

## **Session V. 1855 (October 1855)**

### **1. The Census Ordinance 1855.**

Whereas an Ordinance was passed by the Governor-in- Chief and Legislative Council of the Islands of New Zealand, entitled " An Ordinance for taking a Census of the Colony of New Zealand, Session XI, No. 8:" And Whereas it is expedient that further provisions should be made for obtaining full statistical information respecting the Province of Canterbury and the inhabitants thereof:

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

#### **1. Census to be taken at certain times.**

A Census of the number and condition of the Inhabitants of the Province of Canterbury shall be taken in the first, fourth, and seventh years of every decade of years, and in such other years as the Superintendent, with the advice of the Executive Council shall think fit, upon the days and in the manner hereinafter provided.

#### **2. Superintendent to appoint Collectors of Census.**

The Superintendent shall appoint fit and proper persons to collect the said Census, and may cause a reasonable allowance to be made to any such person, not exceeding Twenty Shillings a day for every day during which he shall be actually employed in collecting the said Census.

#### **3. Superintendent to publish notice of Census to be taken.**

The Superintendent shall, on or before the First day in January in each year in which it is intended such Census shall be taken, cause a Notice to be published in all the Newspapers within the Province, and to be affixed in such conspicuous places as he shall think fit, calling upon every Householder to be prepared, on the Fifteenth day of January, or so soon thereafter as he shall be required by any Collector duly authorised, to give all such information as is required by the Schedule hereunto annexed.

#### **4. Schedules, when to be left at houses and filled in.**

Every such Collector shall, on or before the Tenth day of January in each year in which it is intended such Census shall be taken, leave at every house within the district assigned to him a Schedule, being a blank copy of the Schedule hereunto annexed; and every Householder able to write, shall, on the Fifteenth day of January, furnish, in writing, the information required by the said Schedule, by filling up the same, and subscribing his name at the foot thereof, and shall deliver the same to any such Collector on demand.

**5. If master of house absent, Schedule by whom to be filled in.**

If the Master of any house shall have been absent therefrom on the Fifteenth day of January, it shall be lawful for any competent person resident therein, to fill up and sign the said Schedule on behalf of the said Householder.

**6. Collector to call for Schedules, if not filled in, Collector to obtain necessary information.**

Every such Collector shall, as soon after the Fifteenth day of January as possible, call at every house in his district to collect the Schedules; and is hereby authorised to put such questions as may be necessary to the complete filling up thereof to any Householder, who, from inability to write, may not have duly filled up the same; or, in case of the absence of such householder, to any other person who may be resident in such house; and the Collector shall thereupon himself fill up the Schedule with the information so supplied, and shall sign the same.

**7. In certain cases Collectors may call only once at each house.**

And whereas, by reason of the population being thinly scattered over some parts of the said Province, the said Collectors could not conveniently leave the Schedules and call for the same at each house as hereinbefore required without much unnecessary loss of time and expense be it enacted, it shall be lawful for the Superintendent to authorise the Collectors, in such parts as he shall think fit, to call only once at each house therein upon the Fifteenth day of January, or so soon after as possible, and to obtain, by enquiry, from the Master of such house, or, in his absence, from any other person resident therein, such information as may be necessary to enable him to fill up the said Schedule; and the Collector shall in such case fill up and sign the said Schedule.

**8. Penalties for refusal or neglect in filling in Schedules or for making false Returns.**

Every Householder who shall wilfully refuse, or, without lawful excuse, neglect to fill up the said Schedule to the best of his knowledge and belief, or to sign and deliver the same, or shall make, sign or deliver, or shall cause to be made, signed, or delivered any false Return of any of the matters specified in the said Schedule, and any person whatever who shall refuse to answer, or wilfully give a false answer to any such questions as aforesaid, shall, for every such refusal, neglect, or wilful false answer, upon conviction before any two Justices of the Peace, forfeit a sum not exceeding Five Pounds, nor less than Twenty Shillings.

**9. Penalty on Collector for neglect of duty.**

Every such Collector who shall have been duly appointed, and shall have consented to act under the authority of this Ordinance, and who shall thereafter refuse, or shall wilfully neglect to fulfil the duties of such his office, not being hindered by illness or other sufficient cause, shall, upon conviction of such refusal or neglect, before any two Justices of the Peace, be liable to a penalty not exceeding Ten Pounds.

