

Session VIII. 1857 (April to June 1857)

1. The Fuller Remission of Purchase Money Ordinance 1857

Whereas by an Act of the General Assembly of New Zealand, entitled " The Waste Lands Act, 1856," made in pursuance of the provisions of a certain Act of the Imperial Parliament therein recited, entitled " An Act to Grant a

Representative Constitution to the Colony of New Zealand," and of a certain other Act of the said General Assembly, therein also recited, entitled " The Provincial Waste Lands Act, 1854," it was enacted that, subject to the provisions in the said Act of the Imperial Parliament contained, it should be lawful for the Superintendent of each of the Provinces of New Zealand, with the advice and consent of the Provincial Council thereof, at any time and from time to time to make Laws for regulating the sale, letting, disposal and occupation of the waste lands of the Crown within such Province, and also to amend, alter, or repeal any Laws, Ordinances, or Regulations then in force for any such purposes within the same. And Whereas Francis Fuller, of Beaconsfield, in the Province of Canterbury, Ite a Captain in her Majesty's 59th Regiment of Foot, being a Settler in New Zealand, entitled to the privileges accorded to military Officers by the Regulations in force under the authority of her Majesty's Government respecting the acquisition of waste lands of the Crown by military and naval Officers, and by the New Zealand Land Regulations, proclaimed on the Fourth day of March, one thousand eight hundred and fifty-three, became entitled to a remission of Three Hundred Pounds in the purchase money of demesne lands of the Crown in New Zealand, except such lands as were reserved to the Canterbury or Otago Associations respectively: And Whereas, according to the said last mentioned Regulations and the true intent and meaning thereof, Three Hundred Pounds represent three hundred acres of land: And Whereas the claim of the said Francis Fuller to the remission of the said purchase money was allowed by his Excellency Sir George Grey, the late Governor of New Zealand, but the land was not selected, nor the Title o the said Francis Fuller perfected previously to the coming into operation of the Land Regulations now in force for the sale, letting, disposal, and occupation of the waste lands of the Crown within the said Province: And Whereas the said last mentioned Regulations repeal all Regulations then in force within the said Province for the sale, letting, disposal, and occupation of the waste lands of the Crown, and do not contain any provision applicable to the case of the said Francis Fuller: And Whereas the said Francis Fuller hath claimed, notwithstanding the said last mentioned Regulations, to be allowed a remission of the Purchase money of one hundred and fifty acres of the demesne lands of the Crown, within any part of the said Province, in lieu of a remission of the purchase money of three hundred acres of the said land as aforesaid, and it is just and expedient that such claim should be allowed.

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

1. Francis Fuller to be entitled to Free Grant of 150 acres.

The said Francis Fuller shall be, and he is hereby declared to be entitled to a free Grant of one hundred and fifty acres of the demesne lands of the Crown in any part of the said Province; and it shall be lawful for the Waste Lands Board of the said Province, accordingly, at any time after the coming into operation of this Ordinance, to grant to him, the said Francis Fuller, a License to occupy such last

mentioned portion of the demesne lands of the Crown, and from and after the granting of such License, the said Francis Fuller shall be entitled, as to the lands comprised therein, to all the rights and privileges of a purchaser of land within the meaning of the said last mentioned Land Regulations, anything therein contained to the contrary notwithstanding.

2. Title.

This Ordinance shall be entitled and may be cited as " The Fuller Remission of Purchase Money Ordinance, Session VIII, No. 1."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 12th May, 1857, reserved for the Governor's assent, which was given on 23rd July 1857.

2. The French Magazine Reserve Ordinance 1857

Whereas by a certain Grant, bearing date the Fourth day of March, one thousand eight hundred and fifty-seven, issued by his Excellency the Governor of New Zealand, under the authority of an Act of the General Assembly, entitled " The Public Reserves Act, 1854," a certain piece of land in the town of Akaroa, commonly known and described in the said Grant as " The Old French Magazine Reserve," is conveyed to the Superintendent of the Province of Canterbury and his Successors, to be held by them, in trust, as a site for buildings for general purposes of the Provincial Government: And Whereas it is expedient that the said land should be sold, and that the proceeds should be applied to the erection of certain public buildings in the said town:

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 to sell the Magazine Reserve by Auction.

It shall be lawful for the Superintendent of the said Province to sell the said land, with all the buildings thereon, for the highest sum which may be obtained for the same by public auction, of which two months' notice shall be given.

2. Proceeds to be expended on erecting Custom House and Court House and Gaol.

The proceeds arising from such sale shall be expended one-half in the cost of erecting a Custom House, and the other half in the cost of erecting a Court House and a Gaol within the said town.

3. Title.

This Ordinance shall be entitled and may be cited as the "French Magazine Reserve Ordinance, Session VIII., No 2."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 28th May, 1857, and assented by the Superintendent on 11th June 1857. It was left to its operation by the Governor on 23rd July 1857.

3. The Akaroa Jetty Ordinance 1857

Whereas it is expedient that a Public Jetty should be built in the Town of Akaroa: Be it therefore enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof as follows:—

1. Superintendent to build Jetty in Akaroa.

It shall be lawful for the Superintendent to cause a Jetty to be built in the town of Akaroa, on any part of the land fronting on the sea which may have been reserved for a public highway, or for the uses of the Provincial Government, or upon any part of such land below high-water mark, and to extend the same into the sea so far as he shall think fit.

2. Jetty to be constructed according to Clause 43 of Waste Lands Regulations.

Such Jetty may be constructed upon the same conditions in respect of payment for the same, as any public road, bridge, or drain constructed under the 43rd Clause of the Waste Lands Regulations now in force within the said Province.

3. Superintendent to make Regulations and fix tolls.

The Superintendent may, with the advice of the Executive Council, make Rules and Regulations, and may fix a scale of tolls, for the use of such Jetty: Provided that such tolls shall not be higher than the present tolls now payable on any other Jetty within the said Province.

4. Rights of way to cease.

All rights of way across any land occupied by the said Jetty, except such as may be consistent with the Rules and Regulations aforesaid, shall cease and determine from and after the passing of this Ordinance.

5. Superintendent to lease said Jetty.

The Superintendent may, with the advice of the Executive Council, lease the said Jetty, together with the tolls to be levied thereon, for any term not exceeding seven years, for the best rent which may be obtained for the same.

6. Title.

This Ordinance shall be entitled and may be cited as "The Akaroa Jetty Ordinance, Session VIII., No. 3."

Notes.

Passed the Provincial Council this Twenty-eighth day of May, in the year of our Lord one thousand eight hundred and fifty-seven, and reserved for the assent of his Excellency the Governor who assented on 23rd July 1857.

4. The Inwood Mill Ordinance 1857 D. NZG 1857 p111

Analysis.

1. Daniel Inwood to be allowed to put a mill on the river Avon.
2. Flow of water not to be raised more than three feet above the present level.
3. Mill-race, dam, and cart-bridge to be made within two years, and kept in repair. This Ordinance not to protect Daniel Inwood against damages on account of injury done to private property or public roads.
4. The same to be removed if the river be required for navigation.
5. Superintendent and Provincial to authorise the diversion of the water of the river above the mill-dam if so required for public purposes.
6. If conditions contained in this Ordinance not enforced by the Millowner, this Ordinance to become void.
7. Title.

Notes.

This Ordinance was passed by the Provincial Council and assented by the Superintendent on 11th June 1857. It was disallowed by the Governor on 24th July 1857. [NZG 27th July 1857 111p.]

The full text of this Ordinance was not included in the Volume of Ordinances published by Charles Lucas, the Official Printer of the Canterbury Provincial Government.

5. The Scab and Catarrh Amendment Ordinance 1857

Title.

Preamble.

1. Part of Section 13 to be repealed.
2. Power given to Justices to require persons convicted to enter into bonds. Power to cancel such bonds, to enforce them.
3. Or to extend the period named in bond.
4. Title.

Notes.

This Ordinance was passed by the Canterbury Provincial Council and assented by the Superintendent on 11th June 1857. It was repealed by "The Sheep Ordinance 1858," passed during Session X.

6. White's Kaiapoi Bridge Ordinance 1857

Whereas it is expedient for the purposes of public traffic that a bridge shall be erected over the River Waimakariri, in the Province of Canterbury; And whereas William White, of Kaiapoi, Publican, in consideration of certain powers and privileges hereinafter expressed, has proposed, at his own cost to construct a bridge over the said river, at the western end of the town of Kaiapoi, subject to certain Plans and Specifications to be approved of by the Provincial Engineer of the Province of Canterbury, and it is desirable that the said William White should be permitted to erect such bridge.

