

Session XXXIV 1870 (September to November 1870)

1. The Imprest Supply Ordinance 1870.

[5th October 1870.]

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

1. £15,000 advanced on Imprest towards service of twelve months ending 30th September 1871.

Out of the revenues of the said Province there may be issued and applied towards defraying the charge of the Government of the said Province for the twelve months ending the Thirtieth day of September One thousand eight hundred and seventy-one any sums of money not exceeding in the whole Fifteen Thousand Pounds to be charged in the manner hereinafter to be expressed in any Ordinance to be passed in this present Session of the Provincial Council for

appropriating the Revenue of the said Province for the year ending the Thirtieth day of September One thousand eight hundred and seventy-one.

2. Treasurer to pay moneys under warrant of the Superintendent.

The Provincial Treasurer shall issue and pay from time to time any sum or sums of money not exceeding in the whole the sum above specified to such persons and in such proportions as the Superintendent shall by warrant under his hand direct to the Provincial Treasurer and certified by the Provincial Auditor in terms of the "Provincial Audit Act 1866" and the "Provincial Audit Act Amendment Act 1868" direct and such Treasurer shall be allowed credit for all sums paid by him in pursuance of such warrants.

3. Title.

This Ordinance shall be intituled and may be cited as the "Imprest Supply Ordinance 1870."

2. The Imprest Supply No 2 Ordinance 1870

[5th October 1870.]

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

1. £10,000 advanced on Imprest towards service of twelve months ending 30th September 1871.

Out of the revenues of the said Province there may be issued and applied towards defraying the charge of the Government of the said Province for the twelve months ending the Thirtieth day of September One thousand eight hundred and seventy-one in addition to the sums mentioned in "The Imprest Supply Ordinance 1870" any sums of money not exceeding in the whole Ten Thousand Pounds to be charged in the manner hereinafter to be expressed in any Ordinance to be passed in this present Session of the Provincial Council for appropriating the Revenue of the said Province for the year ending the Thirtieth day of September One thousand eight hundred and seventy-one.

2. Treasurer to pay moneys under warrant of the Superintendent.

The Provincial Treasurer shall issue and pay from time to time any sum or sums of money not exceeding in the whole the sum above specified to such persons and in such proportions as the Superintendent shall by warrant under his hand direct to the Provincial Treasurer and certified by the Provincial Auditor in terms of the "Provincial Audit Act 1866" and the "Provincial Audit Act Amendment Act

1868" direct and such Treasurer shall be allowed credit for all sums paid by him in pursuance of such warrants.

3. Title.

This Ordinance shall be intituled and may be cited as the "Imprest Supply Ordinance No. 2 1870."

3. The Diversion of Roads, Special, No 2 Ordinance 1870

[November 26th, 1870.]

Whereas by an Act of the General Assembly of New Zealand entitled "The Highways and Watercourses Diversion Act, 1858," it is enacted that it shall be lawful for the Superintendent of any Province, with the advice and consent of the Provincial Council thereof by any Law or Ordinance to be made or ordained for that purpose to authorise and empower the Superintendent to divert or stop up any public street road highway or thoroughfare in any such Province and also to exchange the land over which any such public street road highway or thoroughfare was laid out or passed And also that it should be lawful for the Governor in the name and on behalf of Her Majesty to make and execute Crown Grants of any land which should be so sold exchanged or disposed of.

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

And whereas it is for the public benefit that the parcels of land mentioned and described in the first column of the Schedule hereto should become Public Highways in lieu of the parcels of land mentioned and described in the second column of the Schedule hereto and that the said last-mentioned parcels of land should cease to be Public Roads.

And whereas James Fraser Roberts of Akaroa hath conveyed the parcels of land mentioned and described in the Schedule A to this Ordinance to the Superintendent of the Province of Canterbury and his successors upon trust for Public Highways and upon the treaty for the said conveyances it was agreed that the parcels of land mentioned and described in the Schedule B to this Ordinance should be given to the said James Fraser Roberts in exchange for the parcels of land conveyed by him as aforesaid.

