice to join in the making or erection of any Fence under this Ordinance and shall be willing so to do but shall not within fourteen days agree as to the description of Fence to be erected it shall be lawful for the person or persons giving such notice to summon the person or persons refusing to agree as to the description of Fence to be erected commanding him or them to appear before any Resident Magistrate's Court or Court of Petty Sessions and such Court shall upon hearing evidence decide as to the description of Fence to be

6. The Railway and Harbour Reserves Leasing Ordinance 1869

[June 5, 1869.]

Whereas by grant from the Crown bearing date the 25th day of June one thousand eight hundred and sixty-eight all that parcel of land in the Province of Canterbury in the (Colony of) New Zealand situate in the Lyttelton District in Erskine Bay and containing by admeasurement nine acres three roods more or less commencing at a point on the southern extremity of Oxford street Lyttelton the said point being twenty links west of the south-western corner of Reserve No. 33 (in red) thence Southerly following a line parallel to the eastern side of that street a distance of two chains thirty-five links thence Easterly at a right angle a distance of twenty links thence again Southerly following a line in continuation of the eastern side of Oxford street beforementioned a distance of two chains forty-five links thence Westerly at a right angle following a straight line a distance of nineteen chains sixteen links to a point on the eastern boundary of Reserve No. 383 (in red) thence Northerly following that boundary to the north-eastern corner of the said reserve a distance of three chains ninety links thence South-easterly following a straight line to the south-western corner of Reserve No. 31 (in red) and from thence returning easterly following the southern boundaries of Reserves Nos. 31 and 32 (in red) and a line in continuation of the same to the commencing point and numbered 872 (in red) on the map of the Chief Surveyor of the Province of Canterbury setting out and describing the town of Lyttelton was granted unto the Superintendent of the Province of Canterbury and his successors in trust as a site for stations stores and other buildings in connection with the Railway and the Harbour and Port of Lyttelton.

And whereas it is expedient that the said Superintendent of the said Province of Canterbury and his successors should have power to demise and lease the parcel of land comprised in the said recited grant.

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

1. Superintendent may demise and lease land in said recited grant.

It shall be lawful for the Superintendent by and with the advice and consent of his Executive Council from time to time to demise and lease for any term or terms not exceeding twenty-one years all or any part of the parcel of land comprised in the said recited grant upon such terms and conditions and at such rent or rents as to the Superintendent, by and with such advice and consent as aforesaid may seem proper.

7. The Roads Ordinance 1869.

[September 4, 1869.]

Whereas it is expedient that provision should be made for the construction and maintenance of roads within the 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 clause.

The several Ordinances specified in Schedule A to this Ordinance shall be and the same are hereby repealed Provided always that every Ratepayers' Roll made or revised or partially made or revised under the provisions of the said repealed Ordinances or any of them shall be deemed to have been so made or revised or partially made or revised under the provisions of this Ordinance and every Board elected and every Officer appointed and every other act or proceeding done or taken in execution of the said repealed Ordinances shall be deemed to have been elected appointed done or taken under this Ordinance Provided also that the provisions of "The Timaru and Gladstone Board of Works Act 1867" shall extend to the Road Boards of each Road District situate within the electoral districts of Timaru and Gladstone in like manner as if the same were formed under the provisions of "The Roads Ordinance 1864."

2. Interpretation clause.

In the interpretation of this Ordinance the words "The District" "The Board" "The Ratepayers' Roll" shall mean any District any Board and any Ratepayers' Roll as the same are severally constituted by the provisions of this Ordinance the word "Ratepayer" shall mean every person of full age 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 and who shall be of sound mind and shall not have been convicted of felony 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 six 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 ordinary abode or place of business within the district then by affixing the same to some conspicuous place on the land in respect of which such person shall be liable to be rated or by delivering the same to his known agent and the word "Road" shall be held to mean any public street road lane bridle road footpath bridge or other works included within a reserve for a road laid out on the authenticated map of the Chief Surveyor or which shall have been

duly dedicated and set apart as a public road and the word "Property" shall mean all property liable to be rated whether freehold leasehold or personal The term "Gazette" shall mean Provincial Government Gazette except where otherwise expressed.

II. Respecting Districts.

3. Districts.

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

III. Respecting Road 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 January 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 for re-election.

5. No person eligible as a member of the Board unless he has paid all rates.

No person shall be eligible to be elected as a Member of the Board unless he shall be a Ratepayer of the District 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 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 above the value of Ten Pounds 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 and 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 Such election shall be conducted in the same manner as the election at the Annual January Meeting of the Ratepayers.

6. Penalty for acting on Board or voting if 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 due course of law upon the information of any Ratepayer of the District.

7. Board to be 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 (as the case may be) and under such name shall have perpetual succession and a common seal with power to alter break and renew the same 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.

8. Election of Chairman.

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 and such Chairman shall have the same power at such meeting as the elected Chairman.

9. In case of a vacancy another Chairman to be elected by Board.

If the Chairman shall cease to be a Member of the Board he 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.

10. Three to form 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.

11. No act of Board to be invalid through a vacancy having occurred.

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.

12. Board to keep true and faithful records of its proceedings and accounts.

The Board shall cause true and faithful records to be kept of all its proceedings and of all contracts entered into by it and accounts of all moneys received and expended by it under the authority of this 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 A full

abstract of such accounts with vouchers and papers relating thereto signed by the Chairman or two members of the Board shall be laid before the annual meeting of the Ratepayers.

