

Session XXXVII 1872 (April to June 1872)

1. Municipal Council Ordinance Repeal Ordinance 1872

Copy not in Volume.

2. Christchurch City Council Ordinance Repeal Ordinance 1872

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3. Hospital and Charitable Aid Ordinance 1864 Repeal Ordinance 1872

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4. Sheep Rating Ordinance 1866 Amendment Ordinance 1867 Repeal Ordinance 1872

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5. Hackney Carriage Ordinance 1864 Repeal Ordinance 1872

[19th June 1872.]

Whereas it is expedient that "The Hackney Carriage Ordinance 1864" should be repealed.

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The said recited Ordinance shall be and the same is hereby repealed except so far as it repeals any former Ordinance.

2. Title.

This Ordinance shall be intituled and may be cited as "The Hackney Carriage Ordinance 1864 Repeal Ordinance 1872."

6. Canterbury Roads Ordinance 1872

[19th June 1872.]

Whereas it is expedient to give extended powers to Road Boards to provide for the better management of local affairs without the limits of Boroughs and to amend the laws relating to the control and management of public roads 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. Short Title.

This Ordinance shall be entituled "The Canterbury Roads Ordinance 1872."

2. Repeal of former Ordinance.

The Ordinance mentioned in the First Schedule hereto shall be repealed
Provided that all proceedings matters and things lawfully had or done under or in
pursuance of the said repealed Ordinance shall be of the same force and effect
to all intents and purposes as if no such repeal had taken place.

3. Interpretation.

Save where there is something in the context repugnant thereto or inconsistent
therewith the following words and expressions shall mean or include the matters
following: The word "cattle" shall include horses asses mules sheep goats and
swine The word "road" shall mean and include any public highway The word
"river" shall mean and include any river creek stream drain or watercourse The
word "district" shall mean any road district constituted under or by virtue of this
Ordinance The word "Board" shall mean any district road board constituted under
or by virtue of this Ordinance The word "ferry" shall include any punt or floating
bridge The word "owner" where used with reference to any lands in respect to
which any rate is to be paid or work is to be done shall mean the person for the
time being entitled to receive or who if the land were let to a tenant at a rack rent
would be entitled to receive the rack rent from the occupier thereof The words
"public notice" publication of such shall mean the 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 The word "Superintendent" shall mean the
Superintendent for the time being in the Province of Canterbury The word
"Gazette" shall mean the Government Gazette of the Province of Canterbury The
expression "rateable value" when used with reference to rateable property shall
mean the annual value of any such property appearing in a valuation for the time
being in force under this Ordinance and on which value rates made by any board
are to be made.

I. Constitution of Districts.

4. Province divided into Districts.

There shall be in the Province of Canterbury Road Districts which shall be named
and bounded as specified in the second schedule in the Ordinance annexed.

5. Boundaries.

Whenever a road or river shall be described or defined as forming or have become the boundary of any part of a district a line along the centre of such road or river shall constitute such boundary for all purposes.

6. Union of Districts.

If the Boards of any two or more districts which shall adjoin each other and together form one continuous area and in each of which an annual election or first appointment of members of the Board shall have taken place under this Ordinance shall by petitions under the several common seals of such districts pray the Superintendent that such districts be constituted one united district it shall be lawful for the Superintendent if he shall deem fit so to do by proclamation to constitute such districts one district under this Ordinance by such name as shall in and by such proclamation be assigned to the same and they shall thereupon be such one district accordingly and with the like effect as upon the constitution of any district hereby or hereunder provided always that upon every such union of districts if either or any of the several districts so united shall be a single district and have been divided into subdivisions every such subdivision shall be abolished and each of the several districts so united which shall be a single district and each subdivision of any one of such several districts previously having been a united district shall become and be by the name theretofore borne by the same respectively a subdivision of the district formed by such first-mentioned union.

7. Division and severance of Districts.

If a majority of the Ratepayers of any portion or portions of any district or two or more contiguous districts (such portions adjoining each other and together forming one continuous area) shall petition the Superintendent that such portion or portions shall be severed from its or their existing district or districts and formed into a separate Road District or annexed to an adjoining or contiguous district it shall be lawful for the Superintendent if he shall think fit so to do to refer any such petition to the Provincial Council of the Province of Canterbury for their consideration and the Provincial Council may by resolution decide that any such portion or portions shall be severed from its or their existing district or districts and constituted into a separate district or annexed to an adjoining or contiguous district as the case may be and thereupon the Superintendent shall by proclamation declare that such portion or portions shall be severed from such district or districts and constituted into a new district under such name as shall seem fit or annexed to such adjoining or contiguous district from a date to be fixed in such proclamation.

8. Districts when severed, &c., to deemed new Districts.

Under the provisions of the two preceding sections in every such case of separation or union the districts affected or constituted thereby shall be deemed to be new districts under the provisions of this Ordinance and shall be proclaimed as aforesaid and all subdivisions (if any) of the original district or districts shall cease to exist and the seats of the members of the Board of every such district

shall thereupon become vacant and an election of the members of the Board of every such district shall thereupon be held and take place in manner and under and in pursuance of the provisions hereinafter contained for the first election of members of the Board of a district in which no Board has been in office.

9. Subdivision of Districts.

At any time after the first ordinary annual election or general election as the case may be of the Board for any district the Superintendent if he shall have received a petition to that effect from the Board of the said district or from one-fourth or more of the number of persons liable to be rated under this Ordinance in respect of rateable property in the said district may by proclamation within three months after the receipt of the same divide the district into two or more separate subdivisions by such names as shall by such proclamation be assigned to the same and in and by such proclamation the boundaries of the subdivisions shall be set forth Provided that no such division shall be made within three months before the day appointed for holding the annual election of members of the Board in or for such district.

10. Board to be Body Corporate.

The inhabitants of every district constituted hereunder shall be a body incorporated under the name of the "Road Board of the District" as the case may be and by that name shall have perpetual succession and a common seal and shall be capable in law by such name for the purposes and subject to the provisions of this Ordinance of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

II. Boards.

11. Number, &c., of Members.

There shall be in and for each district a Board consisting of five members who shall be elected in manner hereinafter provided.

12. Members to represent respective subdivisions.

In every case in which a district shall be divided into subdivisions the members of the Board shall not be elected in and for the district at large but the number of members to be elected for each subdivision shall be determined by the Superintendent and published in the proclamation fixing the boundaries of such subdivision.

13. Members how assigned when district is subdivided.

The members of a Board who shall be in office in a district at a time when the same shall be divided into subdivisions shall be severally subdivided. assigned by the Superintendent in the proclamation declaring such subdivision to each subdivision and shall for the purposes of this Ordinance be deemed the members for the same for the then current year.

14. Qualification of Member of Board.

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 works of a value not exceeding ten pounds in the aggregate in any one year 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 ordinary 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 Chairman of the Board or if there be no Chairman the Superintendent shall forthwith by public notice call a meeting of the Ratepayers of the District or subdivision as the case may be 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 manner hereinafter provided.

15. Members to retire in rotation.

At the annual election in every year two members and three members alternately shall go out of office and the members who shall so go out of office shall always be the members who have been the longest time in office without re-election and if by reason of two or more members having become members at the same time it shall not be apparent under the foregoing part of this section which of such last-mentioned members ought at any time to go out of office then the Board shall itself determine by lot in what order and which of such members shall go out of office.

16. When the district is subdivided all the members to go out of office.

Upon the division of any District into subdivisions all the members of the Board shall go out of office at the then next annual election but shall be eligible for re-election.

17. Retirement of Members when District is subdivided.

At the first meeting of the new Board after any District shall have been divided into subdivisions the Members thereof shall determine among themselves by ballot which two of their number shall retire at the next annual election and the two Members of the Board so balloted shall hold office until such next annual election 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 and thereafter the provisions of section fifteen shall be applicable for the purpose of determining the members to go out of office at the annual elections.

18. Members can be re-elected.

Nothing herein contained shall prevent any person from being immediately or at any time re-elected a member of a Board if he shall for the time being be capable under the provisions hereof of being and continuing such member.

III. Electors.

19. Qualification.

Every person of the full age of twenty-one years 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 net annual value not exceeding twenty-five pounds shall have one vote in respect of property exceeding the value of twenty-five pounds and not exceeding fifty pounds two votes exceeding fifty pounds and not exceeding one hundred pounds three votes exceeding one hundred pounds and not exceeding two hundred pounds four votes and exceeding two hundred pounds five votes 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 resident within such road district shall be taken and deemed to be a ratepayer for the purposes of this Ordinance.

20. Qualification in subdivision.

Where any district shall be divided into sub-divisions every person who under the last preceding section would be entitled to vote as therein mentioned shall instead thereof be entitled to be enrolled upon the ratepayers' roll to be made as hereinafter provided for the sub-division or sub-divisions 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 of the district to be held in and for such sub-division or sub-divisions as hereinafter provided and the said section and every provision thereof shall as to each sub-division be read as applying thereto and not to the district at large.

21. Joint occupiers.

Where any rateable property is jointly occupied or jointly owned by more persons than one each of such persons shall for the purposes of the two last preceding

sections 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 if such several annual values shall be not less than ten pounds but if such several annual values shall be less than ten pounds then a number of such joint occupiers or owners equal to the number of votes which could be exercised in respect of such property if the same were singly occupied or owned shall be deemed for the purposes aforesaid to be the occupiers or owners of the whole but those entitled to vote shall have only one vote each and such occupiers or owners so to be deemed occupiers or owners shall be those whose names shall stand first in order upon the rate then last made or if no rate has been made upon the valuation and return made as herein required.

IV. Appointments, Elections, &c.

22. Appointment of first Board.

It shall be lawful for the Superintendent by warrant under his hand to appoint fit and proper persons to be the first members of the respective Boards for the several districts specified in the second Schedule hereto who shall hold office until the first annual ordinary election when the whole number of members shall under the provisions herein contained go out of office.

23. First election in new District.

For the first election of members of the Board in every district in which no member of the Board shall have yet been in office those persons enrolled on any electoral roll which under the provisions of "The Registration of Electors Act 1866" shall for the time being be in force whose qualifications are in respect of lands and tenements situate within the district and those persons who are householders resident within the district and no other person shall on such day as the Superintendent shall appoint not being less than forty days after the same shall have become such district and in the manner hereinafter mentioned elect from the persons capable of being such members the whole number of members hereby assigned to such district.

24. Annual ordinary elections when there is no Ratepayers' Roll.

In every district in which members of the Board shall be in office hereunder if a ratepayers' roll shall not as yet be in force for such district or where such district is divided into sub-divisions for each sub-division thereof those persons enrolled on any electoral roll which under the provisions of "The Registration of Electors Act 1866" or any other Act for the like purpose shall for the time being be in force whose qualifications are in respect of lands and tenements situate within the district if not divided into sub-divisions or if the district be divided into sub-divisions within any sub-division thereof for which no such ratepayers' roll shall be in force shall on the day that the Board shall appoint in the first week in the month of January in each year and in the manner hereinafter mentioned elect

from the persons capable. of being such members the number of members to be elected in the room of those who shall under the provisions herein contained go out of office by rotation in that year.

25. Annual ordinary elections when Rate-payers' Roll is made.

In every district not divided into sub-divisions the rate payers enrolled upon the ratepayers' roll for the time being in force for the district and in every district divided into sub-divisions the ratepayers enrolled upon the ratepayers' roll for the time being in force for each sub-division of such district shall on the day that the Board shall appoint in the first week in the month of January in each year and in the manner hereinafter mentioned elect from the persons capable of being members of the Board the whole number of members to be elected in the room of those who shall under the provisions herein contained go out of office by rotation in that year.

26. One vote allowed when there is no Ratepayers' Roll.

At all elections hereunder at which persons shall be entitled to vote by reason of their being enrolled on some electoral roll for the time being in force under "The Registration of Electors Act 1866" or by reason of their being householders such persons shall not be entitled to give more than one vote to each candidate whatever may be the value of the qualification of such persons.

27. Chairman to preside.

Every election of members of the Board of any district not divided into sub-divisions shall be held by and before the chairman of the Board and if at any time there be no such chairman or if the chairman be incapable of acting or refuse or neglect to act the Board of the district or in their default or if there be no such Board and at the first elections under this Ordinance the Superintendent may and shall appoint some person by and before whom such election shall be conducted or if such person shall refuse or neglect to act the ratepayers or electors present at the time and place appointed may and shall appoint some person before whom the election shall be conducted.

28. Presiding Officer in subdivisions.

In every district divided into sub-divisions all elections of members of the Board for any sub-division shall be held by and before such one of the members for such sub-division or if there be no such member by and before such one of the other members of the Board as the Board shall from time to time have appointed for holding elections in and for such sub-division and if the Board have failed to make such appointment and in case of the first election under this Ordinance by and before such person as the Superintendent shall for the occasion appoint in that behalf or if such person shall refuse or neglect to act then the voters present at the time and place appointed may and shall appoint some person before whom the election shall be conducted.

29. Manner and expenses of election.

All elections shall be held and conducted in the manner hereinafter provided and all reasonable expenses of or incidental to any election incurred by the returning officer shall be repaid to him by the Board out of the district fund.

Proceedings of the Board.

30. Election of Chairman.

At the first meeting of the Board in every district and subsequently at the first meeting of the Board next after the annual ordinary election the Board shall by the majority of votes of the members present elect one of their body to be chairman who shall hold office until the next annual ordinary election shall have been held and such chairman shall preside at all meetings of the Board at which he shall be present and if such chairman cease to be a member he shall be incapable of being or continuing chairman and in case the chairman die or by writing under his hand delivered to the Board at any meeting thereof or to the clerk of the Board resign his office or as aforesaid cease to be a member or be ousted of such his office by a rule or order of any competent court or a judge thereof the members present at the meeting next after the occurrence of such vacancy or at any meeting before there shall as yet have been a chairman shall choose some one of their body to be chairman and the chairman so elected shall continue in office until the next annual ordinary election shall have been held and if at any meeting of the Board the chairman be not present one of the members present shall be elected chairman of such meeting by the majority of the votes of the members present thereat and such chairman shall exercise the same powers at such meeting as the elected chairman Provided always that any chairman shall have the same powers in bringing any matter before the Board as are accorded to any other member of the Board.

31. Contracts.

The Board may enter into contracts with any person for the execution of any works directed or authorised by this Ordinance to be done by the Board or for furnishing materials or for any other things necessary for the purposes of this Ordinance and every such contract for the execution of any work shall be in writing and shall specify the work to be done and the materials to be furnished and the price to be paid for the same and the time or times within which the work is to be completed and the penalties to be suffered in case of non-performance thereof.

VI. Bye-Laws.

32. Board may make bye-laws affecting certain matters.

The Board of any district may provide and from time to time make bye-laws for the following matters within such district or any portion thereof so far as the same

are not herein expressly provided for and may from time to time by other bye-laws alter or revoke any such bye-law namely for—

Regulating their own proceedings and the duties of their officers and servants and preserving order at the meetings of the Board.

Preventing and extinguishing fires.

Lighting with gas or otherwise.

Suppressing nuisances houses of ill fame and gaming houses.

Compelling residents to keep their premises free from offensive or unwholesome matters.

Regulating market market dues fairs and sales.

Aligning curbing paving guttering gravelling and cleansing roads rivers and gutters as the case may be.

Regulating the removal of soil from roads.

Sewerage and drainage.