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

1. Parcel of land described in Schedule A to be a Public Highway.

From and after the passing of this Ordinance the parcels of land conveyed as aforesaid by the said James Fraser Roberts and more particularly described in the Schedule A hereto and coloured Pink on the plans hereunto annexed shall be and remain for ever a Public Highway.

2. Public Roads described in Schedule B shall be closed up and land conveyed to James Fraser Roberts.

From and after the passing of this Ordinance the Public Roads passing over the parcels of land described in the Schedule B hereto and coloured Green on the Plan hereto annexed shall be closed up and the said parcels of land shall be granted to the said James Fraser Roberts his heirs and assigns for ever in exchange for the parcel of Land conveyed by him as aforesaid.

3. Title.

This Ordinance shall be entitled and may be cited as "The Diversion of Roads Special Ordinance No. 2 1870."

Schedules.

Schedule A.

All that Piece or Parcel of land one chain wide containing by admeasurement two acres two roods and twenty perches more or less being part of Section No. 1752 the centre line of which commences at a point on the Western boundary of the said section situate about seven chains from the Northern corner thereof and running in a South-westerly and South-easterly direction a distance of twenty-seven chains twenty links to a point on the Southern boundary of the same section being about one chain from its South-eastern corner.

Schedule B.

All that Piece or Parcel of Land one chain wide containing by admeasurement two acres two roods and thirteen perches more or less being that portion of the road separating Section No. 1752 from the northern corner of Section 1752 to a point in line with the Southern boundary of Section No. 585.

All that Piece or Parcel of Land one chain wide containing by admeasurement two acres three roods and twenty-six perches more or less being that portion of the road separating Section No. 1752 from Sections 5612, 768, 4140, and 3675 extending from the Easternmost corner of Section No. 3675 to a point on the Eastern boundary of the aforesaid Section No. 5612 situate about nine chains fifty links from the Southernmost corner thereof Save except that part of the road above described situate opposite to the South-eastern corner of the aforesaid section 5612 required for the new line of road passing through Section No. 1752 and coloured Brown on the Plan annexed to this Ordinance.

4. The Superintendent's Salary Ordinance 1870.

[23rd January 1874.]

Whereas an Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury intituled "The Superintendent's Salary Ordinance Repeal Ordinance 1868," and whereas it is expedient to amend the said Ordinance.

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

1. Repealing Clause.

Section 2 of "The Superintendent's Salary Ordinance Repeal Ordinance 1868" is hereby repealed and the following provision is made in lieu thereof From and after the first day of October one thousand eight hundred and seventy the Annual Salary payable and to be paid to the Superintendent of the said Province for the time being and his successors in office shall be the sum of Eight Hundred Pounds.

2. Title.

This Ordinance shall be intituled and may be cited as "The Superintendent's Salary Ordinance 1870."

5. The Education Ordinance 1864 Amendment Ordinance 1870

[26th November 1870.]

Whereas it is expedient to amend an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury intituled "The Education Ordinance 1864."

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

1. Repealing Clause.

Section 22 and also Sub-section 5 of Section 23 and Section 24 of the said recited Ordinance shall be and the same are hereby repealed.

2. Title.

This Ordinance shall be intituled "The Education Ordinance 1864 Amendment Ordinance 1870."

6. The Educational Reserves Leasing No 2 Ordinance 1870

[26th November 1870.]

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

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

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

1. Superintendent able to demise and lease after public tender.

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

2. Title.

This Ordinance shall be intituled and may be cited as "The Educational Reserves Leasing Ordinance No. 2 1870."

Schedule.

Number of Reserve as delineated in red on Map of the	District.	Acreage.	Date of Crown Grant.