13. Board to expend monies.

The Board shall expend all money paid to it under any Ordinance of the Superintendent and Provincial Council in accordance with the provisions of such Ordinance and shall expend all money arising from rates levied within the district and all other moneys received by it under the provisions of this Ordinance in the construction and maintenance of roads and upon the cleansing maintaining and repairing of streams drains or watercourses within the district in the payment of the salaries of its Officers and all other expenses incident to the proper transaction of the business of the Board and generally upon works of public utility to the district.

14. Accounts.

Every Board shall submit its accounts every year to the Provincial Auditor whose duty it shall be to audit the same and whose certificate shall be laid before the next meeting of Ratepayers and a copy thereof together with any report of such Auditor shall be sent to the Superintendent within three months from the commencement of each year The Provincial Auditor shall appoint the time and place within each District at which he will hold such audit and the Chairman of the Board shall cause a full abstract of the accounts of the Board together with all vouchers for the payment of moneys and any papers relating thereto to be produced before such Auditor and if upon the examination of such accounts the certificate of the Auditor shall be withheld by reason of the non-production of such vouchers or full abstracts of accounts it shall be the duty of the Provincial Auditor to report the same to the Superintendent and it shall then be lawful for the Superintendent to withhold his warrant for the issue of any moneys voted by the Provincial Council for the service of such Road Board until the Auditor shall have reported that he has issued his certificate.

15. Board may employ such Officers as it may require.

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.

16. Board to have control and management of drains watercourses.

All roads drains watercourses streams ditches and the like not being private property within the district and not being within the jurisdiction of any Conservators appointed under the provisions of " The Canterbury Rivers Act 1868" shall be deemed at law to be under the control and management of the Board and it shall be lawful for the Board to cleanse and clear all natural watercourses within the district from all accumulation of vegetable and other matter calculated to obstruct the flow of water therein whether such watercourses

run through private property or not and for such purpose the Board by its Officers may enter on all private property within the District upon giving twenty-four hours previous notice in writing to the occupier thereof Provided that if it shall appear to the Superintendent upon the certificate of the Provincial Engineer or Officer acting in that capacity that any work being executed or proposed to be executed by the Board of any district in connection with any drain watercourse stream or ditch is likely injuriously to affect any adjoining district it shall be lawful for such Superintendent by writing under his hand to order such board immediately to desist from the execution or further prosecution of such work and upon the receipt of such order such Board shall forthwith desist from the execution or further prosecution of such work as the case may be.

17. Penalty for obstruction of drain watercourse &c.

Any person placing obstructions in any drain watercourse ditch or stream within the district and not being within the jurisdiction of any Conservators appointed under the provisions of any Act in force for the time being for the conservation of rivers to the detriment of any public right shall be liable to a penalty of not less than One Pound or more than Ten Pounds to be recovered in a summary way.

IV. Respecting The Ratepayers' Roll.

18. Ratepayers' Roll.

There shall be within each District a Ratepayers' Roll according to the form given in Schedule G to this Ordinance which Roll shall contain the names in alphabetical order of all persons occupying property within the District liable to be rated according to the provisions of this Ordinance and also the names of the owners thereof and also in like alphabetical order the names of all persons having the charge control or management of any sheep within the District together with the number of such sheep above the age of twelve months And such Roll shall also contain the several particulars specified under each heading in the said form Provided that whenever the name of any owner liable to rated or to be inserted in such roll cannot after diligent enquiry be ascertained it shall be sufficient to designate such owner as the " Owner " of the property rated without stating his name.

19. Board to cause Ratepayers' Roll to be revised.

The Board shall on or before the first Tuesday in the month of September in each year cause the Ratepayers' Roll to be revised and corrected both in respect to the names of the persons liable to be rated and in respect to the description of the rateable property entered therein and shall also cause the annual value of such property to be assessed and entered on such Roll.

20. Ratepayers' Roll to be open for inspection.

The Board shall cause copies of the Ratepayers' Roll to be left for inspection at one or more places within the District and each Board shall exhibit one copy of

the Roll at the office of the Secretary for Public Works Christchurch and shall on or before the said first Tuesday in September give public notice of the places where such corrected Roll and copies may be inspected and such Roll shall be open to the inspection of all Ratepayers and of all persons claiming to be affected thereby or of any person authorised by them in writing at all reasonable hours on every day not being a Sunday or public holiday until the first Tuesday in the month of October next following.

21. Superintendent to appoint Revising Commissioner.

The Superintendent shall every year by notice in the Government Gazette appoint a competent person who shall be called Revising Commissioner to revise the Ratepayers' Rolls for the several Road Districts of the Province and may from time to time remove such person and appoint another in his stead. Such Commissioner shall for the purposes of such revision sit in open court at such place either within or without the several districts as the Superintendent shall appoint by notice in the Government Gazette and at such times between the First day of October and the Thirtieth day of December in every year as the said Commissioner shall think fit and of which he shall give at least six days notice in one or more newspapers circulating within the Province. The said Commissioner shall have power to examine matters upon oath touching any of the matters to be enquired of by him, which oath he is hereby empowered to administer.

22. Objections to Ratepayers' Roll to be given in form set forth in Schedule C.

If any person shall object to such Ratepayers' Roll on the ground of any error omission irregularity or overcharge therein or unfairness in the valuation of any property included therein he shall on or before the twenty-third day of September give notice of such objection to the Chairman of the Board in the form set forth in Schedule C to this Ordinance or to the effect thereof and also to the person or persons affected by such objection unless he himself is the person so affected;

23. Notice of objection when to be given.

The notices of objection to any Ratepayers' Roll may be given at any time not less than Seven Days previous to the time appointed by the Revising Commissioner for revising such Roll anything herein contained to the contrary notwithstanding.