**10. Superintendent may issue instructions for collecting Native Census.**

It shall be lawful for the Superintendent, any of the provisions herein contained notwithstanding, to issue such Instructions as he shall collecting think fit to the said Collectors, or any of them, for collecting the Census of the Native Inhabitants of the said Province, and such Instructions shall be taken and deemed to be a part of this Ordinance, and shall be received and complied with accordingly by any Collectors to whom the same shall have been addressed: Provided that no Native person shall be liable to any fine or penalty imposed under the provisions of this Ordinance.

**11. Collectors to return Schedules within one month to Provincial Secretary.**

The several Collectors shall return the Schedules within one Collectors to return month after they shall have been filled up, into the Office of the Provincial Secretary, unless reasonable cause shall be shewn to the contrary.

**12. Superintendent to publish totals of Returns in Gazette.**

The Superintendent shall cause the totals of the Returns contained in the said Schedules for each District to be made up, so soon as conveniently may be, after they shall have been sent in to the Secretary, and shall publish the same in the Government Gazette of the Province.

**13. Original Schedules to be deposited in Public Record Office.**

So soon as the said Returns shall have been published, the original Schedules shall be deposited in the Office of Public Records, and shall be preserved therein.

**14. Title.**

This Ordinance shall be entituled and may be cited as the "Census Ordinance, Session V., No. 1."

**Schedule.**

**Census Form.**

**Note.**

*This Ordinance was passed by the Canterbury Provincial Council on 17th October 1855, and assented by the Superintendent on 23rd October. It was annulled by the Census Act 1858.*

## **2. The Canterbury Association Reserves Ordinance 1855.**

Whereas by an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury, entitled the " Canterbury Association's Ordinance, Session IV., No. 6," and by virtue of certain Deeds in the Schedules to the said Ordinance annexed, certain buildings, lands, tenements, and hereditaments in the said Schedules particularly set forth and described, are vested in the Superintendent of the said Province, to be held by him, in trust, for the public uses thereof, upon the terms and conditions set forth in a certain Act of the General Assembly, entitled the " Public Reserves Act, 1854," to be managed and disposed of according to the provisions of the said Act: And whereas, in pursuance of the provisions of the said Ordinance, certain Debentures have been issued, or are about to be issued, amounting in the whole to the sum of Twenty-eight Thousand Nine Hundred and Thirty-nine Pounds Ten Shillings and Seven Pence, bearing interest at the rate of Six Pounds sterling per centum per annum, and it is expedient that the buildings, lands, tenements and hereditaments aforesaid should be managed and disposed of in the manner hereinafter provided, and that the proceeds thereof should be applied to discharge the principal and interest of such Debentures, and to no other purpose whatsoever:

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

### **1. Lands in the Schedule shall be disposed of by way of lease or sale.**

Such of the said buildings, lands, tenements, and Hereditaments as are described in the Schedule to this Ordinance, shall be disposed of by way of lease, not exceeding thirty-two years in possession, at rack rent, or sale, or by way of Lease with a Covenant for the purchase of the demised premises within the term of such Lease: Provided that no part of such land shall be sold for a less sum than at the rate of Fifty Pounds sterling per acre, nor until such buildings, lands, tenements and hereditaments, or proposed Leases of such buildings, lands, tenements, and hereditaments, with or without Covenants for purchase, shall have been first submitted to public auction at such upset price or rent (not less in the case of sale or Covenant for purchase than the rate aforesaid), and subject to such conditions as shall be determined on by the Superintendent: Provided that if no advance be made on the upset price or rent at such auction, the Superintendent shall have power at any time thereafter, and from time to time, to sell, alienate, or let at such upset price or rent as aforesaid: and provided also that no such Lease, with such purchasing clauses, shall be for a longer term than ten years.

### **2. No buildings to be erected on the wharves at Lyttelton.**

It shall not be lawful to erect upon any part of the land herein described as the wharves at Lyttelton, any building of greater height than the level of the footway on the North side of Norwich Quay, opposite such building: and every

Conveyance or Lease of any part of such lands shall be made subject to the condition in this Clause contained.