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. William White to erect a bridge over north branch of Waimakariri.

It shall be lawful for the said William White, at any time after the passing of this Ordinance, to erect and maintain a bridge over the North branch of the River Waimakariri, at the western end of the town of Kaiapoi, and for such purpose to occupy such portion of land in the bed of the said river and on either bank thereof, as shall be set out and determined by the Provincial Engineer of the said Province as the site of such bridge: Provided that such bridge shall be constructed in accordance with such plans and specifications as the said Provincial Engineer shall approve, and shall be sufficient for the general purposes of traffic of foot passengers, animals, and carriages of all descriptions.

2. And may collect tolls according to Schedule.

In consideration of the erection of such bridge as aforesaid by the said William White, and on the completion thereof, certified in writing, by the Provincial Engineer, and approved of by the Superintendent, it shall be lawful for the said William White, during a term of seven years from the date of such Certificate to collect and recover to his own use and benefit, from all persons passing over the said bridge, tolls, according to the table set forth in the Schedule to this Ordinance.

3. Superintendent may take possession if certain conditions be not kept.

If the said William White shall fail to obtain such Certificate of completion within one year after the passing of this Ordinance, or shall at any time during the said term of seven years, neglect to keep the said bridge and the approaches thereto in good and sufficient repair, or shall neglect or refuse to execute such repairs as the Provincial Engineer shall direct within one calendar month after being required so to do, in writing, by the Superintendent, or shall neglect or refuse to keep the bridge open for traffic at all times during the said term of seven years, or shall neglect or refuse to open to said drawbridge at all reasonable times when required during the said term of seven years, it shall be lawful for the Superintendent to take possession of the said Bridge, and to deal with the same as though it had been erected at the cost and expense of the said Province, and the said William White shall thereupon absolutely forfeit all rights and privileges whatsoever which he may have acquired by virtue of this Ordinance in respect of the said bridge.

4. To be a drawbridge through which vessels to have a right of way.

The said bridge shall be a drawbridge, having an opening of not less than twenty-one feet, through which vessels of all descriptions shall have a right of way at all reasonable times: And the said William White shall, within a reasonable time after being required so to do, cause the said Bridge to be opened for the passage of any such vessel, and, except as above mentioned, all rights of way which shall interfere with or obstruct the use and enjoyment of the said bridge shall, from and after the passing of this Ordinance, absolutely cease and determine.

5. Superintendent may take possession of bridge on certain conditions.

It shall be lawful for the Superintendent, with the advice of the Executive Council, at any time during the said term of seven years, to take possession of the said bridge and open the same for the use of the public free of all tolls, upon giving the said William White three calendar months' previous notice, in writing, of his intention so to do, and upon payment to the said William White of the full value of his then interest in the said bridge; such value to be ascertained by the award of two Arbitrators, one to be named by the Superintendent, and the other by the said William White, or of an Umpire to be appointed under the hands of such Arbitrators, previously to their entering on the said arbitration; or in the event of the said William White refusing or neglecting for the space of one week after he

shall have been required by notice in writing so to do, to appoint such Arbitrator, then by the award of the Arbitrator appointed by the Superintendent.

6. Interpretation of words William White.

The words "William White" in this Ordinance shall be taken to include the Executors, Administrators, and Assigns of the said William White.

7. Title.

This Ordinance shall be entitled and may be cited as "White's Kaiapoi Bridge Ordinance, Session VIII., No. 6."

Schedule of Tolls above referred to.

For every Passenger	Threepence
For every horse, ass, or mule	Threepence
For every horse, ass, mule, or other beast with pack	Threepence.
For all horned cattle, drive without packs, per head	Twopence
For every wheeled vehicle, drawn by one horse or other beast	Ninepence
For every additional horse or other beast drawing such vehicle	Threepence
For every sheep, lamb, goat, or pig in one drove, not exceeding 100	One halfpenny
For every additional sheep, lamb, goat, or pig	One farthing.

Double the above tolls before the hours of 6am and after 9pm.

Notes.

This Ordinance was passed by the Provincial Council on 25th June 1857, and assented by the Superintendent on behalf of the Governor on the same day.

7. The Kaiapoi Town Ordinance 1857

Whereas certain parts of the Rural Sections, numbered 320 and 321 respectively on the Map of the Chief Surveyor, in the Province of Canterbury, have been laid out as a town, with reserves for public streets within the said town, and with a reserve for the purposes of the Provincial Government: And Whereas it is

expedient that the land so laid out as a town should be declared to be a town, and that certain other parts of the said sections, and also certain other lands, being the rural section 364, and parts of the rural sections numbered 297 and 468 respectively on the said Map should be included in the said town for the purposes of this Ordinance; and that the land so reserved for public streets within the said town should be declared to be public highways: And Whereas the land so reserved for the purposes of the Provincial Government is now legally vested in the Right Honorable George Baron Lyttelton, the Rev. Charles Martin Torlesse, and the Rev. Nugent Wade: And it is expedient that the same should be conveyed for the purposes and in manner hereinafter specified:

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. Land described in Schedule declared to be town of Kaiapoi.

Those portions of the said sections of land, numbered respectively 320, 321, 364, 297, and 468, on the Chief Surveyor's Map, particularly described in the Schedule to this Ordinance annexed, and included within the boundary line, coloured red on the map attached hereto, shall, from and after the coming into operation of this Ordinance, be, and be deemed to be the Town of Kaiapoi.

2. Streets to be public highways.

The several streets as delineated and set forth upon the map attached to this Ordinance, and thereon coloured yellow, shall be public highways to all intents and purposes whatsoever.

3. Conveyance to Superintendent of lands in Schedule.

It shall be lawful for the said George Baron Lyttelton, Charles Martin Torlesse, and Nugent Wade, their Heirs, or Assigns, to convey to the Superintendent of the said Province, for the time being, and his Successors for ever, all that parcel of land described in the Schedule to this Ordinance as the Provincial Government Reserve, and more particularly delineated by the said Map attached hereto and thereon, coloured red: And the said Superintendent is hereby enabled to accept and take such conveyance, and to receive and hold the said last mentioned land to him and his Successors for ever, as a Body Corporate, as effectually as if the same were vested in him under the provisions of an Act of the General Assembly of New Zealand, entitled " The Public Reserves Act, 1854."

4. Cattle Trespass Ordinance applied to town of Kaiapoi.

The town of Kaiapoi, as herein defined is hereby declared to be a town, within the meaning of the provisions of an Ordinance of the Superintendent and Provincial Council of the said Province entitled "The Trespass of Cattle Ordinance, Session II, No. 7," and shall be deemed to be included in the Schedule A to such Ordinance.

5. Town of Kaiapoi constituted a separate road district.

The town of Kaiapoi, as herein defined, shall constitute a separate district, to be called " The Town of Kaiapoi District," within the meaning of the provisions of an Ordinance of the Superintendent and Provincial Council of the said Province, entitled "The Road Ordinance, Session VI, No. 2," and shall be excluded from the district described in the Schedule A to such Ordinance, as "The Kaiapoi District."

6. Constabulary Force Ordinance and Dog Nuisance Ordinance extended to town of Kaiapoi.

An Ordinance of the Lieutenant-Governor and Legislative Council of the Province of New Munster, entitled " An Ordinance to Increase the Efficiency of the Constabulary Force, Session II, No. 5, and a like Ordinance entitled "An Ordinance to abate the Dog Nuisance, Session II, No. 11, shall, upon the coming into operation of this Ordinance, be in force within the town of Kaiapoi as herein defilled.

7. Title.

This Ordinance shall be entitled and may be cited as the " Kaiapoi Town Ordinance, Session VIII., No. 7."

Schedule.

Description of the Town of Kaiapoi.