24. Revising Commissioner to hear and determine objections.

The Revising Commissioner shall hear and determine all objections to the Ratepayers' Roll and shall after hearing all such objections and all evidence which may be offered relating thereto amend the said Roll in such manner as he 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 unless it shall be proved to the satisfaction of such Commissioner that a notice relating thereto as provided in the last preceding section has been served in the manner prescribed by that section.

25. Revising Commissioner may adjourn any Court held by him.

The Revising Commissioner shall have power to adjourn any Court held by him from time to time as he may consider requisite for the due disposal of the business to be transacted thereat.

26. Revising Commissioner may order a fresh assessment to be made.

It shall be lawful for such Revising Commissioner if he shall think fit to order a fresh assessment to be made of the value of any property included in any Ratepayers' Roll whether any objection shall have been made thereto or not and to appoint such valuers as he 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.

27. Roll to be signed by Revising Commissioner.

The said Roll when so amended shall be signed by such Revising Commissioner 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 Rates.

28. Board may make rate to be called a district road rate.

It shall be lawful for the Board from time to time to make a rate or rates to be called a District Road Rate upon all lands buildings tenements and sheep 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 Provided that no such rates may be made or levied on any land or premises belonging to and in the occupation of Her Majesty or of the Provincial Government of Canterbury or on any land or building used exclusively for public charitable 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 their family No such rate, shall in any one year exceed the sum of One Shilling in the pound on the annual value of the property rated.

29. Board may levy rate to be called a "Separate" rate.

When it appears to the Board that any work or improvement is for the special benefit of any particular portion of the District the Board may for defraying the expenses incurred in doing or executing such work by special order distinctly defining such portion and approved by the Superintendent make and levy a rate or rates to be called a " separate " rate equally on all rateable property situated

within such portion and no such rate or rates made in any one year shall exceed in the aggregate the amount of two shillings in the pound of the annual value of such property Provided always that public notice shall be given of the intention to levy such a rate at least one month before the same is levied and if within such time a protest be left at the office of the Board signed by at least one-half of the Ratepayers within such portion reckoned according to their votes then such rate shall not be levied and such separate rate so levied shall be expended only for the purposes for which the same has been made anything herein contained to the contrary notwithstanding.

30. Rate to be levied on net annual value of lands buildings tenements and sheep.

The rates shall be levied on the nett annual value of all such annual value of lands buildings tenements and sheep For the purposes of this Ordinance the nett annual value of all such lands buildings and tenements shall be taken to be the annual rent at which the same might reasonably be expected to let if leased for a period not exceeding seven years and the nett annual value of sheep shall be taken to be at the rate of forty-five pounds for every thousand sheep.

31. Previously to levying rate Board to cause list to be prepared setting forth amount of proposed rate and names of persons liable for rate which shall be signed by Chairman.

Previously to making, or levying any rate the Board 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 the property in respect whereof each such sum shall be payable and the time at which such rate shall be paid and when such list shall have been completed and approved by the Board the Board shall if it think fit order the rate therein described to be made and levied and the list to be signed by the Chairman thereof and the production of such list so signed shall be evidence that the rate has been duly made by the said Board.

32. When rate becomes due notice to be served in form set forth in Schedule D.

When any rate shall become due the Board shall cause a notice in the form set forth in the Schedule D hereunto annexed to be served by Collector duly authorized 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 Provided that no legal proceedings shall be commenced for the recovery of any unpaid rate or part of a rate after the expiration of three months from the time appointed by the Board for the payment of such rate excepting under " The Sale of Land for the Non-payment of Rates Act 1862."

33. Notice in form set forth in Schedule E to be sent through post to persons not resident in the district.

The Board shall within fourteen days after the completion of the Roll for each year cause a notice in the form or to the effect in the Schedule E to this Ordinance to be sent through the post to any person or persons on the said Roll who shall not be actually resident within the district addressed to his last known place of abode within the Province of Canterbury but not elsewhere and in no case shall a person residing out of the district be liable for rates unless a notice has been posted to him at his residence or last known place of abode within the Province of Canterbury and copies of the Ratepayers' Roll of the district have been exhibited in accordance with the provisions of this Ordinance.

34. Rates to be the property of the Board and to be recovered at suit of the Collector.

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

35. Rates by whom payable.

All rates payable in respect of land buildings or tenements shall be paid by the occupier thereof whether his name appear on the Ratepayers' Roll or not or if there shall be no occupier such rates shall be paid by the owner thereof Provided that the owners of all rateable property of which the nett annual value does not exceed ten pounds or which is let to weekly or monthly tenants shall be rated to and pay the rates instead of the occupier All rates payable in respect of sheep shall and maybe recovered either from the owner thereof or the person under whose charge control or management such sheep shall be at the time of the levying of such Rate Provided always that nothing in this Ordinance shall be construed to affect the liability of any owner to repay to any person under whose charge control or management any such sheep shall have been at the time of the levying of any rate any sum or sums of money which he shall have been called upon to pay under the provisions of this Ordinance Provided always that in the preparation of such Ratepayers' Roll there shall be deducted from the number of sheep in respect of which any person is liable to be rated one sheep for every acre of natural grass land and five sheep for every acre of enclosed land laid down in artificial grasses in each district in respect of which he is liable to be rated.

36. In case of property jointly occupied or owned who to pay rate.

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.