Restraining noisome and offensive trades.

Preventing or regulating the bathing or washing the person in any public water near a public thoroughfare.

Preserving public decency.

Causing vacant land not being Crown Lands to be enclosed where public safety is likely to be endangered.

Keeping of swine and goats.

Planting and preserving trees and shrub

And generally maintaining the good rule and government of the district.

VII. Officers, etc.

33. Appointment, &c., of Officers.

The Board may from time to time appoint and employ a treasurer clerk engineer surveyor valuers collectors and all such other officers to assist in the execution of

this Ordinance as they shall think proper and necessary and from time to time remove any of such officers and appoint others in the room of such as shall be so removed or as may die resign or discontinue their offices and may out of the district fund pay such salaries and allowances to the said officers respectively as the Board shall think reasonable and all such officers shall observe the provisions herein contained and any two or more of the said offices may be held by the same person.

34. Members of the Board may act.

Any member of the Board shall be capable of being or continuing clerk or treasurer or any other such officer of the district as in the last preceding section mentioned but shall not be paid any salary fees or other reward for services performed as such clerk treasurer or other officer.

35. Appropriation of revenue.

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 maintenance and repairing of any river 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.

36. Bank account.

All moneys of the body corporate amounting to twenty pounds and upwards shall within thirty days after they shall have come to the hands of the proper officer of the Board be paid into such bank as the Board shall from time to time have appointed for that purpose and no such money shall be drawn out of such bank save by cheques signed in such manner as the Board may appoint.

VIII. Rateable Property, Rates, &c.

37. Description and exceptions.

All lands tenements and hereditaments shall be rateable property within the meaning of this Ordinance save as is next hereinafter excepted that is to say except land the property of Her Majesty and land occupied or used for public purposes by the Crown or the Government of New Zealand or by the Province of Canterbury or by the Board of the district and hospitals benevolent institutions and buildings used exclusively for public charitable purposes churches chapels and other buildings used exclusively for public worship and buildings used as athenaeums mechanics' institutes public schools or as residences of schoolmasters or schoolmistresses thereof provided they be inhabited only by the master or mistress of such schools or his or her family and burial grounds

38. Power to levy rates.

The Board of every district shall once at least in every year and may from time to time as they see fit in manner hereinafter mentioned make and levy rates to be called general rates equally on all rateable property within such district and no such rates made in any one year shall exceed the amount of one shilling in the pound of the annual value of such property and the Board of every district may also make and levy special rates for the purposes and subject to the provisions hereinafter expressed and contained.

39. Special rates.

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 "special" rate equal 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 the ratepayers within such portion reckoned according to their votes then such rate shall not be levied and such special rate so levied shall be expended only for the purposes for which the same has been made anything herein contained to the contrary notwithstanding.

40. Persons who are liable.

Every rate whether general or special which the Board of any district is by this Ordinance authorized to make or levy shall be made and levied by them at such periods as they shall think fit upon every person who occupies or if there be no occupier then upon the owner of any rateable property whatsoever within such district according to the full net annual value of such property and the said rates shall be vested in the Board and shall be payable at such times either the whole or in such parts or instalments as they shall appoint.

41. Times when rates may be made.

Every rate made under this Ordinance shall be made for and in respect of such period after the making such rate as the Board shall think fit and shall be named by the Board when making the same but this section shall not prevent the Board from making or levying during any such period another rate if they shall otherwise have power hereunder to make or levy the same.

42. Rates may be retrospective.

The Board may make any such rate in order to raise money to pay charges and expenses to be incurred or in order to raise money to pay charges and expenses already incurred.

43. Estimates to be prepared.

The Board from time to time before proceeding to make any general or special rate which they are by this Ordinance authorized to make or levy shall cause an estimate to be prepared of the money required for the several purposes in respect of which they are authorized to expend or apply the district fund showing the several sums already available for such purposes the several sums required the rateable value of the property assessable and the rate on each pound of such value necessary to raise the money required which estimate after the same has been approved of by the Board shall be forthwith entered on the rate-book to be kept as hereinafter provided.

44. Notice of rate to be given.

Public notice of the intention of making every rate authorized to be made under the provisions of this Ordinance and of the time at and the period in respect of which the same is intended to be made and of a place where a statement of the proposed rate is deposited for inspection by the ratepayers shall be given by the Board.

45. Rate-roll to be prepared.

Every such rate shall be fairly transcribed in a book to be called the Book of Rates to be kept for that purpose and may be in the form given in the third schedule to this Ordinance or as near thereto as the circumstances of the case shall permit and every such rate shall contain an account of every particular set forth at the head of the respective columns so far as the same can be ascertained and shall be signed by the chairman or the clerk of the Board.

46. Notice to be sent to non-residents.

The Board shall fourteen days at the least before the making of any rate cause a notice in the form or to the effect in the fifth Schedule to this Ordinance to be sent through the post to any person or persons in the said Book of Rates 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.

47. Rate may be inspected.

The statement of the proposed rate and the rate immediately after the same is made shall be open to the inspection of any person interested or rated at all reasonable times until one month at the least from the making of the rate and any such person may take copies or extracts from such statement or rate without paying anything for the same and any person having the custody of such statement or rate who shall refuse to permit any person so interested or rated as aforesaid or shall not on his request permit him to take copies or extracts from such statement or rate shall for every such offence be liable to a penalty not exceeding five pounds.

Ratepayers' Roll.

48. Ratepayers' Roll to be made.

The Board of every district shall during the week ending on the Thirtieth day of September in each year make out according to the form in the fourth Schedule to this Ordinance from the last rate which shall by the Rate Book to be kept as herein provided appear to have been made for the district or from the valuation and return to be made as herein provided if no rate shall as yet have been made a list to be called the Ratepayers' Roll of the names 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 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 be 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.

49. Ratepayers' Roll for subdivisions.

Where any district shall be divided into subdivisions the sections hereof relating to the formation and amendment 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 subdivision of the District and the Ratepayers' Roll for each subdivision as amended from time to time and signed by the Chairman of the Board or not less than two members of the Board shall be the Ratepayers' Roll for the subdivision and shall continue in force for the said subdivision until another Ratepayers' Roll shall have duly come into force for the same and subject to the provisions herein contained shall take effect according to their tenor respectively for each separate subdivision of such district instead of the district at large.

50. Owner to be described as owner when name is not known.

Whenever the name of an owner liable to be rated under the provisions of this Ordinance is not known to the Board it shall be sufficient to rate such owner as the owner of the property to be rated by the designation of the owner without stating his name.

51. Rights of Owners under Leases made prior to this Ordinance.

When any owner is rated in respect of any rateable property in the occupation of any tenant under a lease or agreement made prior to the commencement of this Ordinance such tenant shall repay to the owner all sums paid by him during the continuance of such lease on account of any rates under this Ordinance payable by the occupier unless it shall have been agreed that the owner shall pay all rates in respect of such property and every sum so payable by the tenant to the owner may be recovered if not paid upon demand in any court of competent jurisdiction.

52. Weekly tenants not to pay rates.

The owners of all rateable property which is let to weekly tenants shall be rated and pay the rates by this Ordinance directed to be made instead of the occupiers thereof who shall not in any such case be rated as such occupiers.

53. Owner to pay rates in default of occupier

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 owners of the property who shall thereupon be liable to pay the same.

54. Penalty in case of occupier refusing to give name of owner.

If on the request of the Board of the district or any collector of the said rates duly authorised by them as such the occupier of any property refuses or wilfully omits to disclose or wilfully mis-states to the Board or Collector making such request the name of the owner of such property or the person receiving or authorised to receive the rents of the same such occupier shall be liable to a penalty not exceeding five pounds.

55. Board can excuse payment in cases of poverty.

It shall be lawful for the Board if it shall be represented to them 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.

56. Valuation to be made.

The Board of each district in which no valuation has been made under this Ordinance shall within three months after the constitution of the district cause to be made for such district and the Board of every district may from time to time afterwards as shall seem fit cause to be made for such district a valuation of all the rateable property within the district or such part as the case may be by competent persons to be called valuers in such manner and form and such valuers shall have such powers and duties as are hereunder prescribe and the rates made by the Board for the purposes of this Ordinance shall be made upon such valuation then last made and in every such valuation the property rateable shall be computed at its net annual value (that is to say) at the rent at which the same might reasonably be expected to let from year to year free of all usual tenants' rates and taxes and deducting therefrom the probable average annual cost of the repairs insurance and other expenses (if any) necessary to maintain such property in a state to command such rent Provided that all rateable property which shall not since the sale alienation or other disposition thereof by the Crown have be improved by building cultivation or enclosure or in other like manner shall be computed as of the net annual value of five per centum upon the fair capital value of the fee simple thereof.

57. Form of valuation.

Every valuer appointed under this Ordinance shall make and return his valuation of rateable property in the district in the form contained in the seventh schedule or to the like effect and shall also at the same time state in such return with regard to each rateable tenement or hereditament the several particulars shown in the respective columns of the said Schedule.

58. Valuer empowered to enter on premises.

Every valuer shall for the purpose of making the valuation and enter on premises. return a aforesaid have power to enter at a reasonable hours in the day time into and upon all rateable property within the district without being liable to any legal proceedings on account thereof.

59. Empowered to make enquiries.

It shall be lawful for any valuer to put to any person in occupation or in charge of any rateable property which such valuer shall have been authorised under the provisions hereof to value questions upon all such matters as shall be necessary to enable such valuer to state correctly the several particulars herein required to be stated in his valuation and return with regard to the premises and if after being informed by such valuer of his purpose in putting such questions and of his authority under this Ordinance to put the same any such person in occupation or charge or any such owner shall refuse or wilfully omit to answer the same to the best of his knowledge and belief or shall wilfully make any false answer or statement in reply to any such question such person shall on conviction forfeit and pay for every such offence a penalty not exceeding five pounds.

IX. Maintenance of Roads, &c.

60. Roads, &c., to be under care of Board.

All roads and rivers not being private property within any district except roads and rivers of which the Provincial Government shall take upon themselves the maintenance and repair and all public bridges and ferries within any district or placed under the control of the Board thereof as herein provided and being upon such roads or connecting any part thereof within the district with any other part thereof within or without the same shall be under the care and management and subject to the direction of such Board and every such Board shall subject to the provisions hereof have full power to form construct improve repair and maintain all such roads bridges and ferries Nothing herein contained shall be deemed to restrict or limit or take away any powers which any Board of Conservators under the "Canterbury Rivers Act 1870" may have respecting the control or management of any river or rivers.

61. Buildings, &c., to be vested in Board.

The right interest and property of and in all toll-houses toll-gates and other erections and buildings lamps bars toll-boards direction boards milestones posts

rails chains fences and other things and all ferries which shall hereafter be placed erected or provided under this Ordinance in or for any district or be placed under the control of the Board thereof as herein provided with the several appurtenances thereof and the material of which the same shall consist and all the materials tools and implements which shall be provided for constructing repairing or maintaining the roads bridges or ferries within the district or such bridges or ferries as may be placed under the control of the Board under this Ordinance and the scrapings of all such roads shall be vested in the Board of the district Provided always that nothing herein contained shall be deemed to vest in the Board of any district any right interest or property whatsoever in any toll-house toll-gate or other erection or building or in any lamp bar toll-bar direction-board milestone posts chains rails or other thing upon or near any road in any district of which road the Provincial Government shall have taken or shall take upon themselves the maintenance and repair.

62. Boundary roads.

If any part of a road shall lie along and upon or be adjoining lengthways to the limits of any district but a portion of the breadth of such part shall lie outside such district within any limits of any other district within the said Province and if such road shall not as to such part theretofore have been drained formed macadamised or otherwise made good or shall be ruinous or out of repair the Board of either district may cause to be given to the Board of the other district a notice stating the desire of the Board giving the notice that such part of such road as aforesaid and described in such notice may be drained formed macadamised or otherwise made good or repaired and offering to treat and agree with the Board receiving the notice with respect to the performance by either party of the whole or part of such work and the future maintenance and repair of such part of the said road and such agreement may as to any or all of such matters be made accordingly and every such Board giving or receiving such notice shall for the purpose of carrying out any such agreement have power to perform any such work or any part thereof and to provide for such maintenance and repair.

63. Boundary rivers.

If any part of a river shall lie along or upon or be adjoining lengthways to the limits of any district but a portion of the breadth of such part shall be outside such district and shall be adjoining to or within any limits of any other district and if such river shall at any time require cleansing scouring or clearing of weeds watercress or other matter the Board of either district may cause to be given to the Board of the other district a notice stating the desire of the Board giving the notice that such part of such river as aforesaid and described in such notice may be cleansed scoured or cleared of weeds watercress or other matter and offering to treat and agree with the Board receiving the notice with respect to the performance by either party of the whole or part of such work and the future cleansing scouring and keeping clear of such weeds watercress and other matter of such part of the said river and such agreement may as to any or all of such matters be made accordingly and every such Board giving or receiving such

notice shall for the purpose of carrying out any such agreement have power to perform any such work or any part thereof and to provide for any such work for the future.

64. Board can claim from adjoining Board part cost of maintaining boundary roads, &c.

If one month after the receipt of any such notice mentioned in the two immediately preceding sections such Board receiving the same shall not treat and agree with the Board giving such notice as to the subject matter thereof it shall be lawful for the Board giving such notice to execute the whole or any part of the works mentioned in such notice and to recover from the Board so omitting to treat and agree in any Court of competent jurisdiction a proper proportionate part of the expenses of so doing according to the circumstances of the case provided that the Board so executing shall have executed so much of any such work as shall apply to such last-mentioned Board.

65. Board to have control over water-courses.

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 In the interpretation of this section the term "natural watercourse" shall include any ditch or drain which has in the opinion of the Board of any district become necessary as a drainage outlet for such district or any part thereof.

66. Penalty for obstructing drains.

Any person placing obstructions in any river or ditch within any 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 not less than One Pound or more than Ten Pounds.

67. Penalty for emptying foul drains in rivers, &c.

If any body or bodies politic or corporate or any person or persons whomsoever shall at any time empty drain or convey or cause or suffer to be emptied drained or conveyed or to run or flow any washings or other waste liquids substances or

things whatsoever which shall arise or be produced in any manner whatsoever into any river brook or running stream or into any ditch drain or sewer communicating. with any of them or do or cause to be done any act or thing to the water contained in any such river creek or running stream whereby the water contained therein or any part thereof shall or may be polluted fouled or corrupted then and in every such case any such body politic or corporate or person or persons so offending as aforesaid shall be liable to a penalty not exceeding fifty pounds.

68. Clearing rivers or streams of water-cresses, &c.

If at any time hereafter the rivers creeks watercourses ditches or drains or the part or parts of any such rivers creeks watercourses ditches or drains in any district shall by reason of not being sufficiently cleansed or opened or kept free from watercresses weeds and other obstructions hinder and obstruct the free passage of the water from the same or any other rivers creeks watercourses ditches or drains or the part or parts thereof in any adjoining district and if the same shall not be perfectly cleansed and opened and cleared of watercresses weeds and other obstructions within one calendar month after notice in writing shall have been given thereof to be left at the place of abode of the Chairman of the Board of such first-mentioned district by or on behalf of the Board of the district in which any such hindrance or obstruction shall from time to time take place it shall then be lawful for any such Board giving or causing to be given any such notice as aforesaid from time to time as often as there shall be occasion to open cleanse and clear from watercresses weeds and other obstructions the said rivers creeks watercourses ditches or drains and the reasonable expenses thereof shall and may be recovered by any such Board from the Board to whom any such notice has been given and making default as aforesaid.