Commencing at the south-western corner of rural section No. 338E, on the north road, thence south-westerly across the branch of the Courtenay (Waimakariri), and along the southern bank of the said branch (said to be the old course of the river), to a point in line with the eastern boundary of rural section 365; thence in and along the line of the said eastern boundary of rural section 365, a distance of about forty-five chains eighty links, thence easterly at a right angle about sixty-six chains fifty links along the southern side of a public street or road crossing rural sections 321, 468, and 297, to the northern bank of the main stream of the river Courtenay, following the said northern bank of the said main stream and the western bank of the branch stream, a distance altogether of about sixty-four chains; thence to the northward, crossing the branch stream, and meeting the line of the eastern side of Hall-street, continuing along the said eastern side of Hall-street till it meets the northern side of Cassstreet, following along the northern side of Cass-street to a point on the southern boundary of rural section 338E, about thirteen chains from the south-western corner of the said section, and returning along the southern boundary line of the said section to the commencing point, and numbered and marked MD 14, on the Maps setting out and describing the Manderville District of the Province of Canterbury, in the Land Office, Christchurch.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 30th June 1857 and reserved for the Governor's assent. This was given by Governor Gore Browne on 23rd July 1857. It was superceded by The Municipal Corporation Act 1876.

8. The Provincial Council Extension Ordinance 1857

Whereas by an Act of the Imperial Parliament passed in the Fifteenth and Sixteenth years of the reign of her Majesty Queen Victoria, entitled " An Act to Grant a Representative Constitution to the Colony of New Zealand," it was enacted that it should be lawful for the Governor, by Proclamation, to constitute within each of the Provinces by the said Act established, convenient Electoral Districts for the election of Members for the Provincial Council and of the Superintendent, and to appoint and declare the number of Members to be elected for each such district for the Provincial Council, and to make provisions for the registration and revision of Lists of all persons qualified to vote at the elections to be holden within such districts: And Whereas the then Governor of New Zealand did accordingly, by a Proclamation, bearing date the Fifth day of March, one thousand eight hundred ad fifty-three, constitute certain districts for the election of the Superintendent and Members of the Provincial Council of the Province of Canterbury, and did appoint and declare the number of Members to be elected to serve in the Provincial Council for each of the said several districts, and did further make certain provisions for the registration and revision of the Lists of persons qualified to vote as aforesaid: And Whereas by an Ordinance of the Superintendent and Provincial Council of the said Province, entitled " The Provincial Council Extension Ordinance, Session III., No. 1," certain provisions of the said Proclamation were repealed, and certain other provisions were enacted in lieu thereof: And Whereas it is expedient that the said Ordinance should be repealed and that the provisions of the said Proclamation should be further amended:

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. The Ordinance, Session III., No. 1,. to be repealed.

The said recited Ordinance of the Superintendent and Provincial Council is hereby repealed.

2. Certain provisions of Proclamation of March, 1853, were declared to be null and void.

The provisions made in the said Proclamation by the Governor of New Zealand, under the authority of the said recited Act of the Imperial Parliament, in respect to the number and extent of the said districts, the number of Members of the Provincial Council to be elected for each district, and the registration and revision of the Lists of persons qualified to Vote at such elections, so far as the said provisions are repugnant to, or would interfere with the operation of this Ordinance, shall be, and they are hereby declared to be void and of no effect.

3. Province to be divided into ten districts.

The Province of Canterbury for the election of the Superintendent and the Members of the Provincial Council thereof, shall be divided into ten districts, to be named as follows:—

1. The town of Christchurch.
2. The town of Lyttelton.
3. The Kaiapoi district.
4. The Avon district.
5. The Heathcote district.
6. The Port Victoria district.
7. The Akaroa district.
8. The Ashley district.
9. The Rakaia district.
10. The Timaru district.

And the boundaries of the said districts shall be those particularly set forth and described in the Schedule hereunto annexed.

4. Number of Members to be elected for each district.

The Provincial Council shall consist of twenty-six Members, and the number of Members to be elected for each of the said several districts shall be as follows:—

1. For the town of Christchurch, four Members.
2. For the town of Lyttelton, four Members.
3. For the Kaiapoi District, two Members.
4. For the Avon District, four Members.
5. For the Heathcote District, four Members.
6. For the Port Victoria District, two Members.
7. For the Akaroa District, three Members.
8. For the Ashley District, one Member.
9. For the Rakaia District, one Member.
10. For the Timaru District, one Member.

5. Superintendent to appoint Returning Officers.

The Superintendent shall, immediately upon the coming into operation of this Ordinance, and from time to time thereafter as occasion may require, appoint

some fit person to be the Returning Officer within each of the districts hereby constituted.

6. Superintendent to fix times and places for the reception of claims to vote.

The Superintendent shall, immediately upon the coming operation of this Ordinance, publicly notify in the Government Gazette for of the Province, the place or places at which all persons claiming a right to vote for the election of the Superintendent or of the Members of the Provincial Council shall deliver their claims, or cause the same to be delivered, and may, from time to time, as occasion may require, by a similar notification, alter such place or places and appoint other or additional places for the same purpose. And shall in such notice, appoint some day, being not later than thirty days after the date thereof, upon or before which all claims to vote shall be delivered as aforesaid: And the List of claims shall be made up and published as provided by the said recited Proclamation, within thirty days after such day so notified: Provided that the Superintendent may, if he shall think fit, appoint some person to act instead of the Resident Magistrate, in making up and publishing such Lists: And in every succeeding year after the Electoral Rolls shall have been so prepared, applications of persons claiming to vote shall be sent in and published, and such Electoral Rolls shall be made up at the times severally appointed in the said recited Proclamation.

7. Superintendent to appoint Revising Officers.

There shall be a Revising Officer for each district, who shall be appointed by the Superintendent, and shall perform all the duties and exercise all the powers relating to the revision of the Lists of Claims and Electoral Rolls, and to the hearing and determining of objections, and appointing the time and place for such hearing, and to the preparation of the Electoral Rolls, which, by the said recited Proclamation, are directed to be performed or exercised by the Resident Magistrate, or by the Justices of the Peace residing within such district in a special meeting assembled, anything in the said recited Proclamation to the contrary notwithstanding: And the said Revising Officer is hereby empowered to take evidence upon oath.

8. Service of notices of objections.

And Whereas it is directed in the said Proclamation that any objection. person objecting to any other person, as not entitled to have his name on the Electoral Roll, shall, ten days at least before the day appointed for the formation of the Electoral Roll, cause notice, in writing, of such objection and of the ground thereof, to be given to the Resident Magistrate, or other the person acting for the district, and also to the person objected to: Be it enacted that such notice may be given by delivering the same to the wife, or servant, or to some adult inmate of the family of such person, at his usual place of abode, and explaining the purport thereof to such wife, servant, or inmate; or by leaving the same at the last known place of abode of such person within the Province; or in case any person other

than the Elector claiming to be registered shall have put in the claim, then such notice may be served on such person in the manner above described.

9. Time Ordinance coming into effect.

This Ordinance shall come into operation on the day on which it shall receive the Governor's assent.

10. Title

This Ordinance shall be entitled, and may be cited as the " Provincial Council Extension Ordinance, Session VIII., No. 8."

Schedule.

Boundaries of Electoral Districts.

1. The town of Christchurch District comprises the site of the town of Christchurch, together with all the adjacent reserves lying between the said town and the rural sections fronting upon such reserves.
2. The town of Lyttelton District comprises the site of the town of Lyttelton including the town reserves.
3. The Kaiapoi District comprises all that portion of the Province of Canterbury, bounded on the north by the south bank of the River Ashley, on the south by the south bank of the River Courtenay or Waimakariri, and a line drawn from trig. pole c 19 on the south bank of that river to trig. pole c 27, on the sea coast; on the east by the sea coast, and on the west by a line drawn due north and south through trig. pole c 29, on the south bank of the said River Courtenay.
4. The Avon District comprises all that portion of the Province bounded on the north by the south boundary of the Kaiapoi District, on the east by the sea coast, on the west by a line drawn due north and south through trig. pole c 29 on the south bank of the River Courtenay, and on the south by the north bank of the River Avon from its mouth to the point where it meets the boundary of the town of Christchurch District, the boundary of that district as far as the south-east corner of rural section No. 10; by the south boundary of section No. 10, the south-east boundary of section No. 145, till it is crossed by a creek running easterly into the River Heathcote, thence along that creek till it meets a line in continuation of the south-eastern boundary line of section 180, following along that line to the south-east corner of section No. 180, the south boundaries of sections Nos. 180, 211, 240, 337, and 234, and the north side of the road on the south boundaries of those sections, continued to the point where the road first meets a branch of the River Heathcote, and a straight line drawn from that point due west, until it meets the west boundary of the district.