Chief Surveyor of the Province of Canterbury.		A. R. P.	
396	Mandeville	40 0 0	21 st Feb. 1870
399	Oxford	70 0 0	4 th May 1870
916	Rakaia	200 0 0	21 st Feb. 1870
917	Christchurch	158 0 0	3 rd Aug. 1870
918	Christchurch	102 0 0	3 rd Aug. 1870
919	Christchurch	140 0 0	3 rd Aug. 1870
920	Christchurch	32 0 0	3 rd Aug. 1870
924	Upp. Christchurch	351 0 0	3 rd Aug. 1870
925	Christchurch	34 0 0	21 st Sept 1870
932	Rakaia	370 0 0	21 st Feb. 1870
933	Malvern	505 0 0	21 st Sept. 1870
934	Malvern	512 0 0	21 st Sept. 1870
935	Banks Penn.	75 0 0	21 st Feb. 1870
936	Banks Penn.	158 0 0	21 st Sept. 1870
937	Ashley	483 0 0	4 th May 1870
938	Timaru	438 0 0	21 st Feb. 1870
939	Timaru	1230 0 0	21 st Feb. 1870
940	Timaru	312 0 0	21 st Feb. 1870
941	Timaru	309 0 0	21 st Feb. 1870
942	Timaru	157 0 0	21 st Feb. 1870
943	Timaru	127 0 0	21 st Feb. 1870
944	Timaru	235 0 0	21 st Feb. 1870
945	Timaru	195 0 0	21 st Feb. 1870
954	Malvern	72 0 0	3 rd Aug. 1870
1162	Lincoln	14 0 0	21 st Sept. 1870
1164	Christchurch	34 0 0	3 rd Aug. 1870
929	Ashburton	400 0 0	15 th Oct. 1870
930	Ashburton	740 0 0	15 th Oct. 1870
931	Ashburton	570 0 0	15 th Oct. 1870
1110	Ashburton	1357 0 0	15 th Oct. 1870
1131	Oxford	35 0 0	15 th Oct. 1870
1192	Timaru	354 0 0	15 th Oct. 1870
1193	Timaru	129 0 0	15 th Oct. 1870
1194	Timaru	370 0 0	15 th Oct. 1870
1195	Timaru	194 0 0	15 th Oct. 1870

7. The Fencing Ordinance 1869 Amendment Ordinance 1870 D NZG 1871 p57

Whereas it is expedient to amend " The Fencing Ordinance 1869."

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. Interpretation Clause.

The words "to summon" in section 9 of the said " Fencing Ordinance 1869 " shall mean that a summons shall be issued from the nearest Magistrate's Court or Court of Petty Sessions at the request of the person requiring to summon any person under the said Act.

2. Repealing Clause.

That Sections 2 3 and 12 of the said Ordinance shall be and the same are hereby repealed Provided that such repeal shall not affect the existing rights of any person under the said Sections or any proceedings or directions already taken commenced or given under the same.

3. Notice requiring assistance in making or repairing dividing 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 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 and in case such person or his Attorney or Agent shall refuse or neglect to assist in the making of any such Fence for the space of one calendar month after the delivery of such notice or to assist in repairing any such Fence for the space of one week after the delivery of such notice then it shall be lawful for the person giving such notice as aforesaid to erect or repair as the case may be such Fence or Fences and to recover from such adjoining Occupier Lessee for years or Owner one moiety of the cost of erecting or repairing such Fence or Fences as the case may be Provided always that no such Occupier Lessee for years or Owner shall be liable to contribute to the making or repairing of any Fence or Fences unless he shall avail himself of the same And provided always that if the amount sought to be recovered for such work shall in the opinion of the Court appear to be exorbitant the person suing for the same shall only be entitled to recover such amount as the court may consider just and equitable between the parties.

4. Occupier making use of any dividing fence towards erection of which he has given no assistance to be liable to pay moiety of value thereof.

If any Occupier Lessee for years or Owner of such land shall at any time after the passing of this Ordinance make use of or avail himself of any Dividing Fence erected or made before or after the passing of this Ordinance towards the erection or making of which no assistance shall have been given by such person or any former Occupier Lessee for years

or Owner he shall be liable to pay one moiety of the then value thereof or of so much thereof as shall be available as a Fence for his land to the Occupier Lessee for years or Owner of the land divided by such Fence from his land.