69. Boundary bridges, &c., to be under control of that Board which Superintendent shall appoint.

The Superintendent may by proclamation appoint that any bridge or ferry which may have been or may hereafter be placed or provided at the boundary of any district on or over any river or creek whereof the whole breadth and both banks shall not at the site of such bridge or ferry lie or be within such district shall with the approaches thereto be under the control of the Board of such district and the same shall be under their control accordingly Provided that half the reasonable expenses of maintaining any such bridge or ferry shall and may be recovered in a court of competent jurisdiction by any such Board from the Board from the adjoining district within which part of the breadth and one bank of any such river shall at the site of such bridge or ferry lie.

70. Closing of roads temporarily.

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.

71. Precautions to be taken.

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 a court of competent jurisdiction be liable to a penalty not exceeding Five Pounds or to be imprisoned for any period not exceeding fourteen days.

72. Power to enter on private land.

It shall be lawful for the Board of every district by their engineer or surveyor or other person authorised by them after giving the owners or occupiers of the land not less than three or more than fourteen days' notice of the intention so to do to enter upon any land adjoining any road not being Crown lands or lands over which the native title shall not have been extinguished and not being the site where any house stands nor being a garden yard park planted walk or avenue to a house or any enclosed ground planted or set apart as an ornament or shelter to a house or planted or set apart as a nursery for trees or any part thereof respectively whereof the owner or occupier does not consent to such entry for the purpose of constructing altering or repairing any drains sewers culverts causeways or bridges of or on such road or of repairing such road alld the Board shall make reasonable compensation to such owner or occupier for any damage sustained by him in consequence of such entry.

73. Power to impound.

It shall be lawful for the Board of any district by some person duly authorised by such Board in that behalf to impound any cattle that may be found straying on any road within the boundaries of such district contrary to the provisions of "The Canterbury Trespass of Cattle Ordinance 1872" or any law for the time being in force relating to the trespass of cattle.

74. Obstructions.

If any person shall without lawful authority make or cause to be made any dwelling-house or any other building or any hedge or other fence at the sides of or on or across any road in such a manner as to reduce the breadth or confine the limits thereof or to stop or obstruct the same or shall fill up or obstruct any ditch at the side thereof or make any drain gutter sink or watercourse across or otherwise break or injure the surface of such road or any part thereof or in any other manner obstruct the free passage of such road or of any bridge or shall unlawfully before the commencement of this Ordinance have done any such acts it shall be lawful for the Board of the district to cause such dwelling-house or other building hedge fence ditch drain gutter. sink or watercourse breaking or injuring the surface or other obstruction to be taken down cleaned filled up made good or removed as the case may be and the expenses of so doing may be recovered from such person in any Court of competent jurisdiction.

75. Penalty in such cases.

Every person who shall commit any of the offences enumerated in the preceding section shall on conviction forfeit and pay for every such offence a penalty not exceeding twenty pounds.

76. Trees obstructing or injuring road.

If the Board shall be of opinion that any road within the district is in any manner prejudiced or any obstruction caused to such road by any tree growing or being on land adjoining thereto it shall be lawful for the Board and after notice duly served on the owner and occupier or upon the occupier only if the owner cannot be found of the land on which such tree may be to require the removal of such tree or any part thereof by such owner or occupier as may be injuring the said road or obstructing the same and in default of compliance with such requisition within eight days after a copy thereof shall be served personally on such owner or occupier such owner or occupier as the case may be shall on conviction forfeit and pay for such default a penalty not exceeding five pounds.

77. Penalty for allowing live fence adjoining public highway to grow to a height exceeding eight feet.

Every occupier of land fronting on any road of any district who shall suffer any live fence growing on such land and adjoining such road to grow to a height exceeding eight feet above the ordinary level of the adjoining land or to overhang such road 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 road shall constitute a separate offence.

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

The chairman of the Board of any district shall from time to time as may be required give notice in writing to any occupier of land in any such district fenced with gorse or broom fronting on any road therein 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 within a reasonable time 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.

79. Tram and Railways may be constructed.

It shall be lawful for the Board of an district with the consent of two-third of the ratepayers in such district to make and construct a wooden or iron or other tramway or tramroad or any railway or railroad along or upon any road in such district in lieu of or in addition to any other sort of road or roads or to make arrangements with any company or private individuals for the formation of such tramway or railway and the provisions of this Ordinance shall so far as the same

can be applied be made to extend to any such tramway or tramroad railway or railroad.

80. Powers reserved by Government for making roads.

Notwithstanding anything herein contained it shall be lawful for the Superintendent to cause to be made constructed maintained and repaired within any district all such roads and bridges as he shall think fit and also to cause to be constructed and maintained in or through any district any railway canal or any other work whatsoever which shall be authorised by law and for all such purposes as aforesaid such persons as the Superintendent shall appoint shall have all the powers which are hereby vested in the Board of such district in the like behalf for the construction maintenance or repair of roads or bridges or for the execution of any permanent work or undertaking.

81. Board not to interfere with certain roads, &c.

Nothing herein shall authorise the interference by any Board with any public road railway bridge ferry cemetery market wharf aqueduct public place or building whatsoever not formed constructed or erected by such Board which may be excepted from the jurisdiction of such Board by any proclamation made or to be made by the Superintendent or respecting which provision shall have been made or shall be made by any Act of the General Assembly or by the Legislature of the Province of Canterbury Provided that the Superintendent may by proclamation if the Board consent authorise the Board to take upon itself the charge of any such accepted public road railway bridge ferry cemetery market wharf aqueduct public place or building within the limits of the district and in actual use by the people of such district upon such conditions as shall be specified in such proclamation.

Tolls, &c.

82. Board may erect toll-gates on 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 or at the roads bridges and ferries 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 eighth schedule to this Ordinance Provided that 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.

83. Table of fees to be maintained.

Before any toll shall be demanded at any toll-gate or toll-house to be erected as aforesaid the Board shall cause to be put up and maintained at such toll-gate or toll-house a table painted in legible black letters on a board with a white ground containing at the top the name of the gate or house distinguishing the several tolls together with the Christian name and surname of the toll-collector and also a list of the several gates or houses (if any) which shall be cleared by the payment of toll at the toll-gate or house where such table of tolls shall be affixed and the said Board shall also where more than one gate or house 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 or house at which the same respectively shall be delivered and also the names of the several gates or houses 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 house or houses therein mentioned as being cleared as aforesaid by payment of the toll at the gate or house where such ticket was delivered the person producing the same shall on the day of the issue thereof pass by the gate or gates house or houses therein mentioned as well as the gate at which the toll was paid without paying any further or additional toll for the same animal or vehicle.

84. 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 any wise hinder any person from reading the inscriptions on such aforesaid table or who shall unnecessarily detain or wilfully obstruct or hinder any passenger from passing through any toll-gate or who shall use any abusive language to any traveller or passenger shall for every such offence forfeit and pay any sum not exceeding five pounds.

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

If any person shall with any horse cattle beast or carriage go off or pass from any road through or over any land near or adjoining thereto (not being a public road and such person not being the owner or occupier or servant or member of the family of the owner or occupier of such land) with the intent to evade the payment of the tolls payable by virtue of this Ordinance or if any owner or occupier of any land shall knowingly or willingly permit or suffer any person except as aforesaid with any horse cattle beast or carriage whatsoever to go or pass through or over such land with intent to evade any such toll or if any person give or receive from any person other than the collector of the tolls or forge counterfeit or alter any note or ticket with intent to evade the payment of the tolls or any part thereof or if any person shall fraudulently or forcibly pass through any such toll gate with any horse beast or cattle or shall leave the same upon the said road by reason whereof the payment of any tolls shall be avoided and lessened or shall take or cause to be taken off any horse or other beast or cattle from any carriage either before or after having passed through any toll gate or having passed through any toll gate shall afterwards add or put any horse or other beast to any such carriage

and draw therewith upon any part of any road so as to increase the number of horses or other beasts drawing the said carriage after the same shall have passed through any toll gate whereby the payment of all or any of the tolls shall or may be evaded or if any person shall do any other act whatever in order or with intent to evade the payment of all or any of the tolls and whereby the same shall be evaded every such person shall for every such offence forfeit and pay any sum not exceeding five pounds.

86. 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 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 eighth schedule to this Ordinance and shall in no case decrease the amount of tolls without the consent in writing thereto of the lessee.

87. Toll 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.

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

If any road shall pass or extend through or into two or more districts and if tolls 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 to which such tolls are payable but also through or into another or others of such districts and if the Board of any one or more of such last-mentioned district 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 within 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 all districts lying between the same respectively and along the line of the said road.

89. Superintendent shall determine proportion of tolls payable to different districts through which 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 Gazette.

90. 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 such Board shall at once distribute the same as aforesaid but should such Board fail within twenty-one days to make such distribution 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 Superintendent may recover the same in a summary way in a court of competent jurisdiction and the Provincial Treasurer shall pay them over as such first-mentioned Board was bound to have done.

XI. Election of Members.

91. Notice of election. Declaration of election when uncontested.

Fourteen clear days before any election the Chairman of the Board or other person duly appointed to hold the election hereinafter styled the returning officer shall give notice of such election by advertisement inserted in some newspaper generally circulating in the district or in some other manner in the district calculated to give in the opinion of the returning officer full publicity to the same specifying in such notice the day and hour on which the nomination shall take place and also the day on and the hours between which a poll if necessary shall be taken and on the day of nomination so fixed as aforesaid the returning officer shall preside at a meeting to be held at the time and place named in such notice and shall declare the purpose for which the meeting is held and every candidate shall be proposed by an elector duly qualified to vote at the election and seconded by another elector so qualified and if there be no more candidates proposed and seconded than the number of members then to be elected the returning officer shall declare such candidates to be duly elected and they shall be deemed to be then duly elected accordingly from the day appointed

hereunder for the election Provided that nothing herein contained shall prevent the same day from being fixed in such notice for the day of nomination and for taking the poll.

92. Show of hands to be taken.

In the event of there being more candidates proposed and seconded than the number to be elected the returning officer shall call for a show of hands separately in favour of each candidate and after such show shall declare the persons in whose favour the show of hands shall appear to have been and if thereupon a poll he not demanded by one of the candidates or by not less than two electors the returning officer shall declare such persons to be duly elected.

93. Polling-places in districts.

In and for each district not less than fifteen days before the first election of the Board thereof under this Ordinance the Superintendent shall in and for every district and he may at any time afterwards when occasion shall require appoint a sufficient number of polling places for such district at which the poll shall be taken at all elections held for the same and may from time to time on the like application alter and vary the same.

94. Polling-places in subdivisions.

In every district divided into sub-divisions the Superintendent shall within fifteen days after any sub-division of such district shall become such sub-division appoint in and for such sub-division one place to be the place of polling at all elections held in and for such sub-division and he may from time to time afterwards appoint in lieu thereof another such place within such sub-division.

95. Returning Officer or Deputy to preside.

The returning officer or a deputy returning officer to be appointed by writing under his hand shall preside at each polling booth for taking the poll within the district.

96. Contested election — notice, and time, and place of meeting.

If a poll be demanded such poll shall be held and taken at the time and place or places and between the hours specified in such notice as aforesaid.

97. Polling booths, &c.

At every such election the returning officer if it shall appear to him expedient for taking the poll may cause booths to be erected or rooms to be hired and used as such booths in the places appointed as aforesaid for taking the poll as occasion may require and the same shall be so divided and allotted into compartments as to the returning officer shall seem most convenient.

98. Power of Returning Officer and Deputies.

Every returning officer and deputy returning officer shall have power and authority to maintain and enforce order and keep the peace at any election or polling held by him and to cause any person to be removed who shall obstruct the approaches to any polling booths or shall conduct himself in a disorderly manner and all constables and peace officers shall aid and assist such returning officer and deputy in the performance of his duty.

99. Persons who may be present in polling booth

No other person except the returning officer or his deputy the necessary poll clerks and not exceeding one agent at each polling booth present in polling for each candidate to be appointed in writing by the candidate shall remain in any polling booth during the polling and no person whatever except the returning officer or deputy returning officer shall speak to any elector after he shall have entered the polling booth and before he shall have voted as hereinafter provided and any person offending against any of the provisions of this section shall be liable to a penalty not exceeding twenty pounds to be recovered in a summary way Provided always that no such poll clerk or agent shall be employed or be permitted to be present and remain in any polling booth during the polling unless he shall have made and subscribed in the presence of the returning officer or his deputy a declaration in the form in the sixth Schedule hereto.

100. State of the poll not to be declared until close.

The number of votes which may be given for any candidate at any such polling booth shall not be published or made known until after the close of the poll and every returning officer deputy returning officer poll clerk agent or constable who shall directly or indirectly by any means whatsoever publish or make known before the close of the poll the number of votes which may have been given for any candidate shall for every such offence be liable to a penalty of not exceeding fifty pounds to be recovered in a summary way.

101. Mode of conducting elections.

On the day of election the voting at each polling place shall be conducted in manner following:

(1) Every person entitled to vote at the election (herein called elector) may vote for any number of candidates not exceeding the number of the members of the Board then to be chosen.

(2) When any elector tenders his vote the returning officer or deputy returning officer or poll clerk to whom the same is tendered shall state explicitly in alphabetical order the names of the several candidates and shall then enquire of the elector for which of the said candidates he intends to vote.

(3) On such candidate or candidates being named by the elector the returning officer or the deputy returning officer or poll clerk shall enter the vote or votes to which such elector is entitled accordingly in a poll book to be kept for that

purpose and the elector shall affix his signature to the entry Provided always that when the elector affixes his mark it shall be witnessed by the returning officer or poll clerk.

(4) It shall be lawful for the elector at any time before he has affixed his signature as aforesaid to have the entry of the names of the candidate for whom he desires to record his vote or votes altered but no alteration shall be made after the entry is signed.

(5) As soon as the elector has signed the entry he shall immediately leave the polling booth and on his refusal to do so shall be forthwith removed by order of the returning officer or deputy returning officer.

102. Questions to be put to voters at elections if no Ratepayers' Roll.

At every election of members of the Board of any district in voters at elections if no ratepayers' roll, which a ratepayers' roll shall not be in force the returning officer or his deputy as the case may be may and he shall if required by any candidate or his agent put to every person tendering his vote the questions following:

(1) What is your name?

(2) Are you an elector enrolled on any electoral roll now in force under the provisions of "The Registration of Electors Act 1866" and is your qualification as such elector in respect of lands or tenements within this district or are you a householder resident within the district?

(3) What is the property in respect of which you are so enrolled and the name and situation thereof?

(4) Have you already voted at the present election?

And no other question shall be put to any person tendering his vote and no person who shall refuse to answer any such questions or whose answers to the same shall not show his right to give such vote shall be permitted to vote.

103. Questions to be put to voters at elections if Ratepayers' Roll in force.

At all elections of members of the Board of any district in which a ratepayers' roll shall be in force the returning officer or his deputy may if he see fit or if required so to do by any candidate or his agent authorised in writing put to any person tendering his vote the questions following:

(1) Are you the person whose name appears as (A.B.) in the ratepayers' roll now in force for this district being enrolled therein in respect of property described to be situated [here specify the place described in the ratepayers' roll]

(2) Have you already voted at the present election?