5. The Heathcote District comprises all that portion of the Province bounded on the north by the Avon District, and the town of Christchurch District, on the west by a line drawn due north and south through trig. pole c 29 before mentioned; on the south by the ridge of hills from the flag-station on Mount Pleasant to the highest of the peaks called Cooper's Knobs, and by a straight line drawn from the last mentioned peak to the point where the River Halswell meets Lake Ellesmere, and by the north shore of that lake till it is met by the west boundary of the district; and on the east by a straight line from the flag staff on Mount Pleasant to the point where the Ferry Road crosses the River Heathcote at the old ferry, and the shore and the estuary to its mouth.

6. The Akaroa District comprises all that portion of the Province included within the sea coast and a line drawn from a point on the sea coast half-way between the westernmost head of Pigeon Bay and the easternmost head of Port Albert (or Levy) southerly to the head of the Little River, and thence along that river and Lake Forsythe to the sea coast.

7. The Port Victoria District comprises all that portion of the Province included between the Coasts of the sea, Lake Forsythe, and Lake Ellesmere, the Akaroa District, and the western boundary of the Kaituna Run No. 30, passing through trig. pole 7 L, and the Heathcote District, exclusive of the town of Lyttelton District.

8. The Ashley District comprises all that portion of the Province lying north of the south bank of the River Waimakariri, and of a line drawn due west from the source of the river to the west Coast, not including the Kaiapoi District.

9. The Rakaia District comprises all that portion of the Province bounded on the north by the Ashley District, on the east by the Avon, Heathcote, and Port Victoria Districts, and the sea coast, on the west by the sea coast, and on the south by the north bank of the southernmost branch of the River Ashburton, and a line drawn due west from the source of that branch to the sea coast.

10. The Timaru District comprises all that part of the Province lying south, and south-west to the Rakaia District.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 12th June 1857, and reserved for the Governor's assent. Governor Gore Browne assented to the Ordinance on 14th July 1857.

It was repealed by "The Provincial Council Extension Ordinance 1861," passed during Session XVII. of the Council.

9. The Peacock Wharf Ordinance 1857

Whereas by an Act of the General Assembly of New Zealand, entitled " The Waste Lands Act, 1856," made in pursuance of the provisions of a certain Act of the Imperial Parliament therein recited, entitled " An Act to Grant a Representative Constitution to the Colony of New Zealand," and of a certain other Act of the said General Assembly, therein also recited, entitled " The Provincial Waste Lands Act, 1854," it was enacted that, subject to the provisions in the said Act of the Imperial Parliament contained, it should be lawful for the Superintendent of each of the Provinces of New Zealand, with the advice and consent of the Provincial Council thereof, at any time, and from time to time, to make Laws for regulating the sale, letting, disposal, and occupation of the waste lands of the Crown within such Province, and also to amend, alter, or repeal any Laws, Ordinances, or Regulations then in force for any such purposes within the same: And Whereas John Jenkins Peacock, of Sydney, in New South Wales, Merchant being desirous of constructing wharves and jetties upon the piece or parcel of land in the Schedule A to this Ordinance particularly described, being demesne lands of the Crown within the Province of Canterbury, whereof part has been marked out in the Maps of the Chief Surveyor of the said Province as reserved for a public highway, hath applied for a lease of the said piece or parcel of land for the term of fifty years, at a nominal rent, and hath proposed, in consideration of obtaining such lease, to expend upon the said piece or parcel of land, within five years from the coming into operation of this Ordinance, in the construction of wharves and jetties, a sum of Two Thousand Pounds at the least; and hath also applied, in consideration of such proposed expenditure as aforesaid, to be permitted to put down moorings within convenient distances from such jetties: And Whereas it is expedient that a lease of the said piece or parcel of land should be made to the said John Jenkins Peacock for the term and subject to the several conditions hereinafter set forth, and that he should also be permitted to put down moorings subject to the restrictions hereinafter specified:

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

1. Superintendent may lease land described in Schedule A to J.J Peacock, on certain conditions

It shall be lawful for the Superintendent of the said Province, with the advice and consent of the Executive Council, at any time from and after the coming into operation of this Ordinance, to demise to the said John Jenkins Peacock, his Executors, Administrators, or Assigns, by way of lease, to be made by and in the name of such Superintendent, and executed under the public seal of the Province, the said piece or parcel of land in the said Schedule particularly

described, for any term of years not exceeding fifty years in possession, at a nominal rent, subject to the conditions following, that is to say: That the said John Jenkins Peacock, his Executors, Administrators, or Assigns, do and shall, within five years from the commencement of such Lease, expend upon the land therein comprised the sum of Two Thousand Pounds in the construction of a wharf or wharves, jetty or jetties, for the use and benefit of the public, one of which said jetties shall be run out into a depth of not less than ten feet of water at low water spring tides, and which said wharves and jetties, at all times during the continuance of such Lease as aforesaid, shall be maintained in good order and repair at the sole cost of the said John Jenkins Peacock, his Executors, Administrators, or Assigns.

2. Moorings may be laid down by J.J. Peacock.

It shall be lawful for the said John Jenkins Peacock, his Executors, Administrators and Assigns, at any time within three years from and after the execution of the said Lease, to lay down moorings in the harbour of Port Victoria, not exceeding three in number, and at a distance not exceeding six hundred feet from any part of such wharves or jetties as aforesaid, and in positions to be approved of by the Harbour Master or other Officer for the time being acting in that capacity, and to maintain such moorings in good repair, and to have the exclusive use thereof. Provided, nevertheless, that it shall be lawful for the Harbour Master of the said port, at any time during the continuance of the said Lease, in case the safety of vessels or the shifting of berths shall so require, and also for the Collector of Customs at the said port, in the execution of any duty which may devolve upon him as such Collector, or as holding any office in connection with the collection of customs' duties or with the Laws relating to trade and navigation, to make use of such moorings, and to make fast thereto any boat, vessel, or rope, free of charge; but, save as aforesaid, it shall be lawful for the said John Jenkins Peacock, his Executors, Administrators, or Assigns, to charge for the use of such moorings any sum not exceeding Ten Shillings per diem. The said moorings shall be raised and inspected by and at the cost of the said John Jenkins Peacock, his Executors, Administrators, or Assigns, once at least in every three years during the continuance of the said Lease, in the presence of the Harbour Master, and shall at all times during the said Lease be kept in serviceable condition. The position of the anchors of such moorings shall be at all times indicated by a buoy floating immediately above them, such buoy to be plainly visible, of sufficient size, and painted half white and half red above its line of flotation: It shall be lawful for the Superintendent, with the advice of the Executive Council, upon the recommendation of the Harbour Master or other Officer acting in that capacity from time to time during the said Lease, so often as the navigation of the said port shall so require, to call upon the said John Jenkins Peacock, his Executors, Administrators, or Assigns, by notice in writing, to remove all or any one or more of the said moorings, and the said John Jenkins Peacock, his Executors, Administrators and Assigns, shall, immediately upon the receipt of such notice, remove such moorings in the manner required by such notice.

3. Tolls for use of wharves and jetties.

It shall be lawful for the said John Jenkins Peacock, his Executors Administrators, or Assigns, during the said term, to charge and to recover any tolls or rates, for the use of such wharves, jetties, and moorings, not exceeding those set forth in the Schedule B to this Ordinance. And every person shall at all reasonable hours be entitled to the use of such wharves and jetties, upon payment of the tolls hereby authorised to be levied in that behalf.

4. Rights of way reserved over land to be leased.

There shall be at all times reserved through and over the said land during the continuance of the said Lease, a right-of-way not less than fifteen feet in width, in continuance of the highway reserved over said land heretofore, for all persons, as well on foot as with horses, cattle, carts, waggons and other carriages; but save as aforesaid, from and after the execution of such Lease as aforesaid, and during the continuance thereof, all rights-of-way in and over the said land, or any part thereof, shall cease and determine, excepting as regards public Officers requiring such rights-of-way in the execution of their respective public duties.

5. Superintendent may authorise excavation of base of the cliffs.

It shall be lawful for the Superintendent, at any time after the execution of the said Lease, by writing, under his hand, to authorise the said John Jenkins Peacock, his Executors, Administrators and Assigns to excavate and remove so much of the base of the cliffs fronting upon the said land as shall be set forth in such writing: Provided nevertheless that such writing shall have annexed thereto a certificate by the Provincial Engineer that such excavation and removal will not damage the adjacent roads or over public rights, and the words " base of cliffs " in the Schedule A to this Ordinance, shall be taken to mean the base of the cliffs after any such excavation and removal as aforesaid.