37. Rate may be remitted in case of poverty.

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

38. Rate how recoverable in case of an occupier having quitted property without paying rate.

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 Board 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.

VI. Meetings of Ratepayers.

39. Who entitled to take part at meetings of Ratepayers.

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 shall be entitled to take a part at all 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 nett 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 Provided that if in any road district there are not six Ratepayers on the Ratepayers' Roll or if no Ratepayers' Roll has been completed every person whose name shall appear on the Electoral Roll for the time being in force for the election of members for the electoral district or districts in which such road district is situated in respect of property situated within such road district and every householder reside within such road district shall be taken and deemed to be a ratepayer for the purposes of this Ordinance.

40. Chairman of Board shall be Chairman of meeting of Ratepayers.

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 votes of the Ratepayers present thereat and the Chairman shall have a casting as well as an original vote thereat.

41. Annual meeting of Ratepayers shall be held.

An annual meeting of the Ratepayers shall be held at the hour of noon in the first week in the month of January in each year at such place within the district as the Board shall appoint and other 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.

42. Minutes of meetings 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 shall sign the same.

43. Vacancies in Board to be filled 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 given personally or by proxy 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.

44. Of demanding a Poll.

If any candidate shall demand a poll such poll shall be held forthwith and shall be closed at four 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 intituled "The Regulations of Elections Act 1858 " and the Board shall make all necessary arrangements for such poll being held in accordance with such Act and the Chairman of the Road Board or some person authorised by him in writing shall be the presiding officer at such election.

45. Chairman to call public meeting of Ratepayers upon requisition.

Upon the requisition in writing of any Ratepayers representing not less than one-tenth of the votes to which all the Ratepayers on the Ratepayers' Roll for the district are entitled the Chairman shall within fifteen days of the receipt of such requisition call a public meeting of the Ratepayers of the district giving not less than fourteen days' public notice thereof and specifying the business to be transacted thereat.

VII. Respecting Tolls.

46. Board may erect toll gates subject to approval of Superintendent.

It shall be lawful for any Board subject to the approval 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 and levy tolls upon all animals and vehicles at a rate not exceeding the several sums set forth in the schedule to this Ordinance Provided that Her Majesty's mails and persons in charge thereof and volunteers on duty police constables on duty and prisoners in their charge shall be exempt from tolls Provided also that if the Superintendent shall be satisfied that any road or bridge or ferry at which such tolls are payable is in such a state of repair as to be dangerous it shall be lawful for him to direct that such tolls shall cease to be payable until the same has been effectually repaired and thereupon such tolls shall cease to be payable accordingly.

47. Tolls to be paid to collectors appointed by the Board.

All tolls payable under this Ordinance shall be payable to the respective Collectors thereof to be appointed by the Road Board and if any person liable to the payment of such tolls shall after demand thereof neglect or refuse to pay such toll the Collector thereof may seize and distrain any animal carriage or other vehicle in respect of which such toll is payable or the goods and chattels of any person so neglecting or refusing to pay and if such toll with reasonable charges for such seizure and distress shall not be paid within five days the animals goods or chattels seized may be sold and the proceeds applied in payment of such tolls and the charges occasioned by such seizure distress and sale of the surplus (if any) of such proceeds shall be paid on demand to the owner thereof or such tolls may in lieu of such distress be recovered by such Collector by the ordinary process of law.

48. Table of tolls to be put up and maintained at toll-gate.

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 such toll-gate 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 where 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.

49. Penalty for taking more or less toll than authorised.

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 anywise 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.

50. Penalty for forcing way through toll-gate or evading payment.

Any person forcing his way through any toll-gate or bar or evading the payment of any toll for passing through or fraudulently claiming exemption from toll shall forfeit and pay for every such offence any sum not exceeding five pounds the proof of such exemption shall lie upon the person claiming it.

51. Board may farm out tolls subject to approval of Superintendent.

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 all or any of the tolls authorised 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 H to this Ordinance and shall in no case decrease the amount of tolls without the consent in writing thereto of the lessee.

52. Tolls to be expended in making and maintaining roads and bridges.

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 or bridges whereon such tolls shall from time to time be collected The Board shall keep a separate account of the tolls received by it at each toll gate toll-bar or bridge and also of all moneys expended upon the same and on the roads or bridges on which the same are placed respectively.

53. If road upon which toll shall be payable pass through or into two or more Districts Superintendent to judge how tolls shall be shared.

If any road whether the same be a main road or not shall pass or extend through or into two or more Districts and if Toils shall be payable thereunder upon such road to the Board of any such District and if such road be commonly used for direct traffic by persons passing with animals or vehicles along such road for a

length thereof which shall extend not only through or into the District to the Board of which such tolls are payable but also through or into another or others of such Districts of all which matters the Superintendent alone shall judge and if the Board of any one or more of such last-mentioned Districts shall in writing under their common seal complain to the Superintendent that they ought by reason of such traffic being common to their own District with the District in which such tolls shall be payable or for other like cause to have a share of such Tolls it shall be lawful for the Superintendent to proclaim if it shall seem fit such road for such length thereof as shall be as well witin the District from which such complaint shall proceed and within the District in which such Tolls are payable as also between the boundaries of both to be a "common toll road" as well of such districts as of all Districts lying between the same respectively and along the line of the said road.

54. Superintendent shall determine proportion of tolls payable to different districts through which the same road may pass.