And no other question shall be put to any person tendering his vote and no person who shall refuse to answer any of such questions or who shall not answer the first of such questions absolutely in the affirmative and the second of such questions absolutely in the negative shall be permitted to vote.

104. False answer, polling twice, and impersonation.

Every person who shall wilfully make a false answer to any of the questions aforesaid or who shall poll more than once or offer to poll more than once at the same election or who shall personate any other person for the purpose of polling at any election shall for every such offence be liable to a penalty not exceeding one hundred pounds.

105. Declaration of poll and casting vote.

Every deputy returning officer shall immediately upon the close of the poll forward the poll books to the returning officer and the returning officer shall after the close of the poll and the receipt of the poll books examine the poll books for the purpose of ascertaining the number of votes for each candidate and the returning officer shall as soon as conveniently may be on or after the day of the poll at some polling place of the district publicly declare the number of votes given to each candidate and shall declare the candidates not exceeding in number the number of vacancies to be filled up who have received at all the polling booths taken together the greatest number of votes to be duly elected as members of the Board of the district and if two or more candidates shall have received an equal number of votes the returning officer shall in each case have a casting vote.

106. Returning Officer, if a ratepayer, may vote.

Nothing herein contained shall prevent or be constructed to prevent any chairman of the Board or any ratepayer who shall act as a returning officer at any election to be held under the provisions of this Ordinance from voting or recording his vote or votes at any such election in the same way as such chairman or ratepayer would be entitled if he had not been acting or appointed such returning officer.

107. Manner of proceeding if a person elected for more than one subdivision.

If any person be elected a member in more than one subdivision he shall within seven days after notice thereof chose or in default thereof the Board at its next meeting shall declare for which one of the subdivisions such members shall serve and he shall thereupon be held to be elected in that subdivision only which he shall so chose or which the Board shall so declare and shall cease to be a member for any other subdivision.

108. Adjournment of election by reason of riot, &c.

When the proceedings at any election under this Ordinance shall be interrupted or obstructed at any polling place by any riot or open violence the returning officer or deputy as the case may be shall not finally close the poll but shall adjourn the taking of the poll at the polling place at which such interruption or obstruction shall have happened to the day following and if necessary such returning officer or deputy shall further adjourn such poll until such interruption or obstruction shall have ceased when such returning officer or deputy shall again proceed with the taking of the poll at the place at which the same may have been so interrupted or obstructed.

109. Adjournment when from some other cause no election on day appointed.

If from any cause not being such as in the last preceding section mentioned after a poll shall stand appointed for any election no such election shall take place on the day appointed for the same the election shall stand adjourned until the same day of the following week and the returning officer shall give not less than three days' previous notice thereof by advertisement or by placards affixed in public places in the district and in all such cases as in this and the said section mentioned the members of the Board for the district or sub-division as the case may be (if any) who would on the day appointed for the election have retired from office by rotation shall continue in office until the day to which such election or the polling at any booth for the same has been or stands adjourned.

110. Provision for total failure in filling up one or more vacancies.

If at the first general election of the whole Board to be held as herein provided for any district after the first constitution thereof under this Ordinance no member or less number of members of the Board than hereby required shall have been elected it shall be lawful for the Superintendent to appoint a number of persons capable of being such members equal to the number so deficient to be members of such Board and such persons shall be members thereof accordingly to all intents and purposes as if elected as herein provided and if at any other election of members of the Board of any district whether the same be an annual ordinary election or be for supplying extraordinary vacancies in the Board no seats or vacancies or number of seats or vacancies less than the whole number which should have been filled up at such election shall be filled up then the seats and vacancies which shall not be so filled up shall severally be deemed extraordinary vacancies and to have occurred on the day appointed for such election or to which the same may have been or may stand appointed adjourned as before provided and shall be filled up as hereinbefore provided for extraordinary vacancies.

111. Mode of holding elections in subdivisions.

Where any district shall be divided into sub-divisions the preceding sections hereof relating to the election of Members of the Board in districts shall be read as applying to elections of such members to be held in and for each sub-division instead of for the district at large and the polling for every such election shall be

held at a polling place within each sub-division appointed as herein provided and in the questions hereinbefore prescribed to be put to any person tendering his vote the word 'sub-division' shall be substituted for "district" and to the last in each series of the said questions the following words shall be added that is to say "in this sub-division" and all the provisions of this part shall take effect in the cases of elections of members of Boards for sub-divisions accordingly.

112. The like where district divided into subdivisions.

Where any district shall be divided into sub-divisions the last section subject to the provisions hereinbefore made with regard to annual ordinary elections in and for sub-divisions shall be read as applying to each sub-division of the district instead of to the district at large and shall take effect accordingly.

113. Misfeasance of Officers, &c.

If the chairman of the Board of any district or if any person having been duly appointed hereunder to act as returning officer or deputy returning officer at any election and undertaken so to act shall be guilty of any wilful misfeasance or wilful act of commission or omission contrary to any of the provisions of this Ordinance relating to elections he shall upon conviction forfeit and pay for every such offence a penalty not exceeding fifty pounds to be recovered in a summary way.

XII. Proceedings of the Board.

114. Meetings.

The Board of every district shall hold ordinary meetings for the transaction of general business which shall be held on such day and hour in each week month or stated space of time as the Board shall from time to time appoint and when any such appointment is made the clerk shall give notice thereof to each of the members and they shall afterwards until the time of such ordinary meeting is changed and notice of such change given to the members attend such ordinary meetings without notice.

115. Place of meeting.

All meetings of the Board of any district in or for which there shall at the time be no office appointed as hereinafter provided shall be held at some convenient place within the district or within an area wholly surrounded thereby and all meetings of the Board of any district for which there shall at the time be an office appointed as hereafter provided shall be held at such office.

116. Board may appoint office.

The Board of every district may from time to time either by order appoint an office at any place within the district or within an area wholly surrounded thereby or by by-law appoint such office at any place within two miles outside the boundary of the district Provided that the Superintendent at any time if he shall have received

a petition under the hands of not less than forty persons whose names shall appear on the ratepayers' roll for such district praying him to and if he shall see fit so to do may after thirty days' notice thereof to the Board of the district annul such by-law and the same shall thereupon be wholly void.

117. Questions to be decided by voting.

At all meetings of the Board all the members present shall vote save where it is herein otherwise provided and the questions then considered shall be decided by open voting and by the majority present and if there be an equal division of votes upon any question the chairman at such meeting shall in addition to his own vote as member have a second or casting vote Provided always that if at any such meeting there shall be an equality of votes in the election of the chairman it shall be decided by lot which of the members having an equal number of votes shall be the chairman Provided also that at every annual meeting the chairman (if any) going out of office at that meeting shall if present and willing to act be the chairman of such meeting.

118. Quorum.

All powers vested in the Board under this Ordinance may be exercised by any three or more of the members present at any meeting holden in pursuance of this Ordinance.

119. Adjournment of meetings.

The members present at the first meeting or at any ordinary meeting or at any adjourned meeting may from time to time adjourn such meeting and if at any meeting of the Board there be not present within half-an-hour after the time appointed for such meeting the number of members hereby authorised to exercise the powers vested in the Board the members present or the major part of them or any one member if only one be present or the clerk of the Board if no member be present may adjourn such meeting to another day not earlier than three and not later than seven days from the date of such adjournment.

120. Extraordinary business.

Where any business other than ordinary business is required or intended to be transacted at any ordinary meeting the clerk shall give notice thereof to each of the members of the Board and no such extraordinary business nor any new rules or regulations shall be transacted or adopted at the ordinary meetings unless due notice thereof has been given at a prior meeting and sent to each member in the manner required for special meetings.

121. Resolutions how altered or revoked.

No resolution at any meeting of the Board shall be revoked or altered at any subsequent meeting unless notice of the intention to propose such revocation or alteration be given by the clerk to each of the members seven days at least before holding the meeting nor unless such revocation or alteration be determined upon by a majority of the members present at such subsequent

meeting if the number of members present at such subsequent meeting be not greater than the number present when such resolution was come to or by a majority if the number of members present at such subsequent meeting be greater than the number present at such former meeting.

122. Special meetings.

The Board may hold special meetings and any three or more of the members may require a special meeting to be held but no such meeting shall be held unless four clear days' notice thereof at least be given.

123. Special orders.

Where by this Ordinance the Board are empowered to do nything by special order only they shall not do such thing unless the resolution to do the same shall have been agreed to by the Board in some meeting whereof special notice has been given and shall have been confirmed in a subsequent meeting held not sooner than four weeks after the preceding meeting and notice of which subsequent meeting has been given to each of the members of the Board.

124. Committees.

The Board may at any meeting from time to time appoint committees for any purposes which in the opinion of the Board would be better regulated and managed by means of such committee and it may fix the quorum of such committee and shall from time to time appoint one of the members thereof to be Chairman of such committee and may continue alter or discontinue such committee and from time to time remove such Chairman.

125. Vacancy not to invalidate proceedings.

No proceedings of the Board or of any Committee shall be invalidated or be illegal in consequence only of there being any vacancy in the number of members at the time of such proceeding.

126. Nor want of capacity, &c., of any member.

All proceedings of the Board or of a committee thereof or of any person acting as a member shall notwithstanding it be afterwards discovered that there was some defect in the election or appointment of the members of the Board or persons acting as aforesaid or that they or any of them were incapable of being such members be as valid as if every such person had been duly elected or appointed and was capable of being a member of the Board.

127. Minutes of proceedings.

The Board shall cause entries of all the proceedings of the Board and of every committee appointed by them with tile names of the members who shall attend each meeting to be duly made from time to time in books to be provided for the purpose which shall be kept by the Clerk under the superintendence of the Board and every such entry shall be signed at the meeting next succeeding the meeting at which such proceeding or attendance shall have taken place or such

proceeding of a committee been reported by the Chairman of such succeeding meeting and such books shall at reasonable times be open to the inspection of any of the members of the Board or of any ratepayer of the district or of any person appointed by the Superintendent for that purpose.

128. Officers not to accept fees.

Every officer employed by the Board who shall exact or accept on account of anything done by virtue of his office or in relation to the matters to be done under this Ordinance any fee or reward whatsoever other than the salary or allowance allowed by the Board or who shall be in anywise concerned or interested in any bargain or contract made by the Board shall be liable to a penalty of not exceeding fifty pounds.

129. Security to be taken from Officers trusted with moneys.

Before any paid officer entrusted by the Board with the custody or control of moneys by virtue of his office shall enter upon such office the Board shall take sufficient security from him for the faithful execution thereof.

130. Collectors to pay moneys and make returns.

Every collector appointed or employed by the Board by virtue of this Ordinance to collect any rates shall within seven days after he shall have received any moneys on account of any such rates pay over the same to the person appointed by the Board for that purpose to the account of the Board and the receipt of such person for the moneys so paid shall be a sufficient discharge to the collector and every such collector shall in such time and in such manner as the Board shall direct deliver to them true and perfect accounts in writing under his hand of all moneys received by him and of all moneys paid by him to the said person by virtue of this Ordinance and also a list of the names of all persons who have neglected or refused to pay any rate or money owing by them with a statement of the moneys due from them respectively and in respect of what several periods and rates the same are due respectively.

131. Appointment of Auditors.

It shall be lawful for the Superintendent from time to time to nominate and appoint any one or more person or persons as he shall think fit to be an auditor or auditors for any district and such person or persons from time to time as he shall think fit to remove and on the death resignation or removal of any such auditor or auditors to appoint any other person or persons in place of any person or persons so dying resigning or removed.

XIII. Accounts.

132. Books to be kept.

The Board shall cause books to be provided and kept in such form as shall from time to time be appointed by the Superintendent on the recommendation of the

auditor to be used in road districts and true and regular accounts to be entered therein of all sums of money received and paid for and on account of this Ordinance and of the several purposes for which such sums of money shall have been received and paid which books shall at all reasonable times be open to the inspection of any of the members of the Board or ratepayers or of the auditor appointed under the preceding section without fee or reward and the members of the Board and persons aforesaid or any of them may take copies of or extracts from the said books without paying anything for the same.

133. Accounts to be balanced annually and audited.

The Board shall cause their accounts to 'be balanced up to the first day of January in each year and shall cause a full and true statement and account to be drawn out of the amount of all rates or assessments made and of all moneys received and expended by virtue of this Ordinance during the preceding year and of all available assets and of all debts then owing by and all liabilities of the Board and such statement and account shall be laid before the auditor of the district who is hereby required to attend at the office of the Board or at such other place as may be agreed on by the Board and auditor within four months from the first day of January and who shall in the presence of the clerk of the Board if he desire to be present proceed to audit the accounts of the year preceding such balancing and the Board shall by their clerk produce and lay before the auditor the accounts so balanced as aforesaid together with the said statement and account accompanied with proper vouchers in support of the same and all books papers and writings in their custody or power relating thereto and any person interested in the said accounts either as a creditor of the body corporate or as a ratepayer may be present at the audit of the said accounts by himself or his agent and may make any objection to any part of such accounts and if the said accounts of the Board be found correct such auditor shall certify to the same and such certificate shall be laid before the next meeting of ratepayers and if upon examination of such accounts it shall be found that the certificate of the auditor had been withheld by reason of the non-production of proper vouchers or full abstracts of accounts it shall then be lawful for the Superintendent to withhold his warrant for the issue of any money voted by the Provincial Council for the service of such Board until the auditor shall have reported that he has issued his certificate.

134. Accounts to be produced at next meeting.

The accounts of the Board so balanced as aforesaid and audited as aforesaid together with the said statement and account shall be produced at the next meeting of the Board or at some adjournment thereof at which meeting all creditors and rate-payers and other persons interested as aforesaid may be present and the accounts shall then be finally examined and settled by the Board and if the same be found just and true they shall be allowed by the Board and certified accordingly under the hand of the chairman of such meeting and after such accounts have been so allowed and signed by such chairman and also by

the auditor as hereinbefore provided the same shall be final in regard to all persons whomsoever.

135. Publication and advertising.

In all cases in which any matter or thing is hereby required to be published advertised or inserted by the Board in a newspaper generally circulating in the district the said newspaper shall be such newspaper as the Board shall from time to time by order have appointed in that behalf or in the Gazette.

XVII. General Miscellaneous.

136. Penalty for obstructing Board or its Officers.

Any person who shall obstruct or attempt to obstruct the Board or any person employed by them in the performance of anything which they are respectively empowered or required to do by this Ordinance or any other Ordinance shall upon conviction forfeit and pay for every such offence a penalty not exceeding ten pounds.

137. Penalties how to be recovered.

Every offence made punishable by imprisonment with or without hard labour or by a pecuniary penalty shall and may be prosecuted in a summary way before any two Justices of the Peace in the manner provided by the "Justices of the Peace Act 1866" so far as the same relates to summary convictions or by an Act repealing or amending the same or for like purposes.

138. Co-operation of Boards.

It shall be lawful for the Board of any district from time to time to contract upon such terms and conditions as they think fit with the Board of any other district or with any other body corporate or public body empowered in that behalf for or with respect to the doing and the control and management by either or both of the contracting parties of any matter or thing which the Board of the district and such other Board or body are by law empowered to do control and manage.