6. Power to resume the possession of land so leased on certain conditions.

In case at any time during the said term the said piece or parcel of land shall be required for the purpose of making part of or completing a line of public wharves along that part of the town of Lyttelton fronting upon the sea, in accordance with a general design to be approved of by the Provincial Council of the Province of Canterbury, it shall be lawful for the Superintendent for the time being, with the advice of the Executive Council, to resume the possession of the said piece or parcel of land, with all buildings and improvements then being thereon, upon giving to the said John Jenkins Peacock, his Executors, Administrators, or Assigns, or leaving at his or their last or usual place or places of abode in New Zealand, six calendar months' previous notice in writing, of the intention to resume such possession, and also upon full payment to the said John Jenkins Peacock, his Executors, Administrators, or Assigns, of the value of his or their term and interest under the said Lease, such value to be ascertained by the award of two Arbitrators, one to be named by the said John Jenkins Peacock, his Executors, Administrators, or Assigns, and the other by the Superintendent of the

Beer or Cider, qr-cask or barrel
Beer or Cider, 3 doz.
Beer or Cider, 4 doz.
Biscuit, barrel
Biscuits, bag
Blankets, bale
Blacking, case
Bran, bag
Bricks or Slates, thousand
Butter, cask
Boots or Shoes, package
Books, case

C.

Castings, cwt.
Cables, cwt.
Calico, bale
Candles, box
Cannons, each
Canvas, bale
Canvas, bolt
Carts, each
Casks, empty, each
Casks, water, each
Carpets, bale
Carpets, case
Castor oil, case
Chairs, each
Chairs, case
Cement, barrel
Cheese, case
Cheese, loose, each
Cigars, case
Coals, ton
Coffee, bag
Cordage, coil
Cork, bag
Curiosities, package
Currants, carroteel
Currants, barrel

D.

Dates, bag
Drapery, bale
Drapery, case
Drays, each

E.

Earthenware or Glass, hhd. or crate ...

Earthenware or Glass, barrel

F.

Figs, package

Fish, barrel

Flax, cwt.

Floor cloth, roll

Flour, 200 lbs

Flour, 100lbs.

Furniture, package

Fruit, case

G.

Ginger, package

Glass (window), case

Grindstones, each

Gunpowder, barrel

H.

Hams, dozen

Hardware, cask or hhd.

Hardware, bag, keg, or bundle

Hats, case

Hay, truss

Hides, dozen

Hops, package

I.

Iron, ton

L.

Lard, package

Lead or Shot, cwt.

Leather, bale

M.

Maize, bushel

Manufactures other than
blankets or calico, bale or case

Matting, roll

Molasses, cask

N.

Nuts, bag
Nuts, barrel

O.
Oatmeal, bag or barrel
Oars, dozen
Oil, tun
Oilmen's Stores case

P.
Paints, cask
Paints, kegs
Paper, bale or case
Peas, cask
Pepper, bag
Pitch or tar, barrel
Pipes
Potatoes or Vegetables, ton

R.
Raisins, cask
Raisins, case
Rice, bag

S.
Salt, ton
Salt, bag
Sago, package
Shingles, thousand
Shooks, bale
Starch, box
Soap, box
Skins, dozen
Sugar, hhd.
Sugar, bag

T.
Tea, chest
Tea, half-chest
Tea, box
Timber, 100 feet
Tobacco, tierce
Tobacco, half-tierce
Tobacco, keg or case
Tobacco, basket or roll
Truss or roll

V.

Vinegar, hhd.

Vinegar, qr-cask or barrel

W.

Whalebone, bundle

Wheelbarrows, each

Wines or Spirits, pipe or punchn

Wines and Spirits, hhd.

Wines and Spirits, qr-cask

Wines and Spirits, case, 4 gals.

Wines and Spirits, case, 2 gals.

Wine, 3 doz.

Wool, bale

Wool lashing, coil

Twopence

Threepence

Twopence

Twopence

Fourpence

One Penny

Fourpence

Twopence

One Shilling and Sixpence

One Penny

Fivepence

Threepence

Twopence

Fourpence

Threepence

Twopence

Threepence

Twopence

Twopence

Ninepence

Threepence

One Penny

Two Shillings and Sixpence

Twopence

Sixpence

Sixpence

Twopence

Twopence
Ninepence
One Penny
Three Shillings
Sixpence
One Halfpenny
Two Shillings
Twopence
Threepence
Sixpence
Sixpence
Twopence
One Penny
Sixpence
Threepence
Fourpence
One Penny
Sixpence
One Shilling
Three Halfpence
Three Halfpence
Twopence
Sixpence
Sixpence
Twopence

One Penny
Ninepence
Ninepence
Two Shillings and Sixpence

One Shilling
Sixpence

Twopence
Twopence
Twopence
Fourpence
Three Halfpence
One Penny
One Shilling
Twopence

Twopence
Twopence
One Penny
Threepence

Sixpence
Sixpence
One Penny
Ninepence
Threepence
Sixpence
Sixpence

One Shilling and Sixpence

Twopence
Twopence
Threepence

One Penny

Ninepence
Twopence
Fourpence

Twopence
Threepence

Twopence
Fourpence
Two Shillings and Sixpence
Threepence

Ninepence
One Penny and Twopence
Fourpence
Twopence
Twopence

Twopence
Twopence to Threepence
One Shilling and Sixpence

Threepence
Twopence
One Penny

One Shilling
One Penny
Twopence
Threepence
One Penny
Twopence
One Penny
Twopence
One Shilling
One Penny

Twopence
One Penny
One Halfpenny
Twopence
Sixpence
Fourpence
Threepence
One Penny
Twopence

Fourpence
Threepence

Twopence
Twopence
Eightpence
Fourpence
Threepence
Twopence
One Penny
Threepence
Threepence

One Penny

Unenumerated Goods.

Heavy, per ton

Package, tun or butt

Puncheon

Hogshead

Barrel

Keg

Bundle or case

Jar or can

Two Shillings and Sixpence

One Shilling and Threepence

Eightpence

Sixpence

Threepence

Twopence

Fourpence

One penny

Livestock.

Horned cattle, per head

Horses, per head

Sheep, per head

Pigs, per head

Passengers luggage One Shilling

One Shilling and sixpence

Twopence

Twopence

Free

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 18th June 1857, and reserved for the Governor's assent. The Governor, Thomas Gore Browne, gave his assent on 21st August, 1857.

This Ordinance was extended in scope by "the Peacock Jetty Amendment Ordinance 1859," passed during Session XI. to which his Excellency the Governor withheld his assent. See notification in New Zealand "Government Gazette," No. 11, page 69, 5th April, 1860. See the "Peacock Jetty Extension Ordinance, 1863."

10. The Education Ordinance 1857

Whereas it is expedient to make better provision for the establishment and maintenance of schools within the Province of Canterbury: Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows:—

1. Sums voted to the several Denominations.

Out of the public revenues of the said Province there shall be paid every year during the five years ending on the Thirty-first day of March, one thousand eight hundred and sixty-two, the sum of Two Thousand Five Hundred Pounds sterling to the several persons, and in the several portions undermentioned respectively; that is to say,—

To the Bishop of Christchurch, or other the acting
Head of the Church of England within the said Province £1700

To the principal Minister, or other the acting Head of the
Wesleyan Body within the said Province £250

To the principal minister, or other the acting, head of the
Presbyterian Body within the said Province £250

2. To be paid by the Provincial Treasurer under the direction of the Superintendent.

The Provincial Treasurer shall pay such sums to the persons hereinbefore named, in such portions and at such times as the Superintendent shall, by any Warrants under his hand, from time to time direct; and shall be allowed credit in his Accounts for all sums so paid; and the receipt of the persons above named, or of any persons lawfully authorized to receive such moneys in their behalf respectively, shall be a full discharge to the Provincial Treasurer for the sum or sums for which such receipts shall be given.

3. How to be expended.

The sums hereby granted shall be expended by the Heads of the religious Bodies above named in the establishment, maintenance, and support of schools within the Province of Canterbury.

4. Schools so maintained to be under the management of one of the Heads of the said Christian Bodies.

Every school which shall be wholly or in part maintained out of the sums hereby granted shall be placed under the entire management of one of the Heads of the Christian Bodies hereinbefore named; and such Head shall have the appointment and removal of the Teachers and the entire control over all the

instruction, both religious and secular, in any school so placed under his management.