In and by the last mentioned Proclamation or by any other Proclamation or Order it shall be lawful for the Superintendent from time to time to determine in what proportions the Tolls payable at each and every Toll-gate or Toll-house upon such common Toll road shall after deducting all expenses of maintaining such Toll-Bar Toll-gate or Toll-house and of collecting such Toll be distributed among the several Boards through or into whose Districts such common Toll-road shall extend and every Order made under this or the last Section shall take effect accordingly upon the publication thereof in the Provincial Gazette.

55. Tolls paid on common toll road to be paid over to Provincial Treasurer.

If after the Proclamation of any common Toll road under this Act, any moneys shall have been paid to the Board of any District for which such road has been proclaimed as and for Tolls or rents of Tolls levied on such, road within such District the same shall forthwith be paid over to the Provincial Treasurer to be held and dealt with as aforesaid and if any such moneys shall not be so paid over the Provincial Treasurer may recover the same in a summary way on complaint before two Justices and the Provincial Treasurer shall pay them over as such first-mentioned Board was bound to have done.

V. Respecting New Districts.

56. Superintendent may proclaim new districts on petition of Ratepayers.

If at any time previous to the first day of August in any year a majority of the Ratepayers of any portion of a District described in Schedule B to this Ordinance shall petition the Superintendent that a portion of the District to be specified in such petition should be formed into a separate District It shall be lawful for the Superintendent in Council by Proclamation to be inserted in the Government Gazette and one newspaper circulating in the District to declare that such part of the District mentioned in the said petition shall be a Road District and thereupon

the part of the District specified in such Proclamation shall be constituted a Road District and shall be deemed to be a Road District within the meaning of this Ordinance in like manner as if the same had been set forth and described in Schedule B to this Ordinance Provided that such new District and the boundaries thereof shall be particularly specified in such Proclamation and the name by which such new District shall be known or distinguished shall also be specified.

57. Superintendent may appoint some competent persons to make provision for the formation of Ratepayers' Rolls in district which he may proclaim.

It shall be lawful for the Superintendent in respect to any District which the Superintendent may proclaim a Road District in accordance with clause 56 of this Ordinance to appoint some competent person to make such provision for the formation of Ratepayers' Rolls in those Districts as he may consider necessary and it shall be lawful for the Superintendent on the formation of such Rolls to call a meeting of Ratepayers in each District as aforesaid respectively at such time and place as he may appoint 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 aforesaid District the said elected members for the above-mentioned Districts or any new District shall hold office in the same manner as regards tenure of such office as is hereinbefore provided in respect of members elected in the ordinary course and the Board shall at its first meeting elect a Chairman who shall have the same powers as a Chairman elected for other Boards under the provisions of this Ordinance.

IX. Miscellaneous.

58. Board to have power by itself or its officers to enter upon any land buildings and premises.

The Board shall have power by itself or its officers for the purposes of this Ordinance to enter at all reasonable hours in the day-time into and upon any land buildings and premises within the district without being liable in any legal proceeding on account thereof provided always that except when herein otherwise provided the Board 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.

59. Board may stop up any road during execution of any work.

The Board may stop up any road and prevent the same from being used as a common thoroughfare for a reasonable time during the execution of any work authorised by this Ordinance.

60. Board during execution of any work or stoppage of road to take precautions against accidents.

The Board shall during the execution of any work or the stoppage of any road take proper precautions for guarding against accident and if any person shall without the authority or consent of the Board 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.

X. Protection of Officers.

61. Board to be responsible for acts of officers.

No act done by any member or officer of the Board acting under the direction of the Board and bona fide for the purposes 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 Board.

62. Penalty for obstructing Officer in discharge of his duty.

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

XI. Initiatory and Suspending Clause.

63. Three Members to retire at Annual Meeting in 1870.

At the Annual Meeting to be held in the first week in January one thousand eight hundred and seventy, three of the Members who shall be chosen by lot shall retire from the Board and other members shall be elected in their room as herein provided.

64. In certain cases Superintendent may suspend Board and may appoint a Commissioner for district.

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 Government 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 and 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.

65. Duties of Commissioner.

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 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 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.

66. Penalty for allowing live Fence adjoining public highway to grow to a height exceeding eight feet.

Every occupier of land fronting on any public highway who shall suffer any Live Fence growing on such land and adjoining such public highway to grow to a height exceeding eight feet above the ordinary level of the adjoining land or to overhang such public highway shall be liable to a penalty of not less than Ten Shillings nor more than Five Pounds Every twenty-four hours during which such occupier shall after being convicted under this section continue to allow his Live Fence to exceed eight feet in height or to overhang a public highway shall constitute a separate offence.

67. Chairman of Road Board may give notice requiring any gorse or broom fence to be cut and trimmed.

The Chairman of any Road Board may at any time give notice in writing to the occupier of land fenced with gorse or broom fronting on any formed road or on any road about to be immediately formed requiring him to cut and trim that side of the fence so fronting on such road and to keep one half the width of the road on which such land fronts clear of gorse or broom and in the event of such occupier failing to comply with such notice to cause the same to be done and the amount of the cost of such cutting trimming and clearing with all costs shall be recoverable from the occupier of such land in the ordinary course of law.

68. Superintendent may fix another day for Meeting.

If in any case any Annual Meeting or Adjourned Annual Meeting of Ratepayers of any District shall from any informality in their proceedings have heretofore failed to have elected or shall hereafter fail to elect Members to fill up vacancies occurring in the Road Board of such District under the provisions of this Ordinance then notwithstanding anything to the contrary it shall be lawful for the Superintendent of the province of Canterbury with the advice of the Executive

Council thereof upon a requisition signed by Ratepayers representing not less than one-twentieth of the votes to which all the Ratepayers on the Ratepayers' Roll of the District are entitled to fix another day and time for the Ratepayers of such District to hold a meeting to fill up such vacancies in the Board and the Superintendent with the advice aforesaid shall forthwith give public notice of such meeting and a Chairman thereof shall be elected under the provisions of Clause 40 of this Ordinance and the meeting so called shall elect Members to fill up the necessary vacancies in such Board and the Members so elected shall continue in office and have all the powers as if they had been duly elected at any Annual Meeting or Adjourned Annual Meeting provided for by this Ordinance.