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

If at any time the persons qualified so to do shall refuse or neglect to elect members of the Board of any district or if the members of the Board of any district shall refuse or neglect to carry this Ordinance into operation the Superintendent shall by proclamation published in the 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 or of the chairman of such Board shall from the date of such proclamation vest in and be exercised by such Commissioner on behalf of the Board or of the chairman of the same 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 Provided also that the appointment of such Commissioner together with all his powers shall cease and determine if at the next annual election or any following annual election the persons qualified so to do shall elect a Board as hereinbefore provided.

140. Executive Council to advise the Superintendent.

The Superintendent shall in doing any act matter or thing hereunder or exercising any power conferred on him hereby act by and with the advice and consent of his Executive Council.

141. Penalty for acting as a Member of a Board when incapacitated.

Every person who acts as a member of a Board being incapacitated under the provisions hereof to be and continue such shall save in cases of incapacity proceeding from unsoundness of mind be liable for every such offence to a penalty not exceeding fifty pounds nevertheless all acts as a member of any person incapacitated as aforesaid done previously to the recovery of the penalty shall be as valid as if such person had been capable.

142. Misnomer not to prejudice.

No misnomer or inaccurate description contained in this Ordinance or any proclamation made hereunder shall in anywise prevent or abridge the operation of this Ordinance with respect to the subject of such description provided the same shall have been designated so as to be understood.

143. Scrutiny of signatures.

If it shall be credibly represented to the Superintendent where any petition has been presented to him that any of the signatures to such petition are not the signatures of the persons whose they purport to be or that any of the persons purporting to sign the same are not persons entitled to sign in that behalf or that in any other respect the provisions hereof with regard to such petition have not been complied with or if it shall seem expedient to ascertain the truth of any matter to which such petition shall refer it shall be lawful for the Superintendent to cause such enquiry to be made with respect to the particulars aforesaid as may seem necessary in that behalf and the consideration of the matter of said petition shall be adjourned.

144. Chairman to call public meeting, of ratepayers upon requisition.

Upon the requisition in writing of any persons representing not less than one-tenth of the votes to which all the persons qualified to vote in all elections of members of the Board of any district are entitled the chairman shall within fifteen days of the receipt of such requisition call a public meeting of the persons qualified to vote as aforesaid giving not less than fourteen days' public notice thereof and specifying the business to be transacted thereat.

145. Rates due how apportioned.

All rates which under the Ordinance specified in the first Schedule hereto shall at the time of the first election or first appointment of members of the Board of any district under this Ordinance be due or payable to or leviable by or for the Board of any road district affected by this Ordinance for or on account or on behalf of any such road district shall be vested in the body corporate of the district into which such first-mentioned road district shall be converted under this Ordinance and shall be paid to received levied and recovered by such body corporate in manner by this Ordinance provided for the receipt and recovery of rates or in like manner as the same might have been paid to received levied and recovered by the Board of the said road district or their collector if this Ordinance had not been passed according to the option of the Board and such rates when received shall be applied in or towards payments of the liabilities (if any) of the Board of the said first-mentioned road district and the surplus thereof after paying such liabilities shall be applied for the benefit of the district within which the property vested for payment of the same is situate and all penalties and forfeitures incurred or imposed before such first election or appointment of members as the case may be for any district under this Ordinance under the Ordinance specified in the said Schedule for or in respect of any act done or omitted within or in regard to the district converted into a district under this Ordinance shall and may be enforced as if this Ordinance had not been passed.

146. All rights of former Boards to attach to body corporate of district constituted under this Ordinance.

All rights liabilities contracts and engagements existing and all actions suits and proceedings pending of or by or against the Board of any road district constituted under the Ordinance specified in the first Schedule hereto for and on behalf of such road district at the time of the first election or first appointment of members under this Ordinance for any district constituted hereunder shall immediately after such first election or appointment vest in and attach to and be enforced carried on and prosecuted by or against the body corporate of the district into which such first-mentioned road district shall have been converted under this Ordinance instead of the Board of or for such road district and no such action suit or proceeding shall abate or be discontinued or prejudicially affected by the, constitution of the area comprised in such first-mentioned road district into a district under this Ordinance.

147. Property of former road districts to vest in body corporate under this Ordinance.

All real and personal property and all right title or interest in or to any such property and all right of management or control over any such property or over any land place or thing vested in the Board of any road district under the Ordinance specified in the first schedule or in the Superintendent for or on behalf of any district at the time of the first election or first appointment of members of the Board under this Ordinance for any district constituted hereunder shall

immediately on such first election or appointment as the case may be vest in the body corporate of the district constituted hereunder into which such road district shall have been converted instead of the Board or Superintendent.

First Schedule.

Ordinance Repealed.

“The Roads Ordinance 1869.”

Second Schedule.

Road Districts.

Schedule B.

1. The Waipara.
2. The Ashley.
3. The Kowai.
4. The Mandeville and Rangiora.
5. The Eyreton.
6. The Cust.
7. The West Eyreton.
8. The Oxford.
9. The Avon.
10. The Riccarton.
11. The Heathcote.
12. The Spreydon.
13. The Halswell.
14. The Lincoln.
15. The Springs.
16. The Templeton.
17. The Courtenay.
18. The Malvern.
19. The East Malvern.
20. The Upper Waimakariri.
21. The Ellesmere.
22. The Lake Coleridge.
23. The Rakaia.
24. The Port Victoria.
25. The Port Levy.
26. The Pigeon Bay.
27. The Okain's Bay.

28. The Akaroa and Wainui.
29. The Little River.
30. The Ashburton.
31. The Mount Somers.
32. The Temuka.
33. The Geraldine.
34. The Mount Peel.
35. The Levels.
36. The Waimate.
37. The Mount Cook.

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 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 Ashley District.

The Ashley District comprises all that portion of the Province bounded on the South and West by the Ashley River from the road running between Sections 1684 and 2673 to its source on the East by the road forming the eastern boundary of Section 2163 thence by that road to where it crosses the western boundary of Run No. 11 thence by the latter boundary to the Makerikeri thence by that river and the eastern boundary of Run No. 194 to the summit of Mount Grey thence by the ridge to Mount Karetu thence by the eastern and northern boundaries of Runs 165 166 and 168 to the westernmost corner of Run No. 464 and also by the Waipara District.

3. The Kowai District.

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 River Ashley and on the West by the Ashley District.

4. The Mandeville and Rangiora District.

The Mandeville and Rangiora District comprises that portion of the Province bounded on the North by the Ashley on the East by the sea on the South by the River Waimakariri and the Town of Kaiapoi on the West by the Cust District and on the South-west by the Eyreton district.

5. The Eyreton District.

The Eyreton District comprises all that portion of the Province bounded on the northward by the Oxford and Rangiora Road the Oxford and Kaiapoi Road and the centre of the Rangiora Main Drain as at present existing to the northern branch of the Waimakariri thence by that branch to a point in line with the western boundary of the Town of Kaiapoi thence by the western and southern

boundary of the said Town to the Waimakariri thence by a straight line drawn to the westernmost corner of Section No. (369 on the West by the Cust District and on the South and East by the Waimakariri.

6. The Cust District.

The Cust District comprises that portion of the Province bounded on the North by the Ashley District on the East by a true North and South line drawn through Trig. Pole c 30 on the bank of the Waimakariri on the West by the boundary lines between Runs 29 class 3 and 164 class 2 and 34 class 3 and 203 class 2 and on the South by the West Eyreton District.

7. The West Eyreton District.

The West Eyreton District comprises all that portion of the Province bounded on the North by the Cust District on the East by a true North and South line drawn through Trig. Pole C 30 on the bank of the Waimakariri on the South by the Waimakariri and on the West by the boundary line between Runs 14 and 34 108 class 2 and 35 119 and 135.

8. The Oxford District.

The Oxford District comprises that portion of the Province bounded on the North by the Waipara and Ashley Districts on the East by the Cust West Eyreton and Ashley Districts on the South by the Waimakariri and on the West by that River and the Waimakariri District.

9. The Avon District..

The Avon District comprises that portion of the Province bounded on the North by the River Waimakariri from the sea to the western boundary of Section No. 5620 on the East by the sea on the South by the North boundary of the City of Christchurch and 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 3 25 292 291 290 280 279 243 331 1471 and 5620.

10. The Riccarton District.

The Riccarton District comprises that portion of the Province bounded on the North by the River Waimakariri on the East by the Avon District and the west boundary of the City of Christchurch on the South by the Lincoln Road to Archer's Bridge and the Lincoln and Riccarton Junction Road to its junction with the Great South Road the Great South Road to its junction with the Harewood Road by Riccarton the Harewood Road by Riccarton to a point in a line with the Prebbleton and Kaiapoi Junction Road on the West by the Prebbleton and Kaiapoi Junction Road to the Waimakariri at the north-east corner of Rural Section No. 2197.

11. 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 and Lyttelton Harbour on the West by the Dyer's Pass Road and the continuation of Colombo Street South to the City of Christchurch.

12. 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 River Heathcote to the south side of the Canal Reserve and the River Halswell to the old river bed and the west edge of the old river bed to the Great South Road.

13. 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 the western side of Cooper's Knobs and falling into the River Halswell and on the West by the River Halswell.

14. The Lincoln District.

The Lincoln District comprises that portion of the Province bounded on the North by the Spreydon and Templeton Districts and the Great South Road on the East by the Spreydon and Halswell Districts on the South by the South Bank of the Halswell and on the South-west by the road from the Thirteen-Mile Bridge to Trig. Pole L I and the Lincoln and Coal Tramway Road to its junction with the Weedon and Springs Road by the Weedon and Springs Road to its junction with the Great South Road.

15. The Springs District.

The Springs District comprises that portion of the Province bounded on the South-east by the edge of Lake Ellesmere on the South-west by the Selwyn on the North-east by the Lincoln District and the West Bank of the River Halswell and on the north-west by the Great Southern Railway from the Selwyn to where it is intersected by the southern side of the Great South Road and also by the Great South Road from such intersection to the Lincoln District.

16. The Templeton District.

The Templeton District comprises that portion of the Province of Canterbury bounded on the North by the Waimakariri on the East by the Riccarton District to the Great South Road on the South by the Great South Road and on the West by the road forming the North-east boundary of Section 6363 and the continuation thereof to its junction with the road forming the north-west boundary of Section 5835 thence by the latter road to the road dividing Sections 5720 and 5721

thence by that road to its junction with other roads north of the northern boundary of Section 11581 thence by the road leading from the last-mentioned junctions in a northerly direction west of and about 16 chains from the western boundary of Section 5194 to the Waimakariri aforesaid.

17. The Courtenay District.

The Courtenay District comprises that portion of the Province bounded on the North by the Waimakariri on the East by the Templeton District on the South-east by the Lincoln and Springs Districts on the South-west by the River Selwyn and the Wakaepa branch of the Selwyn on the North-west by the South-east boundary of Run No. 41.

18 The Malvern District.

The Malvern District comprises that portion of the Province bounded on the North by the Upper Waimakariri District on the North-eastward by the Waimakariri and also by the East Malvern District on the South-eastward by the Courtenay and East Malvern Road Districts on the Southward by the River Wakaepa branch of the Selwyn and on the Westward by a straight line drawn from the junction of the said branch with a creek running from the Thirteen Mile Bush to the southern end of Lake Lyndon.

19. The East Malvern District.

The East Malvern District comprises all that portion of the Province commencing at a point on the southern bank of the River Waimakariri the same being the easternmost corner of Run 41 thence South-westerly following the south-eastern boundary of that run to the Auchenflower Road thence North-westerly following a straight line to a point on the western boundary of Section 3719 where it is intersected by the western boundary of the before-mentioned run thence following a straight line to the north-eastern corner of section 13715 thence in a straight line to an angle in the Dalethorpe and Kowai Road situate thirty-three chains fifty links north of the southernmost corner of Section 14801 thence North-easterly following the eastern side of the said road to the North-west corner of Section 5177 thence easterly following the northern boundary of that section to the North-eastern corner thereof thence North-westerly following a straight line to the Southernmost corner of Section 5321 thence following the South-western the Western and the North-western boundaries of that section and the South-eastern boundary of Section 4573 to the Southernmost corner of Section 4803 thence following the South-western boundary of the latter section to the Westernmost corner thereof thence following a straight line to time westernmost corner of Section 4739 thence following the North-western boundary of that section to the River Waimakariri aforesaid and from thence returning along that river to the commencing point.

20. The Upper Waimakariri District.

The Upper Waimakariri District comprises all that portion of the Province bounded on the North by the Waipara district and the County of Wesland on the

South by Staircase Gully and the northern branch thereof to its source thence by a straight line to Mount Torlesse thence by a straight line in a South-westerly direction to the Easternmost branch of the stream which intersects the West Coast Road near the South-east corner of Section 9824 thence following the said branch and stream above-mentioned to the Southern side of the said road thence westerly following the Southern side thereof to the stream forming part of the Southern boundary of Section 9824 thence following up the latter stream to its source thence by a straight line to the Southernmost end of Lake Lyndon thence by a straight line to Red Hill on the West by the summit of the High Snowy Range from Red Hill and also by the Black Range to the head waters of the Waimahariri thence by an east and west line (true) to the County of Westland and on the Eastward by the summit of the range leading from Ashley Head the Puketerahi Range the northern boundary of Run No. 270 and the River Waimakariri.

21. The Ellesmere District.

The Ellesmere District comprises that portion of the Province bounded on the North by the Springs and Courtenay Districts on the East by Lake Ellesmere on the South by the sea and the Rakaia and on the North-west by the Great South Road.

22. The Lake Coleridge District.

The Lake Coleridge District comprises that portion of the Province bounded on the North by the Upper Waimakariri District on the South-west by the River Rakaia to its southern-most source and a straight line therefrom due west true to the County of Westland on the North-west by that County and on the East by the Western boundary of Runs 67 and 96 and a continuation of that boundary to the North Bank of the Hororata thence by the North Bank of that River to its principal source thence by a straight line from said source to the head of the nearest stream running into the Wakaepa River thence by that stream and by the Malvern and Upper Waimakariri Districts.

23. The Rakaia District.

The Rakaia District comprises that portion of the Province bounded on the South-east by the Ellesmere district on the North-east by the Malvern and Courtenay Districts on the South-west by the River Rakaia and on the West by Lake Coleridge District above described.

24. 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.

25. 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 5. 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 time West by the Port Victoria District

26. 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 Hill 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.

27. 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.

28. The 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 to the main ridge of hills through Mount Bossu Corew'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 it s 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.

29. The Little River District.

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

30. The Ashburton District.

The Ashburton District comprises that portion of the Province bounded on the North-east by the Rakaia and Ellesmere Districts on the South-east by the sea on the South-west by the Rangitata and on the North-west by the Mount Somers

District.

31. The Mount Somers District.

The Mount Somers District comprises that portion of the Province bounded on the North by the Lake Coleridge District on the North-east by the Rakaia and Lake Coleridge Districts on the South-east by the North boundary of Run No. 499 and a line in continuation thereof to the River Hinds thence following down that River to the North-western boundary of Run No. 59 thence following the latter boundary to the River Ashburton thence following a straight line by the northern end of the Island to the Northern branch of the River Ashburton thence following down the same to the North-western boundary of Run 124 and from thence following that boundary and the North-western boundary of Run No. 116 and a line in continuation thereof to the River Rakaia on the South-west by the Rivers Rangitata and Clyde to the source of the latter and a true West line and on the North-west by the County of Westland.

32. The Temuka District.

The Temuka District comprises that portion of the Province bounded on the North-east by the Ashburton District on the South-east by the sea on the Southward by the River Opihi on the North-west by the Geraldine District.