5. Religious instruction not to be enforced if Parent objected

If the Parents of any Child attending any such school shall wish it, such a Child shall not be required to attend at such times as are peculiarly set apart for instruction in the doctrines of religion.

6. School fees

The school fees shall be the same in all schools of a similar class receiving aid out of the sums hereby granted, and such fees shall be on a scale to be fixed by the Superintendent and Executive Council, in consultation with the Heads of the several religious Bodies abovementioned.

7. The appointment and removal of the Inspector.

There shall be an Inspector of Schools, who shall be appointed and be removable by the Superintendent, with the advice of the Executive Council: Provided that such appointment shall be made with the assent of the Bishop of Christchurch, and of not less than half the other acting Heads of the different religious denominations receiving aid in support of schools out of the grant hereby made, or out of any grant which may be made hereafter.

8. Powers of the Inspector.

Such Inspector shall have power to inspect and examine all schools wholly or in part maintained out of the grants hereby made, and to require the Managers and Teachers of any such school to furnish full information as to the course of secular instruction carried on therein, and as to the attendance of the Children, and as to the school fees received, and the expenditure of any portion of the sums hereby granted in the support of such school, and shall report thereon to the Government: Provided that the Inspector shall not examine into or report upon the religious instruction carried on in any such school.

9. Grants may be withheld by Superintendent.

If the Superintendent and Executive Council shall be satisfied, upon the report of the Inspector, that the secular instruction carried on in any such school is not satisfactory, or that the Manager or Teachers of any such school have refused or neglected to afford such information as the Inspector is hereby authorized to require, or to afford proper facilities for the examination and inspection of such school, it shall be lawful for the Superintendent, with the advice of the Executive Council, to prohibit the application of any portion of the sums hereby granted to such school for so long as he shall think fit.

10. Accounts and Reports.

Detailed Accounts shall be furnished annually to the Superintendent by the Head of each religious denomination of the expenditure of the grant received by it.

Such Accounts, together with the reports furnished by the Inspector, shall be laid before the Provincial Council.

11. Title.

This Ordinance shall be entitled and may be cited as the Education Ordinance, Session VIII., No. 10."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 19th June 1857, and assented to by the Superintendent, on 30th June.

It was repealed by The Education Ordinance 1871 [Session 35], but see "The Board of Education Ordinance, 1863, passed during Session XX., of the Council.

11. The Canterbury Association Reserves Amendment Ordinance 1857

Whereas by an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury, entitled " The Canterbury Association's Reserves Ordinance, Session V., No. 2," it is enacted that such of the buildings, lands, tenements and hereditaments as are described in the Schedule thereto should be disposed of in manner therein mentioned: And Whereas it is expedient that such Ordinance should be amended in manner hereinafter mentioned:

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 Schedule to be deemed part of Lands in Schedule to the Canterbury Association's Reserves Ordinance.

The lands, tenements and hereditaments specified in the Schedule to this Ordinance shall be deemed to be part of the lands tenements and hereditaments comprised in the Schedule to the said recited Ordinance: Provided always, that out of the moneys arising from the sale or other disposal of the lands described in the said Schedule as a cattle market, there shall be appropriated a sufficient sum for the purchase of a cattle market in a convenient locality contiguous to the town of Christchurch, of not less than five and not more than ten acres in extent, nor being at a greater distance than two miles from the outer boundary of the town of Christchurch.

2. Compensation to be granted for losses incurred by removal of buildings.

And Whereas certain stockyards and other necessary improvements for the slaughtering of cattle have been erected by private persons upon the land specified in the Schedule hereunto annexed, and entitled " The Abattoir," and

such persons, or the present Occupants of such improvements are entitled to compensation for the loss which they will incur by reason of being compelled to remove such buildings: Be it enacted, it shall be lawful for the Superintendent, with the advice of the Executive Council, to cause to be paid to the persons entitled to compensation, such sum or sums of money out of the general revenues of the said Province as may be determined by two Arbitrators, one of whom shall be appointed by the Superintendent, and one by the parties claiming such compensation, or by an Umpire to be appointed by such Arbitrators.

3. A portion of the town reserves to be granted to the Roman Catholics.

It shall be lawful for the Superintendent to convey, by way of free Grant, a portion of the land known as the town reserves of Christchurch, not exceeding three acres in extent, to be held in trust as a site for a Roman Catholic chapel and schools, and for the residence of a Clergyman and Schoolmasters 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.

4. Title.

This Ordinance shall be entitled and may be cited as the " Canterbury Association's Reserves Amendment Ordinance, Session VIII., No. 11."

Schedule.

No. 22.—Cattle Market.

No. 23.—Abattoir.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 25th June 1857, and assented to by the Superintendent on 30th June. It was amended by "The Canterbury Reserves Amendment Ordinance, 1858," passed during Session IX., of the Council.

12. The Public House Amendment Ordinance 1857

Whereas an Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled "The Public House Ordinance,

Session VI., No. 3," whereby it was amongst other things enacted that the said Ordinance should come into operation on the First day of July, one thousand eight hundred and fifty-six, and that, from and after the said First day of July, an Ordinance of the Governor and Legislative Council of New Zealand, entitled "The Licensing Ordinance, Session II., No. 12," and a like Ordinance passed by the Governor-in-Chief and Legislative Council of New Zealand, entitled "The Licensing Amendment Ordinance, No. 2, Session XI., No. 16," should be declared to be repealed within the Province of Canterbury: Provided always that all Licenses issued under the authority of any of the said Ordinances before the said First day of July, one thousand eight hundred and fifty-six, should be taken and deemed to be Licenses issued the authority of the said first recited Ordinance: And Whereas it was further intended and understood at the time of passing the said first recited Ordinance that the License fees to be paid upon all Licenses issued, to be in force during the year commencing on the said First day of July, one thousand eight hundred and fifty-six, should be the same as the fees severally payable, and for such License under the provisions of the said first recited 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. Superintendent may refund certain sums to the Publicans.

The fees payable upon all Licenses for the sale of spirituous or fermented liquors during the year commencing on the First day of July, one thousand eight hundred and fifty-six, shall be the same as the fees payable for any such Licenses under the authority of the said first recited Ordinance of the Superintendent and Provincial Council: And it shall be lawful for the Superintendent to refund to the Holders of any such License any sum which they may have paid in respect thereof unto the Provincial Treasurer in excess of the sums which they would have so paid in respect of such License, under the authority of the said first recited Ordinance of the Superintendent and Provincial Council: And the Treasurer shall be allowed credit in his Accounts for all sums paid in pursuance of Warrants under the hand of the Superintendent, under the authority of this Ordinance, and the receipts of the person or persons respectively receiving the same shall be a sufficient discharge for all moneys so paid.

2. Title.

This Ordinance shall be entitled and may be cited as the "Public House Amendment Ordinance, Session VIII., No 12."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 25th June 1857, and assented to by the Superintendent on 30th June 1857.

13. The Superintendent's Payment Ordinance 1857 Not Assented.

Notes.

This Ordinance was disallowed by the Superintendent on 30th June 1857. See Address of Superintendent in proroguing Council, [Provincial Government Gazette," Volume IV., No. 13, 1st July, 1857.]

The full text of this Ordinance was not included in the Volume of Ordinances published by Charles Lucas, the Official Printer of the Canterbury Provincial Government.

14. The Diversion of Roads Ordinance 1857.

Whereas certain roads or parts of roads which have been or may hereafter be laid out in various parts of the Province of Canterbury, are not or may not be required as public highways: And Whereas it is necessary that new roads should from time to time be laid out and constructed, parts whereof may pass through land being the property of private individuals, and it is expedient that some general rule should be established for the closing up of such highways as may no longer be required for public use, and for the disposal of the land occupied thereby, and also for fixing the amount of compensation to which any person may become entitled in respect of any damage done to his property by the construction of any road passing through the same:

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

1. Diversion to be by Special Ordinance.

Except as hereinafter provided, no public road shall be closed up or diverted, and no new line of road shall be laid out or constructed, passing over any private lands, except under the authority of a special Ordinance of the Superintendent and Provincial Council in that behalf.

2. All such Bills to be published in the "Government Gazette," and to be served upon all persons interested in the lands over which the road is proposed to be carried.