5. Ordinance to apply to cities as well as other lands.

The provisions of the said Ordinance as amended and the present Ordinance shall apply as well to lands in the City of Christchurch and to all other Cities and Towns in the Province of Canterbury as to lands referred to in Section 3 of this Ordinance.

6. Repeal of Clause 11 or " Fencing Ordinance 1869."

Clause 11 of " The Fencing Ordinance 1869 " is hereby repealed and the following substituted in lieu thereof:

The term " Fence " in this Ordinance and the said Fencing Ordinance 1869 shall be taken to mean any fence of the several kinds described in the Schedule to this Ordinance the smallest part of which shall be of not less dimensions than those set forth in the same Schedule.

7. Extent of Application of Ordinance

Where lands are separated by a natural stream ditch or watercourse that is not a sufficient boundary fence the provisions of this Ordinance shall be applied in the same manner as if no such stream ditch or watercourse existed Provided that in cases where the stream ditch or watercourse is the absolute freehold property of an adjoining owner such owner or the occupier or lessee for years of his land shall not be compelled to join in the erection of a fence by the adjoining owner occupier or lessee for years.

8. Title.

This Ordinance shall be intituled " The Fencing Ordinance 1869 Amendment Ordinance 1870."

Schedule.

Description of a 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 above 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. The Christchurch Municipal Corporation Reserves Ordinance 1870

[30th January 1871.]

Whereas the lands tenements and hereditaments described in the Schedule to this Ordinance annexed are vested in the Superintendent of the Province of Canterbury and his successors subject to the provisions of an Act passed by the General Assembly of New Zealand intituled "The Public Reserves Act 1854" And whereas an Act was passed by the said General Assembly of New Zealand intituled "The Public Reserves Act Amendment Act 1862" whereby the Superintendent and Provincial Council of any Province may by any Ordinance duly passed in that behalf direct and declare that any lands vested or which might thereafter be vested in the Superintendent of any Province under the provisions of "The Public Reserves Act 1854" upon trust for any public purposes should be transferred to and vested in and held by any Corporation Commissioners or other person or persons having corporate succession to be named in such Ordinance in such manner and with such powers of lease management and disposition over the same and over all rents issues profits and proceeds thereof and other powers provisoes and conditions as should in such Ordinance be expressed and declared And whereas it is expedient that the said lands tenements and hereditaments so vested in the Superintendent of the Province of Canterbury as aforesaid and described in the Schedule hereto annexed should be vested in the Mayor Councillors and citizenen of the City of Christchurch.

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

1. Lands Tenements and Hereditaments described in Schedule to be vested in Mayor Councillors and Citizens of City of Christchurch.

That the said lands tenements and hereditaments described in the said Schedule shall be and the same are hereby transferred to and vested in and held by the Mayor Councillors

and citizens of the City of Christchurch and their successors as a Body Corporate in trust for municipal purposes of the City of Christchurch.

2. Superintendent may grant and convey to said Corporate Body said lands tenements and hereditaments.

That it shall be lawful for the Superintendent in Council to grant and convey to the said Corporate Body the said lands tenements and hereditaments hereinbefore declared to be vested in such body upon trust for the purposes hereinbefore expressed.

3. Said Corporate Body may lease and manage said lands tenements and hereditaments.

That notwithstanding the trust hereinbefore declared it shall be lawful for the said Corporate Body to lease and manage the said lands tenements and hereditaments at such rents issues and profits as they may deem expedient so that such lease or leases be not for any longer period than twenty-one years to take effect from the day of the execution thereof and so that no fine premium or forfeit be taken for the same.

4. Rents issues and profits shall form part of City Funds of said Corporate Body.

All rents issues and profits received by virtue of this Ordinance shall form part of the city funds of the said Corporate Body.

Schedule.