33. The Geraldine District.

The Geraldine District comprises that portion of the Province bounded on the North by the Ashburton District on the West by the Mount Peel District on the South by the Opihi River and on the East by the Main South Road to Section 5961 thence following the Northern boundary line of 5961 and 11526 and a line in continuation of the same to the Eastern boundary of Section 9031 thence following the Eastern and North-Western boundaries of the latter section to the Geraldine Road thence following that road South-easterly to the road running through Section 7319 thence following the latter road by Trig Pole 5 and through Section 3275 to the North-eastern corner of Section 7462 thence following the Eastern boundary of Section 7462 to the South-east corner thereof thence following a straight line to the south-west corner of Section 13741 and from thence following the road forming the Western boundary of that section to the River Opihi before mentioned.

34. The Mount Peel District.

The Mount Peel District comprises that portion of the Province bounded on the North and North-eastward by Mount Somers District on the Eastward by the Ashburton District and by a road leading from the Rangitata River within Reserve No. 1237 (in red) to Tripp's Cutting on the high bank of the Orari River following the continuation of that road to its junction with the road passing through section 9548 thence South-easterly following the latter road to the road running through section 9010 thence South-westerly following that road to the eastern boundary of Run 546 thence Westerly and Southerly following that boundary to the stream running from the south-eastern corner of Run 546 thence following down that

stream to its confluence with the Southern branch of the River Hae Hae-te-moana following up the said branch to the Western boundary of Run 548 thence following that boundary and the River Opuha to a point in line with the South-eastern boundary of Run 416 thence following that line to the River Opihi before mentioned on the South by the River Opihi from the Easternmost corner of Run No. 416 to a point in line with the eastern boundary of Run 254 a branch of the River Opuha forming the Northern boundary of Runs 254 and 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 254 and the ridge of the hills dividing the waters of the Opihi and the Rangitata from the waters of the Tekapo.

35. 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 Temuka District on the East by the sea on the South by the Pareora on the West by Section No. 6192 on the River Opihi following the watercourse therefrom and the stream following into the Tengawai the River Tengawai to a point opposite Section No. 5209 crossing the river and following down a small stream to the River Pareora.

36. The Waimate District.

The Waimate District comprises that portion of the Province bounded on the North by the Levels District the Pareora to its Westernmost source and an East and West line from thence to the Hakateramea on the East by the sea on the South by the Province of Otago on the West by the Hakateramea.

37. 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 Mount Peel Levels and Waimate Districts on the South by the Province of Otago.

Third Schedule.

Form of Rate.

An Assessment to the General District Rate [or if the case be so a Special Rate] made this day of in the year of our Lord 18 after the rate of pence in the pound, by virtue of "The Canterbury Roads Ordinance 1872."

Form.

No. on the rate.

Surname of person rated.

Christian name of person rated.

Trade or Occupation.

Name of Owner of rateable property.

Description and situation of rateable property.
Sub-divisions of district where district divided into Sub-divisions.
Gross Annual Value.
Full Net Annual Value.
Rate of d. in the Pound.

Signed by us, this day of in the year of our Lord 18 .

A.B. Chairman of the Board of the District of .
Or, C.D. Clerk of the Board of the District of .

Fourth Schedule.

Ratepayers' Roll of the (or Sub-Division) District.

[Form: Headings.]
Surname of Occupier in alphabetical order.
Christian Name of Occupier.
Occupier's Trade or Occupation.
Owner.
 Surname.
 Christian Name.
 Residence.
 Trade or Occupation.
Net Annual Value.

Fifth Schedule.

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 after such service at my residence at .
If the said Rate is not paid within the time above specified it will be recovered

(Signed) A.B. Valuer.

7. Education Ordinance 1871 Amendment No 2 Ordinance 1872

Missing.

8. The Canterbury Fencing Ordinance 1872

[19th June 1872.]

Whereas it is expedient to 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 Fencing Ordinance 1869 shall be and the same is hereby repealed except so far as it repeals any former Ordinance Provided that such repeal shall not affect the existing rights of any person under the said Ordinance or any proceedings or directions already taken commenced or given under the said Ordinance.

2. Occupier of land to give notice to owner or occupier of adjoining land of intention to erect dividing fence.

Before any person being an occupier lessee for years or owner of land shall erect or make a sufficient fence dividing his land from land not being Waste Lands of the Crown held under any depasturing license adjoining thereto such person is hereby required to give to the occupier or if there be no occupier to the owner or lessee for years of such adjoining land a notice in writing in the form or to the effect of that contained in Schedule A hereunto annexed of such person's intention to erect or make such sufficient fence as described in such notice and if such person shall erect such fence without giving notice as aforesaid the occupier lessee for years or owner as the case may be of such adjoining land shall not be liable to pay any portion of the value of such fence.

3. Serving of notice.

Every such notice may be served upon such occupier lessee for years or owner either personally or by leaving the same with some adult inmate at his usual

residence or if such owner or lessee for years shall be absent from the Province then by delivering the same to or leaving the same at the residence of his known agent in the same manner and if there shall be no such agent resident in the Province then it shall be sufficient to insert such notice at least three consecutive times in the Government Gazette of the Province.

4. In case of refusal or neglect to make half fence when notice given.

If after any notice has been given in accordance with the provisions of the preceding sections the occupier lessee for years or owner or his attorney or agent shall refuse or neglect for the space of one calendar month to make or cause to be made one half of the fence or fences mentioned in the said notice or one half of such sufficient fence as may be mutually agreed upon it shall be lawful for the person giving such notice as aforesaid thereupon or within six months thereafter to make a fence of the kind or description mentioned in the said notice or at his discretion to make any other sufficient fence within the meaning of this Ordinance and may thereupon recover in a court of competent jurisdiction from the person receiving such notice one half of the cost of making such fence.

5. Position of fence as regards adjoining land.

The owner or occupier or lessee for years of any land not being within the limits of any town may in making a fence as is described in clause 7 of Schedule B dividing his land from the land thereto adjoining make either the bank or ditch on such adjoining land and use the soil taken from the ditch towards the making of the bank Provided always that it shall not be lawful to make any ditch or bank upon any such adjoining land in any case where a hedge of live thorns gorse or broom or other live fence may have been planted and kept in good and thriving condition thereon so as to disturb or injure such hedge or other live fence without the consent of the owner or occupier or lessee for years of such land first obtained And where a dividing fence is made of the descriptions Nos.1 2 and 3 of Schedule B the posts of such fence shall be placed on the boundary line.

6. Occupier of land to pay moiety of value of dividing fence towards erection of which no assistance has been given.

If any occupier lessee for years or owner of such land shall at any of this Ordinance make use of or avail himself of any sufficient dividing fence erected or made before the passing of this Ordinance towards the erection or making of which no assistance equal to one moiety of the original cost of such fence 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 less the value of the assistance originally given towards the construction of such fence.

7. Dividing fence to be cut, trimmed, or repaired at joint expense of owners or occupiers.

When any sufficient dividing fence shall require cutting trimming cleansing or repairs or shall become insufficient the same shall be cut trimmed cleansed and repaired at the joint expense of the owners or occupiers or lessees for years of the land adjoining such fence and any owner or occupier or lessee for years of land adjoining such fence (having given notice in writing to the other owner occupier or lessee for years of the land divided by such fence or to his or her agent in the said Province) may on refusal or neglect of such last mentioned person for the space of two weeks to contribute one-half of such expense cause the same to be cut trimmed cleansed or repaired and made a sufficient fence and shall thereupon be entitled to recover from such adjoining owner or occupier or lessee for years one-half of the cost of so cutting trimming cleansing or repairing such fence.

8. 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 fence under the provisions of this Ordinance 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.

9. 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.

10. 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 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.

11. Ordinance not to affect waste lands of the Crown except as provided.

Nothing in this Ordinance shall be deemed to affect waste lands of the Crown except as herein especially provided.

12. Sufficient fence.

In the construction of this Ordinance the term "sufficient fence" shall be taken to include any fence of the description set forth in Schedule B hereto annexed Provided always that no person shall be entitled to erect any such fence as is described in Clause No. 7 of Schedule B within the limits of a town And provided also that where a fence has already been erected sufficient under the provisions of the Ordinance hereby repealed it shall not be necessary that any such fence should until its re-erection be made a sufficient fence within the meaning of this Ordinance.

13. Ordinance to apply to all cities and towns as well as lands referred to in Section 2.

The provisions of this 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 2 of this Ordinance.

14. In case of stream or ditch which does not form a sufficient fence dividing two properties.

When any stream or ditch which does not form a sufficient fence shall divide two properties and the owner of the land on' one side of the stream or ditch shall after having given the requisite notice to the owner of the land on the other side of the stream or ditch have erected a sufficient fence on his own land for half the distance between the said properties and the owner of the land on the opposite side shall have refused or neglected to complete a dividing fence by erecting a sufficient fence on his own land for the other half of such distance then it shall be lawful for the owner of the land who shall have given such notice and erected such fence as aforesaid and his workmen to enter upon the land on the opposite side of the stream or ditch and erect or cause to be erected thereon a sufficient fence in continuation of the fence he shall have erected on his own land for the remainder of the distance between his land on the opposite side of the stream or ditch and connect the said fences in such a way as occasion may require and he may deem most advisable and he shall be entitled to recover one-half of the entire cost of such fence from the owner of the land on the opposite side of such stream or ditch.

15. Title.

This Ordinance shall be intituled "The Canterbury Fencing Ordinance 1872."

9. The Public House Ordinance 1866 Amendment Ordinance 1872

[19th June 1872.]

Whereas an Ordinance was passed by the Superintendent of the Province of Canterbury with the advice and consent of the Provincial Council entitled "The Public House Ordinance 1866" and whereas two Ordinances were passed in the Twenty-sixth and Twenty-seventh Sessions respectively of the said Provincial Council for the purpose of amending the said Ordinance:

And whereas it is desirable further to amend the said Ordinance:

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

1. Repealing.

Section 13 of the said Ordinance is hereby repealed.

2. If quorum of Justices not present at annual or quarterly licensing meeting said meeting may be adjourned for two weeks.

Whenever at any annual or quarterly licensing meeting to be holden under the provisions of the said Ordinance a quorum of Justices shall not be present by one of the clock of the day at the Court House appointed for the meeting it shall be lawful for any one Justice being present to adjourn the said meeting for two weeks and to cause notice of such adjournment to be given to all other Justices resident in the district.

3. If quorum of Justices not present at adjourned meeting R.M. shall signify same to Superintendent, who shall then with advice and consent of Executive Council do and perform all acts which Justices are by said Ordinance empowered to do and perform at such meetings.

At such adjourned meeting it shall be lawful for the Justices then present if constituting a quorum under the provisions of the said Ordinance to take into consideration every application for a license and to hear inquire into and determine all objections thereto and to grant or refuse such license to every such persons as shall in their discretion be approved of by the majority of such Justices in the form and manner and subject to the terms and conditions provided by the said Ordinance Provided that if at such adjourned meeting there shall not be present a quorum of Justices the Resident Magistrate shall forthwith signify the fact to the Superintendent and it shall then be lawful for the Superintendent with the advice and consent of his Executive Council to do and perform all such acts which the Justices are by the said Ordinance empowered to do and perform at such meetings.

4. Words "Chief Officer of Police" who to mean.

The words "Chief Officer of Police" in Section 32 of the said "Public House Ordinance 1866" shall mean and be interpreted as meaning the Chief Officer of Police other than the Commissioner residing or stationed nearest to the Public House in respect of which any complaint under the said Section may have been made.

5. Holder of license to have lamp burning outside house between certain hours under penalty.

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

6. Repealing.

Section 8 of "The Public House Ordinance 1866 Amendment Ordinance 1867" is hereby repealed.

7. Title.

This Ordinance shall be read with and form part of "The Public House Ordinance 1866" and be intituled "The Public House Ordinance 1866 Amendment Ordinance 1872."

10. Cathedral Square Ordinance 1872

Missing.

11. Reserve No 330 Ordinance 1872

[23rd July 1872.]

Whereas by a Grant from the Crown bearing date the Twenty-first day of February One thousand eight hundred and seventy all that piece or parcel of land in the Province of Canterbury in the Colony of New Zealand situate in the Christchurch District and containing by admeasurement thirty-four acres more or less commencing at a point on the south-western boundary of Section No. 4382 the said point being the easternmost corner of section No. 9199 thence south-westerly along the south-eastern boundary line of the said Section No. 9199 and of Section No. 13501 a distance of thirty-five chains sixty-seven links thence south-easterly along the north-eastern boundary of Section No. 1983 to the road reserved along the north-western side of the Southern Railway thence north-easterly along the said road to the south-western boundary of Section No. 4382 before mentioned and from thence returning north-westerly along the same to the commencing point and numbered 330 (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 was granted unto the Superintendent of the Province of Canterbury and his successors in trust for a Gravel pit reserve.

And whereas it is expedient that the said Superintendent should have power to sell let or otherwise dispose of the said land comprised in the said recited grant.

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

1. Superintendent may sell or demise land comprised in grant.

It shall be lawful for the Superintendent of the said Province with the advice and consent of the Executive Council thereof to sell let or otherwise dispose of all or any portion of that parcel of land comprised in the said grant.

2. Title.

This Ordinance shall be intituled and may be cited as “The Reserve No. 330 Ordinance.”

12. Educational Reserves Leasing Ordinance 1872

Title.

Preamble.

1. Superintendent may sell or demise land comprised in grant.

2. Title.

13. Canterbury Trespass of Cattle Ordinance 1872

[19th June 1872.]

Whereas it is expedient to 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.

“The Trespass of Cattle Ordinance 1869” is hereby repealed except as to any proceedings already commenced or taken or matters done or liabilities or penalties incurred under the said Ordinance.

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 of 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 only under 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 or 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 be liable to a penalty not exceeding forty shillings This section 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 any 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 the nearest public Pound 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 such occupier shall be entitled to recover from the owner of such cattle ordinary damages and charges for driving the same or for giving notice of the detention of the same according to the scale respectively set forth in Schedules B and C to this Ordinance Provided also that such occupier may demand the payment of such ordinary damages before restitution of such cattle, 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.

6. Entire animals wandering at large.

If any bull ram boar 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 not exceeding ten pounds.

7. Damages how recoverable.

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 or goats found trespassing.

If any pigs or goats 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 or goats damages at the rate of one shilling per head and if any pigs or goats the property of the same owner shall trespass on such land within the space of three months after the first trespass such occupier may recover from such owner damages at the rate of two shillings per head for every pig or goat so trespassing Provided that such occupier may either drive such pigs or goats 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 or such occupier may give notice to the owner of such pigs or goats that they are so trespassing and if such owner shall not forthwith remove such pigs or goats he shall pay to such occupier damages at the rate of three shillings per head for every pig or goat so trespassing.

10. 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. Poundkeepers to be appointed.

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. Poundkeepers 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 being 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. Poundkeepers may demand fees, &c.

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 fees.

The Poundkeeper shall erect and maintain in some conspicuous part of the Pound under his charge a white board having painted thereon with table of fees. 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 shall 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. 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 fall 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 Ordinance, register of brands, and poundbook.

The Poundkeeper shall keep at or near the Pound a copy of this Ordinance and a copy of the Register of Brands required to be kept under the provisions of the Sheep Ordinance which shall be supplied by the Government free of cost and also a Pound-book in the form set forth in Schedule B 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 Poundkeeper 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 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 six-pence.