Every Bill for closing up or diverting any public road, or for carrying any public road through any private lands, shall be published in the "Government Gazette" of the Province; and a copy of such "Gazette" shall, not less than thirty days

previously to the introduction of any such Bill into the Provincial Council, be served upon every person resident in the Province having any estate or interest in any lands fronting upon or crossed by any such road proposed to be diverted or closed, or in any lands over which any such new road is proposed to be carried.

3. Service of copies of "Gazette."

Such copy of the "Government Gazette" shall be served upon such person, either personally or by leaving the same at his or her last usual place of abode, if any such can by diligent enquiry be found; and in case such person shall be absent from the Province, or cannot upon diligent enquiry be found, the Superintendent shall cause a notice to be published in all the newspapers of the Province, stating that such copy of the "Gazette" is left at the office of the Provincial Secretary, and will be given to such person, or to any Agent or Attorney lawfully acting in his or her behalf, upon application for the same.

4. Superintendent may cause highways to be constructed over private lands on certain conditions.

It shall be lawful for the Superintendent at any time to cause a public highway to be laid out and constructed through any private lands upon receiving from every person, having any estate or interest therein, or from his or her Attorney or Agent lawfully authorised in that behalf, a Deed, duly executed, in the form or to the effect set forth in the Schedule hereunto annexed: And every such Deed shall be published in the "Government Gazette" of the Province.

5. And thenceforth such lands to vest in her Majesty.

From and after the execution of any such Deed, or on a day to lands to be named in any special Ordinance as aforesaid, the land described in such Deed or Ordinance shall thenceforth vest in her Majesty, her Heirs, and Successors, as demesne lands of the Crown, and there shall be a public highway through and over such land.

6. In case public roads passing through private property be closed up, such roads to become part of such property.

If any public road shall be closed up passing through any private property, the land occupied by such road shall become a part of such property, and shall become vested in the Owner or Owners thereof in the same manner and subject to the same trusts as the remaining part of such property. And if any public road shall be closed up, not passing through any private property, the land occupied by such road shall be deemed to be waste lands of the Crown, and shall be dealt with accordingly.

7. Compensation allowed for damage sustained.

Every person who shall suffer any damage in respect of any public road which shall be closed up or diverted, or in respect of any new road which shall, by virtue

of any such special Ordinance as aforesaid be carried through any private lands in which such person shall have any estate or interest, shall be entitled to receive compensation for such damage to an amount to be ascertained by two or more Justices of the Peace in the manner hereinafter provided.

8. Notices of claims for compensation.

If any such person shall at any time within one year after his claim shall have arisen by the passing of any such special Ordinance, apply to any Justice of the Peace by a notice, in writing, signed by himself or his Agent lawfully authorised in that behalf, setting forth the nature and amount of such claim, such Justice of the Peace shall thereupon issue a public notice, stating that such claim will be heard before two or more Justices of the Peace, at meeting to be held at a time and place to be set forth in such notice not sooner than fourteen days after the issue thereof, and the Claimant shall, seven days at least before such meeting, send a copy of such notice to the Superintendent.

9. Justices to determine such claims.

It shall be lawful for any two or more Justices assembled at such meeting, in case such claim shall not exceed Fifty Pounds, and for any three or more Justices, in case such claim shall exceed Fifty Pounds in amount, to hear and determine the said claim, and for that purpose to examine, upon oath, such person, and all his or her Witnesses, and also to hear and examine, upon oath, all such Witnesses who may appear to oppose the said claim: And the order of such Justices or a majority of them shall be final and conclusive as to the amount of such compensation.

10. Claims of above £50 submitted to valuation.

If any such claim shall exceed Fifty Pounds in amount, the Justice to whom the said application shall be made shall, by writing, under his hand and seal, appoint a competent Land Surveyor or Surveyors to survey and value the land in question, and to estimate the damage sustained by reason of the proposed closing, up, diverting, or making of any road as aforesaid; and such claim shall not be determined by the Justices assembled at any such meeting unless such Surveyor or Surveyors shall appear thereat, and be examined upon oath touching such value and damage as aforesaid.

11. Surveyor's declaration.

Every such Surveyor shall, before making such valuation and estimate as aforesaid, make and subscribe, in the presence of such Justices of the Peace, the following declaration at the foot of the said appointment, that is to say:—

I, A.B., do solemnly and sincerely declare that I will faithfully, impartially, and honestly, according to the best of my skill and ability, execute the duty of making the valuation hereby referred to me.

(Signed) A.B.

Made and subscribed in the presence of

12. Consideration in determining the amount of compensation.

In determining the amount of such compensation, regard shall be had by such Justices, not only to the value of the land to be occupied by any such new road, and to the damage (if any) arising from the severance of land thereby, and to the damage (if any) arising from the closing up or alteration of any rights of way affording access thereto, but regard shall also be had to the increase (if any) in the value of such lands arising from the alteration or closing up of such road, or the laying out of such new road, and also to the value of the lands (if any) which shall be added to such property under the 6th Clause of this Ordinance.

13. Costs of enquiry.

The costs of every such enquiry shall be in the discretion of such Justices, and they shall settle the amount.

14. Compensation to be paid as the Justices direct.

All compensation and costs to be paid under the authority of this Ordinance shall be paid to such persons and in such manner as such Order of the Justices shall direct: Provided always that if such compensation, or any part thereof, shall be found to be payable to any party other than the absolute Owner of the land in respect of which such compensation shall have been claimed, and shall exceed Forty Pounds in amount, the said Justices shall refer a case setting forth the circumstances of such claim to a Judge of the Supreme Court, and shall make an Order for the payment of such compensation in such manner, and to such persons as such Judge shall direct.

15. To be paid out of the Public Revenues.

It shall be lawful for the Superintendent, and he is hereby required to issue and pay out of the public revenues of the Province all such sums as shall be awarded by such Justices, to the person or persons and in the manner by them directed, by way of compensation or costs in respect of land taken for a public road under the authority of any such special Ordinance as aforesaid.

16. Compensation subject to trusts and charges.

All compensation paid under the authority of this Ordinance shall be subject to the same trusts and charges as the lands in respect of which such compensation shall have arisen.

17. Compensation may be paid in waste lands.

If any person entitled to compensation under this Ordinance shall accept in satisfaction thereof a Grant of waste lands of the Crown under the 42nd Clause of the Waste Lands Regulations now in force in the said Province, such Grant

shall be a complete discharge of the claim for such compensation to all intents and purposes whatsoever.

18. Interpretation clause.

The word " person " in this Ordinance shall be taken, in the case of a Corporation aggregate, to mean the principal Manager or Director of such Corporation; and, in the case of a Lunatic or Idiot, to mean the Committee of such Lunatic or Idiot; and in the case of an Infant, to mean the Guardian of such Infant; and in the case of any cestui qui trusts, to mean the Trustees of such trusts; and the word " road " shall be taken to include any public highway, bridle-path, or footpath; and any bridge, culvert, embankment, ditch, or other works necessary to the construction or maintenance of the line of such road.

19. Title.

This Ordinance shall be entitled and may be cited as the " Diversion of Roads Ordinance, Session VIII., No. 14."

Schedule.

Know All Men by these Presents, that I (or we) [here insert the name of Owner or other person having an interest in the lands] of [insert place of abode] being [insert nature of interest, e.g., seized in fee simple] of that part of the rural (or town) section of land numbered on the Map of the Chief Surveyor of the Province of Canterbury [here insert description of the land to be occupied by the new road] and delineated and coloured brown in the Plan drawn on the margin hereof, for valuable consideration, do hereby dedicate the said land to the public to the intent that the same may for ever hereafter be used as and be a public highway (or drain) to all intents and purposes whatsoever.

In testimony whereof I have hereunto set my hand and seal this day of , 185

Signed, sealed and delivered by
the above named

In presence of us—
(Two witnesses)

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 25th June 1857, and assented to by the Superintendent on 30th June. It was disallowed by the Governor as appears below [NZ Gazette, No. 2. 3p.]

Proclamation

By His Excellency Colonel Thomas Gore Browne, Companion of the most Honorable Order of Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand, and Vice-Admiral of the same.