69. Board may make Bye-laws.

The Board may from time to time make such bye-laws as it thinks fit for the purpose of regulating the conduct of its officers and servants and for providing for the due management of the affairs of the Board Provided that no bye-law be repugnant to any Act of the General Assembly or Ordinance of the Provincial Council.

X. Respecting Division of Road Districts into Wards.

70. District may be divided into Wards.

At any time after an Annual Election of Members of a Board under the authority of this Ordinance the Superintendent if he shall have received a petition to that effect signed by one-fourth of the number of Ratepayers within any Road District reckoned according to their votes and if it shall seem fit so to do may by Proclamation divide the Road District into five separate Wards by such names and with such boundaries respectively as shall by such Proclamation be assigned to the same Provided that no such division shall be made until the Ratepayers' Roll for the then current year has been revised.

71. Notice of petition to be inserted in Gazette and newspapers.

Notice of the receipt by the Superintendent of the petition mentioned in the preceding section shall be inserted in the Provincial Gazette and also in one or more newspapers circulating in the District at least three weeks before the division of the District to which it refers.

72. As to election of Members of Board for Wards.

Upon the division of any District into Wards the Members of the Board shall go out of office at the then next annual meeting of Ratepayers but shall be eligible for re-election and each Ward shall return one Member to the Board.

73. Who to vote in Wards.

Where any District shall be divided into Wards every person who under the provisions hereinbefore contained would be entitled to vote for the Election of Members of the Ward and to be on the Ratepayers' Roll shall be entitled to be

enrolled on the Ratepayers' Roll to be made as hereinafter provided for the Ward or Wards wherein any rateable property in respect of which he is so entitled is situated and being so enrolled to vote in all elections of Members of the Board to be held in and for such Ward or Wards as hereinafter provided and all provisions hereinbefore contained shall as to each such Ward be read as applying thereto and not to the District at large.

74. Respecting Ratepayers' Roll for Wards.

Where any District shall be divided into Wards the preceding sections hereof relating to the formation and revising of the Ratepayers' Roll shall be read with reference to such District in manner following that is to say:

Instead of the Ratepayers' Roll for the District at large there shall be a separate Ratepayers' Roll for each Ward of the District The Ratepayers' Roll for each Ward when revised and signed by the Revising Officer shall be the Ratepayers' Roll for the Ward and shall continue in force for the said Ward until another Ratepayers' Roll shall have duly come in force for the same.

And subject to the provisions of this section all provisions hereinbefore contained shall take effect according to their tenor respectively for each separate ward of such District instead of the District at large.

75. Clerk of Board to make out Roll for Wards.

When a District shall have been by the Superintendent divided or newly divided into Wards the Clerk thereof shall forthwith make out from the Ratepayers' Roll in force for the District and all previous Wards thereof a Roll for each such first mentioned Ward of all persons named in any one or more of such first-mentioned Rolls in respect of rateable property which shall to the best of his knowledge and information appear to such Clerk to be situated in such Ward and shall arrange the same in alphabetical order of surnames and shall deliver such last-mentioned Roll to the Chairman of the Board and every such Roll shall be deemed to have been made and be the Ratepayers' Roll for the Ward to which the same shall refer in like manner to all intents and purposes as if made as hereinbefore provided.

76. As to retirement of Members from Board of District which has been divided into Wards.

At the first meeting of the new Board after any District shall have been divided into Wards the Members thereof shall determine among themselves by ballot which two of their number shall retire at the next annual meeting and the two Members of the Board so balloted shall hold office until such next annual meeting only in like manner as if they had respectively been in office for two years but shall be eligible for re-election but in case such ballot shall not be taken the Chairman shall decide by lot those Members who shall retire under the provisions herein contained.

77. Election of Members for Ward how to be conducted.

The election for Members for each Ward shall be conducted in like manner as hereinbefore provided for election of Members for the District at large and shall be held before such person as the Chairman of the Board shall nominate as presiding officer.

78. Ratepayers residing out of District may vote by proxy.

Ratepayers residing out of the District may record their votes at any election for Members of the Board by proxy Provided that such proxy be a Ratepayer appointed in writing in the form given in Schedule F to this Ordinance and that the signature of the party signing the same be attested by a Justice of the Peace or a Ratepayer of the Province.

79. Nominations to be forwarded to Chairman fourteen days prior to election.

All such nominations shall be forwarded to the Chairman of the Board fourteen days at least before the day appointed for any such election.

80. Scrutineer to be appointed.

The Chairman of the Board shall previous to any poll being taken appoint one other Member of the Board to act with himself in scrutinizing such nominations and the Chairnman shall endorse on such of the said nominations as may be found to be correct the number of votes to which the person signing the same shall be entitled and thereupon the proxy may attend at the election and may poll the number of votes endorsed on such nomination in the same manner as the person signing the same might do if personally present.