18. Poundkeeper neglecting to produce Ordinance or poundbook.

If the Poundkeeper shall neglect or refuse to produce a copy of this Ordinance or the Pound-book or 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 five pounds 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 for loss or damage to cattle impounded.

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 servant 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 and receive and except upon the written authority of the person impounding the same and payment of 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. Damages claimed shall be demanded from person taking delivery.

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 The person impounding any cattle shall state in writing to the Poundkeeper the place where the cattle were found and the name of the owner thereof if such name be known to him.

21. Impounded cattle not claimed within twenty-four hours.

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 twenty 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 Pound and at some other place of public resort in the neighbourhood and shall advertise the same in one or more

public newspapers of the nearest town and shall cause such advertisement to appear twice at least before the day of sale of such cattle in such advertisement the place where the cattle were found by the person impounding the same and the name of the owner if known shall be stated Provided that if such cattle shall not be 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 released after notice has been served or posted.

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 fourteen clear days after such notice shall have been posted as aforesaid the Poundkeeper shall forthwith proceed to sell the said cattle and every such sale shall take place at the Pound and shall commence at the hour of noon and each animal shall be put up in a separate lot and shall be sold to the highest bidder (provided that any sucklings maybe 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 auctioneer at such sale Provided that it shall not be lawful for the Poundkeeper or the person impounding such cattle 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 section shall be liable to a penalty of five pounds over and above the restitution of the animal or animals so purchased.

23. Proceeds of sale how to be applied.

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.

24. Penalty for rescue of cattle.

If any person shall rescue or attempt to rescue any cattle which cattle 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 be liable to a penalty not less than five nor exceeding twenty pounds.

25. No penalty to exceed one hundred pounds.

No penalty to be imposed in any one conviction and the provisions of this Ordinance shall exceed the sum of one hundred pounds.

26. Pounds at present established to be deemed to be pounds 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 with the meaning and under the authority of this Ordinance.

27. Control and management of Pound may be handed over to Borough Council and Road Boards.

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.

28. Penalty for wilfully removing or driving cattle on to other person's land, or on to public road, if from land not owned or occupied by person so doing.

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.

29. Superintendent to act with advice of Executive Council.

Every act which the Superintendent is hereby authorised or required to perform he shall perform solely in accordance with the advice and consent of his Executive Council and such advice shall be recorded on the minutes of the Council.

30. Offences how to be dealt with.

Every offence by this Ordinance made punishable by a pecuniary penalty shall and may be prosecuted in a summary way before any two Justices of the Peace in the manner provided by the Justices of the Peace Act 1866 so far as the same

relates to summary conviction or by an Act repealing or amending the same or for like purposes.

31. Title.

This Ordinance shall be intitled and may be cited as “The Canterbury Trespass of Cattle Ordinance 1872.”

Schedule A.

Description of Sufficient Fences.

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 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 three feet six inches 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 or binding wires of which are not further than nine feet from each other.
4. A bank or wall of substantial materials at least five 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 either 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 or in Schedule A. to the Trespass of Cattle Ordinance 1869.
9. A ditch not less than four feet in width and two in depth with a bank and wires not less than three feet six inches in height the wires to be tightly strained with

not more than eight inches between the wires and six inches between the bottom wire and the bank and the standards or binding wires to be not more than nine feet apart.

10. A natural stream ditch or watercourse not less than seven feet broad at the top and four feet broad at the bottom not less than three feet six inches deep with a stream of water running in it and with a bank with a slope of not more than one in three or any fence or combination of the above sorts of fences on either side thereof being not more than nine inches from the edge of the ditch, the top of which shall not be less than two feet above the level of the ground.

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 the Kaiapoi and the Port Victoria Electoral Districts 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 One Shilling 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 Two 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 00
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 (above ten)	00 04
For each ox cow steer heifer or calf (above 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 ewe wether or lamb (first twenty)	00 02
For every ewe wether or lamb (above twenty)	00 01
For every 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.

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 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.

Columns:

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 Notice of Cattle Impounded.

For giving notice to any owner agent or bailiff within twenty miles of the Pound

S. D.

For every mile or part of a mile exceeding one furlong
from the Pound to the residence of the owner of the cattle

01 00

For posting a notice where the owner may be not known or
lives at a greater distance than twenty miles from the Pound
and has no agent or bailiff within that distance

01 00

14. The Canterbury Sheep Ordinance 1872

[19th June 1872.

Whereas certain Ordinances were passed by the Superintendent and Provincial Council of the Province of Canterbury intituled "The Sheep Ordinance 1864" and "The Sheep Ordinance 1864 Amendment Ordinance 1869" And whereas it is

expedient that the said recited Ordinances should be repealed and that other provision should be made in lieu thereof:

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

1. Repealing clause.

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

Branding, etc., of Sheep.

2. All sheep to be branded.

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

3. Registrar of Brands to be appointed.

It shall be lawful for the Superintendent from time to time to appoint some fit person to be Registrar of Brands and from time to time to remove any person so appointed and to make alter amend or repeal rules and regulations for the management of the office of such Registrar and to fix a scale of fees which shall be payable to such Registrar and all such rules and regulations and tables of fees shall be published in the Provincial Government Gazette and shall thereupon be binding upon all persons whom they may concern and shall have the force of law Provided always that the present Registrar of Brands shall be deemed to have been duly appointed under this Ordinance and all such rules regulations and tables of fees as aforesaid as are now in force shall be deemed to have been duly made and fixed under this Ordinance.

4. Sheep brands to be registered.

Every owner of sheep shall cause his sheep brand to be registered in the office of the Registrar of Brands and any owner neglecting so to register such brand as aforesaid shall be liable to a penalty not exceeding Five Pounds Provided always

that any brand already registered under the provisions of "The Scab and Catarrh Ordinance" Session III. No. 2 or of "The Sheep Ordinance" Session X. No. 9 or of "The Sheep Ordinance 1864" shall be deemed to have been registered under this Ordinance.

5. Registering or using brand of another person.

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

6. Branding sheep without leave of owner.

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

7. No person to cut off more than one-third part of sheep's ear.

If any person shall cut off more than one-third part of the ear of any sheep he shall be liable to a penalty of not more than Five Pounds for each sheep in respect of which such offence has been committed.

Inspectors of Sheep.

8. Inspectors of Sheep to be appointed.

It shall be lawful for the Superintendent from time to time to appoint a Chief Inspector of Sheep and Inspectors of Sheep and from time to time to remove the same and to appoint others in their stead and it shall be lawful for the Superintendent from time to time to make alter or amend such Regulations as he may think fit for the guidance of such Chief Inspector and Inspectors in the execution of their duty and for the carrying this Ordinance into effect Provided

always that no such Regulations shall have any force until after they shall have been published in the Provincial Government Gazette Provided further that any Inspectors already appointed and any such Regulations as aforesaid as are now in force under "The Sheep Ordinance" Session X. No. 9 or "The Sheep Ordinance 1864" shall be deemed to have been duly appointed and made under this Ordinance.

9. False report or certificate by Inspector.

If any Inspector of Sheep to be appointed as hereinbefore provided shall wilfully make any false report or deliver any false certificate as to the condition of any sheep examined by him he shall be liable to a penalty of not less than Twenty Pounds nor exceeding One Hundred Pounds or to be imprisoned for any term not exceeding six calendar months If any Inspector of sheep shall under colour of his office or employment exact or accept any fee or reward whatsoever other than his authorised salary or allowance his office shall on his conviction of such offence become ipso facto vacant and he shall be liable to a penalty of Fifty Pounds.

10. Power of Inspector to enter on lands.

It shall be lawful for any Inspector of Sheep at such times as he may think fit to inspect any sheep within the Province of Canterbury and for the purposes of such inspection or for the purpose of inspecting and examining any dipping apparatus or for doing any other act which he is authorised or empowered to do by this Ordinance it shall be lawful for any Inspector of Sheep at all reasonable times to have free ingress egress and regress through over and upon any lands or tenements whatsoever in the Province of Canterbury.

11. Penalty for obstructing inspection.

Every owner of any sheep or other person who shall refuse to allow such inspection to be made by any Inspector of Sheep or shall obstruct or shall refuse or neglect to muster his sheep for the purpose of such inspection with all convenient speed or to afford all reasonable facilities for making such inspection to such Inspector shall be subject to a fine not exceeding one hundred pounds.

12. Inspector may require declaration.

It shall be lawful for any Inspector of Sheep when it shall appear to him to be necessary for the purpose of enabling him to decide satisfactorily upon the condition of any sheep to call upon the owner of such sheep to make a declaration in the form or to the effect specified in Schedule A to this Ordinance and if any such Owner shall refuse or neglect to make such declaration when so called upon he shall be liable to a penalty not exceeding fifty pounds and if any person shall make any such declaration knowing the same to be false he shall be liable to a penalty of One Hundred Pounds or to be imprisoned for any term not exceeding six calendar months.

13. List of diseased flocks to be published monthly~

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

Rate upon Sheep.

14. Return of sheep to be furnished annually to Inspector.

Every owner of sheep shall in the month of January in every year deliver or cause to be delivered to the Chief Inspector of Sheep a written return of the number of sheep of each sex above six months old owned by him or under his charge specifying in such return the brands upon such sheep Every person refusing or neglecting to deliver or cause to be delivered such return as aforesaid or wilfully making a false return shall be liable to a penalty not exceeding Twenty Pounds.

15. Rate to be struck.

The Chief Inspector of Sheep shall in the month of March in every year transmit to the Superintendent a statement compiled from the returns furnished in pursuance of the preceding section of the whole number of sheep within the Province and the Superintendent shall thereupon strike a rate to be paid for every five hundred sheep of sufficient amount to pay the whole expenses of the department of the Inspector of Sheep for the then current financial year and shall cause notice of such rate having been struck to be given in the Provincial Government Gazette In determining the amount of the rate to be struck the Superintendent shall deduct from the expenses aforesaid the amount of any fines and penalties paid to the Provincial Account under authority of "The Diseased Sheep Fines Appropriation Act 1867" during the then preceding financial year.

16. Yearly rate to be paid by owner of sheep.

Every owner of sheep shall on or before the first day of May 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 rate struck as above provided for every five hundred sheep owned by him on the first day of January preceding and specified in the return furnished by him as provided in the preceding section 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 May be a debt owing by the owner of such sheep to the Superintendent and may be sued for and recovered in any Court of competent jurisdiction No person owning less than five hundred sheep shall be liable to pay such rate but he shall nevertheless furnish the return specified in Section 15.

Possession of Infected Sheep.

17. Possession of scabby sheep.

If any Inspector of Sheep shall be satisfied that any sheep are infected with scab it shall be lawful for him to give the owner of such sheep an order in writing directing him effectually to clean such sheep within six months from the date of such order and if at the expiration of such period of six months such sheep shall not in the opinion of the Inspector be free from scab or if during such period of six months such owner shall not in the opinion of the Inspector make reasonable exertions to clean such sheep he shall be liable to a penalty of not less than Sixpence nor exceeding Five Shillings for every such infected sheep 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 numbers contained in such flock.

18. Penalty if reasonable exertions not made to clean sheep.

If any owner of sheep who shall have been convicted under the last preceding section shall not make reasonable exertions to clean the sheep on account of which he shall have been so convicted or if it shall appear that the said sheep are infected with scab at the end of six months from the said conviction he shall be liable to a penalty of not less than One Shilling nor exceeding Five Shillings for every such infected sheep Provided nevertheless that he shall be liable to a penalty of not less than One Shilling nor exceeding Five Shillings for every such infected sheep for every six months during which the said sheep remain infected with scab.

19. Inspector may order infected sheep to be herded and yarded.

If it shall appear to any Inspector of Sheep upon his own view that any sheep are infected with scab or catarrh and that such sheep may if suffered to run at large cause damage to the owners of neighbouring flocks it shall be lawful for such Inspector by warrant under his hand if suffered to run at large cause damage to the owners of neighbouring-hand in the form or to the effect set forth in Schedule B to this Ordinance to order the owner of such sheep to cause them to be constantly herded by day and to be kept by night within a sheep-proof inclosure until it shall appear upon the certificate of an Inspector of Sheep that such sheep are entirely free from the said diseases and for each day upon which such owner shall neglect to have such sheep herded as aforesaid and likewise for each night upon which such owner shall neglect to have such sheep enclosed as aforesaid he shall be subject to a penalty not exceeding Twenty-five Pounds.

20. Owner having several flocks depasturing on same run and one is infected.

When any owner of sheep shall have several flocks of sheep depasturing upon the same or adjoining runs or farms 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 farm or farms 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 farm or farms are entirely free from the said disease and no sheep shall be removed from the said run or runs farm or. farms for six months from the date of, such certificate unless the said 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.

21. If six months after conviction sheep not clean rams to be separated from ewes.

When any owner of sheep shall have been convicted under the provisions of this Ordinance of having in his possession any sheep infected with the scab and such sheep shall not within six months from the date of such conviction have been certified by an Inspector of Sheep to be entirely free from the said disease the owner of such sheep shall immediately on the expiration of such period of six months cause all rams to be separated from any ewes in his possession which may be so infected and shall cause such rams to be kept separate from such ewes until they shall be certified by an Inspector of Sheep to be entirely free from scab and for every day during which such rams shall not be kept separate from such ewes such owner shall be liable to a penalty of Ten Pounds in respect of each ram which shall not be kept separate as aforesaid.

22. Owners of infected sheep to give notice of disease.

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

23. Scabby sheep to be branded S.

Every owner of any sheep infected with the scab shall cause the same to be distinctly wool-branded on the back thereof with the letter S such letter not being less than four inches in length and such brand shall from time to time be renewed as occasion may require so that the same shall always be distinct and legible and every such owner shall be liable to a fine of not less than Sixpence nor more than Five Shillings for every such sheep not being so branded as aforesaid.

24. Infected sheep to be kept certain distance from boundaries of run.

If any sheep infected with scab or catarrh shall be found not being at the time herded by a shepherd within half-a-mile of the boundary of run to which they belong or upon which they shall be lawfully depastured such boundary not being a natural sheep proof boundary nor guarded by a sheep proof fence the owner of such sheep shall be subject to a penalty of not less than Sixpence nor more than Five Shillings for every sheep so found within half-a-mile of such boundary aforesaid The boundary of the run referred to in this section shall be the boundary as described in the depasturing license under which such run is held.

25. Penalty for abandoning infected sheep.

If any person shall wilfully abandon any sheep infected with scab or catarrh upon or along any public road or upon any land whatever not being in the actual occupation of such person he shall be liable to a penalty of Fifty Pounds or to be imprisoned for any period not exceeding six calendar months Provided that it shall be lawful for any Inspector of Sheep to seize or destroy such sheep or to cause the same to be seized or destroyed.

Importation of Sheep.

26. Landing sheep without certificate or landing infected sheep.

If any person shall himself or by means of any agent or servant land or cause to be landed from any ship boat or other vessel any sheep 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 landing 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 landed 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.

27. Declaration of owner before landing sheep.

It shall not be lawful for any Inspector of Sheep to grant the certificate mentioned in the preceding section until the owner of the sheep for which such certificate is required shall have made before such Inspector a declaration in the form or to the effect specified in Schedule D to this Ordinance and shall have produced satisfactory evidence that the said sheep have not been infected with scab or catarrh nor mixed with sheep so infected nor had any scab destroying

preparation applied to them within the three months then last preceding and if any person shall make any such declaration knowing the same to be false he shall be liable to a penalty of One Hundred Pounds or to be imprisoned for a period not exceeding six calendar months.