Whereas by an Act made and enacted in the Imperial Parliament holden in the fifteenth and sixteenth years of the Reign of Her Majesty Queen Victoria, intituled "An Act to grant a Representative Constitution to the Colony of New Zealand, " it amongst other things enacted that whenever any Bill shall have been assented to by the Superintendent as in the said recited Act provided, the Superintendent shall forthwith transmit to the Governor an authentic copy thereof, and it shall be lawful for the Governor at any time within three months after any such Bill shall have been received by him to declare, by Proclamation, his disallowance of such Bill, and that any such disallowance shall make void and annul the same from and after the day of the date of such Proclamation, or any subsequent day to be named therein.

And whereas the Ordinance hereinafter specified have been enacted by the Superintendent of the Province of Canterbury with the advice and consent of the Provincial Council thereof, and the said Ordinances were received by the Governor on the fourth day of January, 1857.

And whereas it is expedient that the said recited Ordinances should be disallowed.

*Now, therefore, I, the Governor of New Zealand, in pursuance of the authority vested in me in that behalf by the said recited Act of Parliament, do hereby proclaim and declare my disallowance of the following Ordinances passed by the Superintendent and Provincial Council of the Province of Canterbury, viz:—
The "Diversion of Roads Ordinance," Session VIII, No. 14, and
The " Governor's Bay Road Ordinance," Session VIII, No. 15.*

Given under my hand and issued under the Public Seal of the Colony of New Zealand, at Government House, Auckland, this twenty-first day of January, in the year of Our Lord, One thousand eight hundred and fifty-eight.

Thomas Gore Browne.

*By His Excellency's command,
E. W. Stafford.*

God Save the Queen !

15. The Governor's Bay Road Ordinance 1857 D NZG 1858 p4

Title.

Preamble.

1. Governor's Bay Road to be closed up.
2. There shall be a public highway in accordance with the line marked out in Maps of Chief Surveyor.
3. This Ordinance to be a Special Ordinance in connection with the Diversion of Roads Ordinance.
4. Title.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 26th June 1857, and assented to by the Superintendent on 30th June. It was disallowed by the Governor, for the reasons in the Proclamation 26th January, 1858, quoted above.

The full text of this Ordinance was not included in the Volume of Ordinances published by Charles Lucas, the Official Printer of the Canterbury Provincial Government.

16. The Appropriation Ordinance 1857

1. Appropriation of Provincial Revenue for the year ending 31st March 1858.
2. Provincial Treasurer, &c., shall issue and be allowed credit for the sums appropriated.
3. Provincial Treasurer, &c., shall be allowed credit for certain sums expended up to 31st March 1858.
4. Title.

Notes.

The sum voted by the Canterbury Provincial Council for the year ending 31st March 1858 was £59,820 12s. 7d. The over expenditure for the year ending 31st March 1857 had been £5,459 14s. 4d.

This Ordinance was passed by the Provincial Council on 26th June 1857, and assented to by the Superintendent on 30th June.

The full text of this Ordinance was not included in the Volume of Ordinances published by Charles Lucas, the Official Printer of the Canterbury Provincial Government.

Session IX. 1858 (January to February 1858)

1. The Waste Lands Regulation Amendment Ordinance 1858

Whereas certain Regulations for the Disposal, Letting, and Occupation of the Waste Lands of the Crown in the Province of Canterbury were issued by the Governor of New Zealand in a Proclamation bearing date at Auckland the Twelfth day of February, one thousand eight hundred and fifty-six, and the said Regulations were amended by certain other Regulations issued by the Governor in a Proclamation bearing date at Auckland the Fourteenth day of August, one thousand eight hundred and fifty-six: And Whereas, under and by virtue of an Act of the Imperial Parliament, passed in the Session holden in the Fifteenth and Sixteenth years of the reign of her present Majesty, entitled "An Act to Grant a Representative Constitution to the Colony of New Zealand," and of certain Acts of the General Assembly of New Zealand, entitled "The Provincial Waste Lands Act, 1854" and "The Waste Lands Act, 1856," respectively, the Superintendent and Provincial Council were empowered further to amend the said Regulations, and the same were accordingly amended by an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury, entitled "The Waste Lands Regulations Amendment Ordinance, Session VII., No. 2:" And Whereas it is expedient that the said Regulations should be further amended:

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. Regulations, 33, 51, 52, 65, 66, repealed.

The Regulations standing as the 33rd, 51st, 52nd, 62th and 71st in the said Regulations shall be and the same are hereby repealed; and the Regulations in the Schedule to this Ordinance shall stand in the place thereof and shall have the force of law as a part of the said Regulations.

2. Title.

This Ordinance shall be entitled and may be cited as the "Waste Lands Regulations Amendment Ordinance, 1848," Session IX., No. 1.

Schedule.

33. Upon payment of the Purchase Money in full, the Purchaser shall receive from the Commissioners a "License to Occupy," in the form set forth in Schedule A to the Waste Lands Regulations, and such License shall be restored to the Commissioners upon receipt of a Crown Grant of the Land purchased.

51. The Fee shall be paid to the Treasurer of the Waste Lands Board every year in advance: for the first year, on the issue of the License, and for the second and every subsequent year on any sitting day of the Board between the Twentieth day of April and the First day of May, inclusive; and every Pasturage License not renewed by Payment of the required fee on or before the First day of May shall, unless good cause to the contrary be shown to the satisfaction of the Waste Lands Board, be considered as abandoned.

52. Every Pasturage License shall be in the form set forth in the Schedule C to the Waste Lands Regulations, and shall be transferable by endorsement in the form set forth in such Schedule, and such transfer shall be deemed to be complete upon notice thereof being duly given to the Waste Lands Board, and not before. A Pasturage License shall entitle the Holder thereof to the exclusive right of pasturage over the land specified therein upon the terms above stated. Such License shall be renewed by endorsement from year to year, until the land specified therein shall be purchased, granted, or reserved under these Regulations; and the fee to be paid in respect of such License shall not be altered until the First day of May, one thousand eight hundred and seventy. Such License shall give no right to the soil or to the timber, and shall immediately determine over any land which may be purchased, granted, or reserved under these Regulations. A reasonable right-of-way shall be allowed through all pasturage runs.

65. The Applicant for any rural land included in any Pre-emptive Right shall deposit with the Treasurer of the Waste Lands Board a sum equal to Four Shillings per acre of the purchase money, and the remainder he shall pay within one week from the date of his application being granted, or forfeit such deposit. Such deposit, however, shall be immediately returned on demand, if the Holder of the Pre-emptive Right shall give notice of his intention to purchase any portion of the Land applied for, and pay the requisite deposit.

66. If the Holder of the Pre-emptive Right decide upon purchasing any portion of the land applied for, he shall forthwith pay to the Treasurer of the Waste Lands Board a deposit of Four Shillings per acre of the purchase money of such portion; and, if he shall not within six weeks thereafter have paid the remainder of the purchase money, he shall forfeit such deposit together with all right or title to the land.

If the Holders of any Pre-emptive Rights other than those created by Clause 60 of the Waste Lands Regulations shall neglect or refuse to purchase any portion of the land applied for, such portion shall, from and immediately after such neglect or refusal, be released from all right of pre-emption and open to purchase on the terms of these Regulations, as if the same had not been included in any Pre-emptive Right.

71. All payments on account of pasturage runs shall in future be made on or before the First day of May, in accordance with Clause 51, at the Land Office, at Christchurch, and the Waste Lands Board shall sit at that place for the Treasurer to receive the same.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 11th February 1858, and reserved for the Governor's assent. He disallowed this Ordinance and a copy of the Colonial Secretary's letter to the Superintendent appears below.

“[Copy]

*Colonial Secretary's Office,
Auckland.
April 23, 1858.*

Sir,

With reference to the Bill (forwarded in your Honor's Letter, No. 11, of the 24th ultimo) passed by the Provincial Council of Canterbury, entitled the "Waste Lands Regulations Amendment Ordinance," I have to inform your Honor that in consequence of the intimation which has been received from the Secretary of State for the Colonies (and which was notified to you in my Letter, No. 134, of the 13th inst.), to the effect that Her Majesty had been advised to disallow the "Waste Lands Act, 1856," the Ministers of the Crown in this Colony could not advise His Excellency the Governor to assent to the Bill referred to, which is founded upon that Act.

In consequence of that disallowance, Measures will be proposed by the Government during the present Session of the General Assembly for regulating the management of the public lands of the Colony.

*I have the honor to be,
Sir,
Your very obedient Servant,
(Signed) E.W. Stafford.*

*His Honor
The Superintendent of Canterbury.*