81. Penalty for false representation.

If any person not being on the Ratepayers' Roll shall sign any such nomination or if any person shall falsely represent himself to be the person named as such proxy or if any person not being the person named as such proxy shall vote or attempt to vote at any such election in the name of the party signing such nomination every such person so offending in any or either of the matters aforesaid shall be liable to a penalty not exceeding One Hundred Pounds nor less than Ten Pounds for each offence.

Schedules.

Schedule A

"The Roads Ordinance 1864."

"The Roads Ordinance Amendment Ordinance 1866."

"The Sheep Rating Ordinance 1866."

"The Roads Ordinance Amendment Ordinance 1867 Session XXVI. No.12."

"The Roads Ordinance Amendment Ordinance 1867 Session XXVII. No.15."

Schedule B.

1. The Waipara District.

The Waipara 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 Teremakau Saddle.

2. The Avon District.

The Avon District comprises that portion of the Province bounded on the North by the south bank of the River Waimakariri from the sea to the western boundary of Section No.5620 on the East Bank by the sea on the South by the north boundary of the City of Christchurch and the south bank of the River Avon to the sea on the West by the western boundaries of Section Nos. 6 52 105 133 142 299 135 151 and the northern boundary of Section No. 151 to the north-western boundary of the Papanui Church Reserve by the north-western boundary of that Reserve and by the eastern side of the Harewood Road by Papanui to the western boundary of Section No.203 by that boundary and by the western boundaries of Sections Nos. 203 5 8 25 292 291 290 280 279 243 331 1471 and 5620.

3. The Riccarton District.

The Riccarton District comprises that portion of the Province bounded on the North by the south bank of the River Waimakariri on the East by the Avon District and the west boundary of the City of Christchurch 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 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 by the west side of the Prebbleton and Kaiapoi Junction Road to the Waimakariri at the north-east corner of Rural Section No.2197.

4. The Templeton District.

The Templeton 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 Riccarton 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.

5. The Heathcote District.

The Heathcote District comprises that portion of the Province bounded on the North by the Avon District and the City of Christchurch on the East by the sea on the South by the ridge of the Port Hills 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

6. The Spreydon District.

The Spreydon District comprises that portion of the Province bounded on the North by the City of Christchurch and the Riccarton and Templeton Districts on the East by the 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.

The Halswell District.

The Halswell District comprises that portion of the Province bounded on the North by the Spreydon District on the East by the Heathcote District and the ridge of the Port Hills as far as the highest of Cooper's Knobs on the South by a stream rising on Cooper's Knobs and falling into the River Halswell and on the West by the west side of the River Halswell.

8. The Lincoln District.

The Lincoln District comprises that portion of the Province bounded on the North by the Spreydon and Templeton Districts and the south side of the Great South Road on the East by the Halswell 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 Weedon and Springs Road on the east side of the Weedon and Springs Road to its junction with the Great South Road.

9. The Springs District.

The Springs District comprises that portion of the Province bounded on the North by the Lincoln District and the south side of the Great South Road on the East by the west bank on the River Halswell on the South by the edge of Lake Ellesmere and the north bank of the River Selwyn.

The Port Victoria District.

The Port Victoria District comprises that portion of the Province bounded on the East by the north-east boundary of the Native Reserve at Raupaki a straight line from the south-east corner of the Native Reserve across the Harbour to the Church Gully in. Church Bay the Church Gully to the Mount Herbert Peak Road the west side of the Mount Herbert Peak Road to a point where it is intersected

by a straight line from Mount Herbert Peak to the Head of Little River on the South by a straight line from Mount Herbert Peak to Mount Herbert a straight line from Mount Herbert through L 1 to the ridge of the Port Hills and on the West by the ridge of the Port Hills.

11. The Port Levy District.

The Port Levy District comprises that portion of the Province bounded on the North by the sea on the East by a line bearing S.8 deg, 30 E. (magnetic) drawn from a point half-way between the East Head of Port Levy and the West Head of Pigeon Bay to the south side of the Purau and Akaroa Road on the South by the south side of the Purau and Akaroa Road and the Mount Herbert Peak Road and on the West by the Port Victoria District.

12. The Pigeon Bay District.

The Pigeon Bay District comprises that portion of the Province bounded on the North by the sea on the East by the ridge of the Spur between Decanter Bay and Little Akaroa to a point where it meets the highest ridge of the hills on the South by the highest ridge of the hills and the Akaroa and Purau Road and on the West by the Port Levy District.

13. The Okain's Bay District.

The Okain's Bay District comprises that portion of the Province bounded on the North and East by the sea on the South by the highest ridge of the hills and the spur leading to Putakolo Head and on the West by the Pigeon Bay District.

14. The Town of Akaroa and Wainui District.

The Town of Akaroa and Wainui District comprises that portion of the Province bounded on the North by the Port Levy Pigeon Bay and Okain Bay Districts on the East and South by the sea and on the West by the summit of the spur running down to the Eastern Head of Island Bay the main ridge of hills through Mount Bossu Carew's Peak Saddle Hill Kitson's Pole Wainui Peak French Hill Wooded Peak to Barry Pass the south side of the Barry Pass Road to the Little River Railway Reserve the south side of the Terawera Valley Road and continuation thereof to its junction with the North side of the Port Levy and Little River Road the north side of the Port Levy and Little River Road to its junction with the Purau and Akaroa Road.

15. The Little River District.

The Little River District comprises that portion of the Province bounded on the North by the Lincoln the Halswell the Port Victoria the Port Levy and Wainui Districts on the East by the Wainui District on the South by the sea on the West by the east shore of Lake Ellesmere and the Springs District

16. The Courtenay District.

The Courtenay District comprises that portion of the Province bounded on the North by the south bank of the Waimakariri on the East by the Templeton Lincoln

and Springs District on the South by the River Selwyn and the north bank of the Wakaepa branch of the Selwyn 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.