All that piece or parcel of land situate in the Christchurch district near the Horse Shoe Lagoon and containing by admeasurement Thirty Acres more or less commencing at a point on the south-western aide of the road forming the north-eastern boundary of section No. 3099 the said point being the easternmost corner of that section thence south-westerly along the south-eastern boundary of the same a distance of twenty chains fifty links thence westerly along the East Christchurch road to its junction with the road forming the western boundary of section No. 3099 thence southerly along the said road to its junction with the road forming the northern boundary of section No. 557 thence easterly and north-easterly following that road to its junction with the road first before mentioned and from thence returning north-westerly along the same to the commencing point and numbered 209 (in red) on the map of the Chief Surveyor of the Province of Canterbury setting out and describing the rural land in the Christchurch district aforesaid.

All that piece or parcel of land situate in the Christchurch district and containing by admeasurement Eighteen Acres more or less commencing at the junction of the southern side of the road forming the southern boundary of Reserve No. 107 (in red) with the western side of the road forming the western boundary of sections Nos. 1148 and 1145 thence south-easterly and southerly following the latter road a distance of twenty-eight chains measured in a straight line to its

junction with the road forming part of the north-eastern boundary of section No. 1144 thence north-westerly north-easterly and northerly following that road to its junction with the road forming the southern boundary of reserve No. 107 (in red) first before mentioned and from thence returning easterly along the same to the commencing point and numbered 210 (in red) on the map of the Chief Surveyor of the Province of Canterbury setting out and describing the rural land in the Christchurch district aforesaid.

All that piece or parcel of land situate in the Christchurch district and containing by admeasurement Twenty-two Acres more or less commencing at a point on the north-eastern side of the road forming the south-western boundary of section No. 1144 the said point being the southernmost corner of that section thence northerly along the eastern boundary of the same a distance of twenty-six chains sixty links thence south-easterly southerly and westerly following the road forming the western boundary of sections Nos. 1145 and 1146 a distance of about forty chains to its junction with the road first mentioned and from thence returning north-westerly along the same to the commencing point and numbered 211 (in red) on the map of the Chief Surveyor of the Province of Canterbury setting out and describing the rural land in the Christchurch district aforesaid.

All that piece or parcel of land situate in the Christchurch district and containing by admeasurement Thirty Acres more or less commencing at the junction of the eastern side of the road forming the eastern boundary of sections Nos. 901 and 4533 with the southern side of the road forming the southern boundary of section No. 8776 thence easterly following the latter road nine chains seventy links thence southerly along the road forming the western boundary of section No. 8188 a distance of twenty-one chains thence westerly and north-westerly following the road forming the north-eastern boundary of section No. 1148 a distance of twenty chains twenty links to its junction with the road first before mentioned thence northerly along the same to the commencing point and numbered 212 (in red) on the map of the Chief Surveyor of the Province of Canterbury setting out and describing the rural land in the Christchurch district aforesaid.

9. The Canterbury Museum and Library Ordinance 1870

[18th February 1871.]

Whereas the specimens of Natural history and other public property deposited in the Museum of the Province of Canterbury have now become of considerable value and whereas it is deemed expedient for the promotion of Literature and Science that a Public Library and a School of Technical Science should be established and that the specimens of

Natural History Books Pictures Manuscripts Statues and other objects now deposited in the said Museum which now belong to the Province of Canterbury or which the Province may hereafter acquire by gift bequest purchase or exchange should be deposited in the custody of trustworthy persons.

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. Board of Trustees to be constituted.

A Board of Trustees composed as hereinafter mentioned shall be and is hereby constituted a body politic and corporate by the name of " The Trustees of the Canterbury Museum and Library " by which name such body corporate shall have perpetual succession and shall have a common seal and shall by the same name from time to time sue and be sued implead and be impleaded in all courts and shall be able and capable in law to take purchase and hold to them and their successors all goods chattels and personal property whatever either now deposited within the precincts of the Canterbury Museum or hereafter to be acquired by gift bequest purchase or exchange and shall also be able and capable in law to purchase take and hold to them and their successors not only such lands buildings hereditaments and possessions as may from time to time be exclusively used and occupied for the immediate requirements of the said Museum but also any other lands buildings hereditaments and possessions whatever situate in the said Province or elsewhere which may be purchased by or granted to them and they and their successors shall be able and capable in law to grant demise alienate or otherwise dispose of all or any of the said property real or personal belonging to the said Museum Public Library or School of Technical Science and also to do all other matters and things incidental to or appertaining to a body politic and corporate.