28. Penalty on master of vessel for allowing sheep to be landed without certificate.

Any master owner or supercargo of any ship boat or other vessel who shall permit any sheep to be landed therefrom before they shall have been inspected by an Inspector of Sheep and before the certificate mentioned in section twenty-six of this Ordinance shall have been given shall be liable to a penalty of not exceeding One Hundred Pounds.

29. Introducing by land diseased sheep or introducing sheep without certificate.

If any person shall himself or by means of any agent or servant introduce or cause to be introduced into the Province of Canterbury by land any sheep infected with scab or catarrh or which shall within three months previously have been mixed with any sheep so infected or which have within three months previously been subject to any dressing for the cure of the scab or any sheep whatever unless they shall within fourteen days previously to such introduction have been inspected by an Inspector of Sheep and unless such person shall have received from such Inspector a certificate in the form or to the effect specified in Schedule C to this Ordinance that such sheep are entirely free from scab or catarrh he shall be liable for every sheep so introduced to a penalty of not less than One Shilling nor more than One Pound Provided that if the number of sheep so introduced be less than one hundred he shall nevertheless be liable to a penalty of One Hundred Pounds and for every day during which such sheep so introduced 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.

30. Declaration of owner before introducing sheep by land.

It shall not be lawful for any Inspector of Sheep to grant the certificate mentioned in the preceding clause until the owner of the sheep for which such certificate is required shall have made before such Inspector a declaration in the form or to the effect specified in Schedule D to this Ordinance and if any person shall make any such declaration knowing the same to be false he shall be liable to a penalty of One Hundred Pounds or to be imprisoned for a period not exceeding six calendar months.

31. Imported sheep to be dressed within certain limits.

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 the 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 second dressing is unnecessary Provided also that it shall be lawful required in any case in which he shall certify in writing that such 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 dressed within ten days after being so landed.

32. Sheep introduced by land to be dressed within certain limits.

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 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 or 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 Province of Otago 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 or Inspectors of Sheep in the district or districts from or upon the production of a Certificate from some legally appointed 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 depastured 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. Provided always that in all cases under this section not less than seven days notice in writing shall be given to the Inspector at his office of his being required for the purpose of inspection.

33. Sheep introduced by land from Provinces of Otago or Nelson.

It shall be lawful for the Superintendent from time to time by Proclamation published in the Provincial Government Gazette to order that all Sheep introduced by land. from the Province of Otago or from the Province of Nelson shall be dressed to the satisfaction of the Inspector of Sheep for the Province of Canterbury with some reputed effective scab-destroying preparation to be named in such Proclamation before such Sheep shall be driven or depastured at a greater distance within the said Province of Canterbury than three miles from that part of the boundary at which such Sheep shall have been introduced and the said Superintendent may from time to time revoke any such Proclamation.

34. Penalty for infringement of provisions of preceding section.

If the owner of any sheep introduced from the Provinces of Otago or Nelson into the Province of Canterbury shall whilst any such proclamation as in the last preceding section is mentioned shall be in force and unrevoked drive such sheep or shall suffer them to be driven or depastured or to stray to or at a greater distance than three miles from that part of the boundary at which such sheep shall have been introduced before such sheep shall have been dressed with the reputed effective scab-destroying preparation named in such proclamation, and before such owner shall have obtained from the Inspector of Sheep for the said Province of Canterbury a certificate to that effect such owner shall notwithstanding the proviso in Section 32 of this Ordinance be liable to pay a penalty not exceeding One Hundred Pounds to be recovered in a summary way.

35. Sheep examined for importation to be branded with Inspector's brand. Miscellaneous.

When any Inspector of Sheep shall have examined any sheep with a view to their importation into the Province of Canterbury either sea or land and shall be prepared to grant a certificate in the form of Schedule C to this Ordinance he shall before granting such certificate cause such sheep to be distinctly wool-

branded on the back thereof at the cost and charges of the owner of such sheep with a brand which shall have been registered in the office of the Registrar of Brands as the special brand of such Inspector. If any person shall without authority use the brand of any Inspector of Sheep registered as above or one so similar as not to be readily distinguishable therefrom he shall be liable on conviction to a penalty of not less than Twenty-five nor more than One Hundred Pounds.

Miscellaneous.

36. Power of Inspector to call for evidence corroborative of declaration made.

It shall be lawful for any Inspector of Sheep before whom any of the declarations referred to in the preceding sections shall have been made in any case in which she shall deem it necessary so to do to call upon the person making such declaration to furnish to such Inspector evidence corroborative of the truth of the statements made in such declaration and unless such evidence shall be produced as shall be satisfactory to such Inspector and also unless such Inspector shall be satisfied that such sheep are entirely free from scab or catarrh he shall refuse to grant the certificates or to make the report referred to in sections 20 26 and 29 respectively of this Ordinance.

37. Penalty for refusal by persons in charge of sheep to give evidence.

It shall be lawful for any Inspector of Sheep to call upon all persons concerned in the charge control or management of any sheep to give evidence before him as to the facts within their knowledge relating to such sheep and if any person after being so called upon shall refuse or neglect to give such evidence or shall refuse or neglect to answer any inquiries put to him by such Inspector under the authority of this Ordinance he shall be liable to a penalty not exceeding Twenty Pounds and if any person in giving such evidence or in answering such enquiries or in giving evidence under the preceding section of this Ordinance shall make any statement knowing the same to be false he shall be liable to a penalty of One Hundred Pounds or to be imprisoned for a period not exceeding six calendar months Provided always that nothing herein contained shall be construed to require any person to give any evidence or answer any enquiry which would render him liable to any criminal prosecution.

38. Driving, &c., of infected sheep.

If any person shall by himself his agent or servant drive depasture or suffer to stray any sheep infected with scab or catarrh or which shall within three months previously have been mixed with any sheep so infected or have undergone any dressing for the cure of the scab across or upon any land not being the property of nor being rented by such person and not being land of which he shall have the right of pasturage or upon or along any public highway such highway not being within the boundaries of the run occupied by the owner of such sheep he shall for

every day during which such sheep shall be so driven depastured or suffered to stray be subject to a penalty of not less than Twenty-five Pounds nor more than One Hundred Pounds Provided always that nothing contained in this Ordinance shall prevent the occupier of any land or run upon which shall be found trespassing any sheep infected as aforesaid and owned by the occupier of adjoining land or an adjoining run from driving such sheep to the residence of such owner on such adjoining land or run.

39. Separate informations for every run, &c., crossed.

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

40; Notice to be given before driving sheep across run.

Any person about to drive any sheep across any lawfully occupied land or run in the Province of Canterbury shall give to the occupier thereof at least twenty-four hours' previous notice in writing of 'the day upon which he intends to drive such sheep across such land or run as well as of the point or place at which it is intended that such sheep shall enter upon such land or run and of the direction it is intended they shall cross such land or run and stating in such notice the brand with which such sheep are branded and such notice shall be left with some adult inmate of the principal house or station thereon or if no such inmate can be found such notice shall be affixed to some conspicuous part of such house or station and such notice shall be renewed unless the sheep shall be so driven within three days after the time specified therein and every person offending against the provisions of this section shall be liable to a penalty of not less than Sixpence nor more than One Shilling for every sheep so driven.

41. Infected sheep trespassing and not removed may be destroyed.

If any sheep infected with scab or catarrh shall be found on passing land or run not in the lawful occupation of the owner of such sheep and such owner shall not remove the same within forty-eight hours after he shall have been served in the manner prescribed for the service of notices by section 40 of this Ordinance with written notice that they are so trespassing or if such owner cannot after reasonable enquiry be discovered it shall be lawful for the occupier of such land or run forthwith to destroy such sheep If after such owner shall have been twice served with such notice within the space of fourteen days the sheep of such owner or any of them infected as aforesaid shall afterwards within the space of one week from the service of the last notice be again found trespassing on the same land or run it shall be lawful for the occupier of such land or run forthwith and without any further notice to destroy such sheep so trespassing if they shall

be less than one hundred in number but not otherwise Provided always that the nature of such reasonable enquiry together with the number and brands of the sheep so found and destroyed shall by the occupier aforesaid be certified in writing to the Inspector of the district within fourteen days of the destruction of such sheep and every person offending against the provisions of this section shall be liable to a penalty of not less than Five Pounds nor more than Twenty-five Pounds.

42. Occupier may, without warrant, inspect sheep on his run.

Every occupier of land or of a run may without warrant or other authority inspect or cause to be inspected any sheep which shall be found upon such land or run or upon any land or run immediately adjoining thereto or upon any part of a highway passing through or lying adjacent to the land or run in his occupation and any owner of sheep or other person, who shall refuse to allow such inspection to be made by such occupier or shall refuse or neglect to afford all reasonable facilities for the same or shall in any way obstruct, such inspection shall be liable to a penalty of Fifty Pounds.

43. Sheep dying of catarrh not to be thrown into ponds, &c.

If any person by himself his servant or agent shall cast or cause to be cast the carcase of any sheep infected with catarrh at the time of its death into any stream or pond or other water he shall be liable to a penalty of not less than Five Pounds nor more than Twenty Pounds.

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

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

45. Recovery of strayed sheep.

Any Inspector of Sheep may if he think fit upon the application of any owner of sheep who has reason to believe that any of his sheep have strayed to and upon land or a run occupied by any other person by notice in writing under his hand require such occupier to muster his sheep in a pen at some time within three months after the receipt of such notice in writing for the purpose of delivering over such stray sheep to the owner thereof and at least seven days' previous notice shall be given by such occupier to the owner of such stray sheep of the time at which such muster shall be made and every such occupier who shall refuse or neglect to comply with any such notice in writing or to give such previous notice shall be subject to a penalty not exceeding Twenty Pounds Provided always that such occupier shall be entitled to recover from such owner any reasonable expense of mustering or delivering such sheep as well as any unavoidable damage which may be incurred in so doing Provided further that it shall be lawful for such Inspector if he shall think fit upon the application of such

occupier to postpone the time fixed for the mustering and delivering of such sheep.

46. Unauthorised removal of sheep.

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

47. Notice to be given before mustering sheep.

Every occupier of any sheep station or run who shall muster his flock or flocks shall twenty-four hours at least before yarding the same give notice to the occupiers of all the adjoining runs or stations of his intention so to yard his sheep such notice being given in the manner prescribed for the service of notices by section 40 of this Ordinance and every person neglecting to give such notice to any such owner or occupier shall be liable to a penalty not exceeding Twenty Pounds In the interpretation of this section the word "muster" shall mean the gathering of any flock or flocks for the purpose of docking or ear-marking of dipping for the cure of the scab or of shearing.

48. Wilfully communicating scab or catarrh.

If any person shall wilfully communicate or cause to be communicated to any sheep the diseases called scab or catarrh he shall on conviction thereof by summary procedure be imprisoned for a term of six calendar months.

49. Saving other remedies at law to persons suffering damage.

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

50. Payment for inspection of sheep introduced by land or sea.

Every person requiring an Inspector to inspect sheep about to be introduced into the Province by land shall pay for such inspection the sum of Two Pounds and every person requiring an Inspector to inspect sheep about to be introduced into the Province by sea shall pay for such inspection the sum of One Pound Such sum of One Pound or Two Pounds as the case may be shall be paid to the Inspector before the delivery of any certificate to be given by him and shall by such Inspector be paid over to the Provincial Treasury.

51. Maximum penalty.

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

52. Superintendent to exercise powers by and with advice and consent of Executive Council.

All powers by this Ordinance given to the Superintendent shall be exercised by him by and with the advice and consent of the Executive Council and not otherwise.

53. Offences prosecuted summarily.

Every offence by this Ordinance made punishable by imprisonment with or without hard labour or by a pecuniary penalty shall and may be prosecuted in a summary way before any two Justices of the Peace in the manner provided by "The Justices of the Peace Act 1866" so far as the same relates to summary conviction or by any Act repealing or amending the same or for like purpose.

54. Interpretation.

In the Interpretation of this Ordinance the words "owner of any sheep" shall mean the person having the charge control or management of such sheep and the word "sheep" shall unless otherwise specially provided be taken to mean all sheep of any age and of either sex the term "Inspector of Sheep" shall mean the Chief Inspector or any Inspector appointed by the Superintendent under the provisions of this Ordinance the term "Highway" shall mean any land laid down as a public road on the map of the Chief Surveyor of the Province of Canterbury the term "herded" shall mean- constantly followed and kept in sight The words "infected sheep" shall mean any sheep suffering from or affected with disease or any sheep which have formed part of a flock containing any sheep so suffering from or affected with disease or any sheep which have been in direct or indirect contact with or have been depastured' on the same ground or have been placed in the same yard or on board the same ship boat or other vessel as such infected sheep within the next preceding three months unless such sheep are immediately thereafter properly dipped or any sheep which have been dressed or dipped within the same period for the cure of scab and all infected sheep within any such definitions until declared clean. Every sheep belonging to any flock or on board any ship boat or other vessel or which may have been placed in any yard or enclosure in which there shall have been at any time within two months previously one sheep infected with scab or catarrh respectively shall be deemed to be infected with scab or catarrh within the meaning of this Ordinance unless in the case of scab such yard or enclosure shall in the meantime have been effectually scoured with some reputed effective scab-destroying preparation.

55. Title.

This Ordinance shall be intituled and may be cited as "The Canterbury Sheep Ordinance 1872."

Schedule A.

Declaration to be made before Inspectors as to Sheep examined by him.

I - of - do -hereby eQlemnly declare I~at [I have. made

to the best of my belief a complete muster of all the sheep in my charge and that*] my

sheep branded being in number now being at have not within had applied to any of them any reputed scab-destroying preparation nor within been mixed with any sheep infected with the scab or catarrh and I make this solemn declaration conscientiously believing the same to be true.

A B

Declared before me at this day of

18

Inspector of Sheep.

* May be omitted when not required by the Inspector. f State period.

Schedule B.

Warrant for Herding and Yarding Sheep.

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

Whereas -it appears to me Inspector of Sheep upon my own view that certain sheep were depastured upon (land situated at being in the occupation of of in the said Province and that such sheep are infected with the disease called and that there is danger lest such sheep being suffered to run at large should cause damage to the Owners of sheep in the neighbourhood thereof - These are therefore in the name of - our Lady the Queen and. in pursuance of the provisions of - an Ordinance passed by -the- Superintendent and Provincial Council of -the said. Province in the 35th year of the reign - of Her Majesty intituled "-The Canterbury Sheep Ordinance 1872" ,to require you that you do cause the said sheep to be constantly herded by day and to be kept- by night within a sheep-proof enclosure and I do hereby require all persons having or being concerned in -the charge control or management of such sheep to aid and assist you in causing the same to be constantly- herded and enclosed according to the provisions ~ LI abovementioned Ordinance in that behalf made.

Given under my hand at in the said Province

this day of in the year of our Lord

One thousand eight hundred and

Inspector of Sheep.

Schedule C.

Certificate of Inspector.

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

Given under my hand at this day
of 18

A— B— Inspector of Sheep.

Schedule D.

Declaration as to Imported Sheep.

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

A B

Declared before me at this day
of 18

C— I)—

Inspector of Sheep.