**3. Government domain, subject to Grant to Christ's College, to be reserved for ever as the site of the residence of the chief Officer of the Government.**

The Land commonly known and described in the Schedule B to the Canterbury Association's Ordinance as the Government Domain, No. 25, shall, except such part as shall be comprised in any Grant which the Superintendent is hereinafter authorised to make to the Corporation of Christ's College, Canterbury, be reserved for ever as the site of the residence of the Superintendent or other Chief Officer of the Government of the said Province: Provided that not more than twenty acres of such land shall be occupied at one and the same time as gardens, or cultivated as farm land, or used except as grass or pasture land, or for the purpose of plantations and pleasure grounds.

**4. Hagley Park to be reserved for ever as a public park.**

The land commonly known as Hagley Park, being part of the land numbered 24, and described as the ' Town Reserves ' in the Schedule B to the Canterbury Association's Ordinance, bounded on the west and south by the road reserved along the boundary of the town reserves; on the north by the road reserved along the banks of the River Avon; on the east and south-east by the River Avon and the Lower Lincoln Road, shall be reserved for ever as a public park, and shall be open for the recreation and enjoyment of the public: Provided that it shall be lawful for the Superintendent to set apart so much of the said land as he shall think fit for plantations, gardens, and places for public amusement, and to make Regulations for the use and preservation thereof, and to lay out public roads through the said Park, and to make Regulations from time to time for the depasturing of cattle therein.

**5. Lands in Hagley Park may be let.**

It shall be lawful for the Superintendent, anything herein contained to the contrary notwithstanding, to let the lands herein described as Hagley Park and the Government Domain, or any part thereof respectively, upon lease, for any term not exceeding seven years in possession, at the best improved rent which can reasonable be obtained for the same: Provided that every such lease shall contain a condition that the Land so let shall be given up at the expiration of such Lease laid down with good meadow grass, and fenced in with a sufficient fence within the meaning of the " Cattle Trespass Ordinance," in good repair.

**6. Certain streets to be extended to meet the road round the boundary of the town reserves.**

The streets hereinafter mentioned in the town of Christchurch shall be extended in straight lines to meet the road reserved round the boundary of the town reserves, that is to say: Durham-street, Colombo-street, Manchester-street and Madras-street in a northerly direction; Chester-street, Armagh-street, Gloucester-street, Worcester-street, Hereford-street, Cashel-street, Lichfield-street, Tuam-

street and St. Asaph-street in an easterly direction; Barbadoes-street, Madras-street, Manchester-street, Colombo-street, Durham-street, Montreal-street and Antigua-street in a southerly direction; and the land occupied by the continuation of the said streets, and all such other land within the said town reserves as shall be laid out and declared by the Superintendent to be public streets, shall be reserved as public roads, and shall thenceforth be and be deemed to be public highways to all intents and purposes whatsoever.

**7. Road along the north, east, and south boundary of the town reserves, to be widened and denominated the Town Belt.**

The road reserved along the north, east, and south boundary of the town reserves shall be extended to two chains in width throughout its whole length, and shall be denominated the " Town Belt : " Provided that it shall be lawful for the Superintendent to reserve therefrom so much land as he shall think fit, and to lay out the same in plantations: Provided always, that the road along the said Town Belt shall not thereby be made narrower than thirty-three feet in any part thereof.

**8. A portion of the Government Domain to be granted to Christ's College.**

It shall be lawful for the Superintendent to convey, by way of free Grant, to the Corporation of Christ's College, Canterbury, a portion of ' the lands herein described as the " Government Domain," at Christchurch, not exceeding ten acres in extent, to be held by the said Corporation in trust as a site for the said College, and for grounds attached thereto: Provided that it shall be a condition of the said Grant that if the said lands be not occupied for the purpose aforesaid within three years from the passing of this Ordinance, or shall at any time thereafter cease to be so occupied, the said Lands shall revert to the Superintendent as though the said Grant had never been issued, and shall thenceforth constitute a part of the Government domain, as herein described.

**9. A portion of the Town Reserves to be granted to the Free Church of Scotland.**

It shall be lawful for the Superintendent to convey, by way of free Grant, a portion of the lands herein described as the town reserves, not exceeding three acres in extent, to be held in trust as a site for a church and schools, and for the residences of a Clergyman and Schoolmaster in connection with the Free Church of Scotland: Provided that it shall be a condition of the said Grant, that if the said lands be not occupied for the purpose aforesaid within three years from the passing of this Ordinance, or shall at any time thereafter cease to be so occupied, the said lands shall revert to the Superintendent as though the said Grant had never been issued, and may, at any time thereafter, be sold and disposed of as a portion of the town reserves, under the authority of this Ordinance.