2. Trustees not to alienate charge or demise any lands except by way of lease.

Provided always that it shall not be lawful for the said Trustees to alienate charge or demise any lands tenements or hereditaments to which they may become entitled by grant purchase or otherwise unless with the approval of the Superintendent and Provincial Council of the Province of Canterbury for the time being except by way of lease for any term not exceeding three years from the time when such lease shall be made in and by which there shall be reserved and made payable for the uses of the said Museum and Library during the whole of the term thereby granted the best yearly rent that can be reasonably gotten for the same without any fine or premium.

3. Body corporate who to consist of.

The said body corporate shall consist of twelve Trustees six of whom shall be called official Trustees and shall consist of the following public officers for the time being of the Province of Canterbury that is to say: His Honor the Superintendent His Honor the Judge of the Supreme Court residing in the Province of Canterbury the Provincial Secretary the Provincial Solicitor the Speaker of the Provincial Council the Chief Surveyor or should any such office cease to exist then such other officer as the Superintendent may name for the purpose and the other six trustees who shall be called elective Trustees shall consist at first

of the following persons that is to say: Thomas Henry Potts Alfred Charles Marker Julius Haast, F.R.S. Charles Fraser, M.A. Henry Richard Webb John Davies Enys.

4. Vacancies how to be filled up.

All vacancies which shall occur by death resignation or otherwise among the aforesaid six elective Trustees shall be filled up as they may occur by the election of such other fit and proper persons as the remaining members of the aforesaid body corporate shall at meetings duly to be convened for that purpose elect to fill up such vacancies: Provided always that no such vacancy unless created by death or resignation shall occur for any cause whatsoever unless such cause shall have been previously specified by some by-law of the said body politic and corporate duly passed as hereinafter mentioned.

5. Of the quorum and voting.

At every meetings of the said Trustees five Trustees shall form a quorum and all questions shall be decided by the majority of votes of the Trustees present and in all cases when the votes on each side shall be equal the chairman who may be chosen to act on the occasion shall have an additional or casting vote.

6. Trustees empowered to appoint officers and servants and to have management of the affairs and property.

The said Trustees shall have full power to appoint all officers and servants of the said Museum and shall have the entire management and superintendence of the affairs concerns and property of the said Museum and Library and in all cases not provided for by this Act it shall be lawful for the said Trustees to act in such manner as shall appear to them best calculated to advance the objects of the said institutions.

7. Trustees empowered to make repeals or alter by-laws and orders.

The said Trustees shall have power and authority to make and also to repeal or alter all such by-laws rules and orders touching and concerning the management and good government of the said Museum Library and School of Technical Science and the income and property thereof and any other matter or thing relative to the same as to them may seem fit for the effectual attainment of the objects of the institutions, the security of the property and the administration of the affairs thereof.

8. Trustees to report proceedings and progress of the Institution to Superintendent at least once in every year.

The said Trustees shall once at least in every year report their proceedings and the progress of the institutions to the said Superintendent and his Executive Council and a copy of such report shall be laid before the Provincial Council immediately after the commencement of the next session thereof.

9. Trustees to furnish accounts.

Accounts of the expenditure of the said institutions shall be annually furnished by the Trustees to the Government of the Province of Canterbury for examination and audit and in order that an abstract thereof may be published in the Government Gazette of the Province.

10. Title.

This Ordinance shall be intituled and may be cited as " The Canterbury Museum and Library Ordinance, 1870."

10. The Appropriation Ordinance 1870

Not in the Volume.