17. The Ellesmere District.

The Ellesmere District comprises that portion of the Province bounded on the North by the Springs 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.

18. The Malvern District.

The Malvern District comprises that portion of the Province bounded on the North and East by the south bank of the Waimakariri and the Courtenay 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.

19. The Rakaia District.

The Rakaia District comprises that portion of the Province bounded on the North by the Oxford Malvern and Courtenay Districts on the East by the Ellesmere 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 Watershed forming the eastern boundary of the County of Westland and on the West by the County of Westland.

20. the Ashburton District.

The Ashburton District comprises that portion of the Province bounded on the North by the Ellesmere and Rakaia Districts 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 Watershed forming the eastern boundary of the County of Westland and on the West by the County of Westland.

21. The Kowai District.

21. The Kowai District comprises that portion of the Province bounded on the north by the Waipara district on the East by the sea on the South by the south bank of the River Ashley to its source at Ashley Head.

22. The Cust District.

The Cust District comprises that portion of the Province bounded on the north by the Kowai district on the east by a true north and south line drawn through Trig. pole C 30 on the bank of the Waimakariri to the south bank of the River Ashley on the south by the south bank of the Waimakariri and on the west by the boundary line between Runs Nos. 2 and 29 14 and 34 108 Class 2 and 35 119

and 135.

23. The Oxford District.

The Oxford District comprises that portion of the Province bounded on the north by the Waipara and Kowai districts and the Province of Nelson on the east by the Cust and Kowai districts 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 summit of the dividing range forming the eastern boundary of the County of Westland and on the west by the County of Westland.

24. The Mandeville and Rangiora District.

The Mandeville and Rangiora 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 Cust district save and except the town of Kaiapoi.

25. The Geraldine District.

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 River Opihi to a point in a line with the eastern boundary of Run No.254 a branch of the River Opuha forming the northern boundary of Runs Nos. 254 357 and an East and West line forming part of the northern boundary of Run No.357 continued to the ridge on the West by the east boundary of Run No.254 and the ridge of the hills dividing the waters of the Opihi and Rangitata from the waters of the Tekapo.

26. The Levels District.

The Levels District comprises that portion of the Province not included in the Town of Timaru and bounded on the North by the Geraldine District on the East by the sea on the South by the north bank of the Pareora on the West by section No. 6192 on the south bank of the River Opihi following the watercourse therefrom and the stream following into the Tengawai the east bank of the RiverTengawai to a point opposite Section No. 5209 crossing the river and following down a small stream to the River Pareora.

27. The Waimate District.

The Waimate District comprises that portion of the Province bounded on the North by the Levels District the south bank of the Pareora to its westernmost source and an east and west line from thence to the Hekateramea on the east by the sea on the south by the Province of Otago on the west by the east bank of the Hekateramea.

28. The Mount Cook District.

The Mount Cook District comprises that portion of the Province bounded on the north and west by the County of Westland on the east by the Ashburton Geraldine and Levels districts on the south by the Waimate district and the

Province of Otago.

Schedule C.

To the Chairman of the Road Board.

I hereby give you notice that I object to the following portion of the List of Rate-payers for the district now deposited for inspection at [here state place where Roll is deposited for inspection and the part objected to] that the following are grounds of my objection [here state the grounds of objection] and that I shall appear in support of such objection at the Meeting of Revising Commissioners to be held for revision of such Roll.

Signature of Objector

Description

Address

Schedule D.

Notice to Pay Rate.

Road District of

To Mr.

I hereby give you notice that at a Meeting of the Road Board for the District above-mentioned held on the day of at a Rate of in the pound on the rateable property in the District was ordered to be made and levied The sum which you are liable to pay under this order is which sum you are required to pay to me either on the service of this notice or within thirty days after such service at my residence at If the said Rate is not paid within the time above specified it will be recovered by legal process.

Collector of Rates for the District.

Schedule E.

Take notice that your name appears as a Ratepayer on the Roll of the District.

(A.B.) Chairman of the Board.

Schedule F.

Appointment of Proxy to Vote at Election of Members of the Board.

I (A. B.) of hereby appoint of and on my behalf at the election of (a Member or Members as the case may be) for the Road Board of the District (or for the Ward of the of the Road Board of the District as the case may be) to be held on the day of next and at any adjournment thereof.

As witness by hand this day of 18 .

Signed by the said A.B. (A.B.)
In the presence of

(C.D.)
a Justice of the Peace for the Colony of New Zealand (or) Ratepayer of the Province.

Schedule G.

Ratepayers' Roll for the Road Board of the District.

Surname of Occupier in alphabetical order.
Christian Name of Occupier
Occupier's Trade or Occupation.

Owner:
Surname,

Christian Name
Residence
Trade or Occupation

Description and situation of rateable property name of person having the charge control or management of any sheep within the district and number of such sheep above the age of twelve months.

If let for what term and in what manner,.

Net Annual Value.

Schedule H.

For every horse ass or mule	Sixpence.
For every beast carrying a burden	Sixpence.
For all horned or neat cattle per head	Fourpence.
For every wheeled vehicle drawn by one horse or other beast	One Shilling.
For every additional horse or beast drawing such vehicle	Sixpence.
For every sheep lamb goat or pig in one drove not exceeding 100	One Penny.
For every additional sheep lamb goat or pig	Halfpenny.

8. The Appropriation Ordinance 1869.