**10. Lands in Schedule B to the Canterbury Association's Ordinance not mentioned in this Ordinance, or in the Schedule to be appropriated to the purposes for which they were reserved.**

All the lands described in the Schedule B to the "Canterbury Association's Ordinance" which are not mentioned in this Ordinance or in the Schedule hereto annexed, shall, until further provision be made in that behalf, be appropriated to the several purposes for which the same were severally reserved

**11. Sales and leases to be made by the Superintendent, in his name, and under the seal of the Province.**

All sales and Leases hereby authorised to be made shall be made by the Superintendent, upon such terms and conditions, subject nevertheless to the conditions in this Ordinance contained, as the Superintendent shall, with the advice and consent of the Executive Council direct. And all such Conveyances and Leases shall be made by and in the name of the Superintendent, and shall be executed under the public seal of the Province.

**12. Proceeds to be paid to the Provincial Treasurer for the Canterbury Association's Debentures Fund.**

The proceeds of all sales and all rents payable under authority hereof, shall be paid to the Provincial Treasurer, who is hereby authorised to demand and receive, and to give receipts for the same; and shall be placed by him to the credit of a separate fund to be called the "Canterbury Association's Debentures Fund."

**13. Interest on Debentures to be paid by rents. Principal by proceeds of sales.**

The proceeds of all rents arising from the said property shall, after defraying the charges incurred in carrying out the provisions of this Ordinance, be applied solely to discharge the interest on the said Debentures, and, except as herein provided, to no other purpose whatsoever. And the proceeds of all sales of the said property shall, after defraying such charges as aforesaid, be applied solely to discharge the principal of such Debentures, and to no other purpose whatsoever: Provided that upon a Resolution of the Provincial Council to that effect, it shall be lawful to apply so much of the proceeds of such sales, and of any rents in excess of the annual interest from time to time as shall be named in such Resolution to the payment of the said Debentures, or of the interest due thereon.

**14. Moneys to be issued by the Treasurer.**

All Moneys of the said fund shall be issued by the Treasurer, in pursuance of Warrants under the hand of the Superintendent, to such persons, and in such portions as shall be mentioned in such Warrants. And the Treasurer shall be allowed credit in his Accounts for such sums only as he shall have so issued in pursuance of such Warrants.

**15. Accounts to be laid before the Provincial Council.**

Full and detailed Accounts of the receipts and expenditure on account of the said Fund, shall be laid before the Provincial Council within ten days after the opening of every Session of the same.

**16. Title.**

This Ordinance shall be entitled and may be cited as the "Canterbury Association's Reserves Ordinance, Session V., No. 2.

**Schedule.**

No.

- 5. The Jail ... ..
- 10. Association's Offices ... ..
- 16. The Association's Store ... ..
- 29. The Hospital ... ..
- 32. Wharves and Stores ... ..
- 33. Boathouse, &c. ... ..
- 34. Agent's House and Offices,  
Immigration Barracks, &c. ... ..
- 21. Botanical Garden ... ..  
Part of the Lands described as
- 24. Town Reserves ... ..  
Being all that part thereof not  
including the lands described  
in this Ordinance severally as  
Hagley Park, the Town Belt, or  
as public highways, and not  
including the land which the  
Superintendent is hereby  
authorised to grant to the  
Members of the Free Church  
of Scotland.
- 39. The Store at Sumner ... ..
- 44. The Wharf, Christchurch ... ..
- 47a. Heathcote Wharf ... ..

A.	R.	P.
0	3	28
0	0	16
0	0	30
0	1	17
1	0	10
0	1	27

1	2	28
32	0	0
897	0	0
0	3	5
0	0	25
0	1	12

**Notes.**

*This Ordinance was passed by the Provincial Council on the 7th of October 1855, and assented by the Superintendent on 23rd October. It was amended by the "Canterbury Association's Reserves Amendment Ordinance, 1857," Session VIII., No. 11, [1857], and has been further amended by the "Canterbury Association's Reserves Amendment Ordinance, 1858," Session IX., No. 3.*