

## **Session X 1858 (October to December 1858)**

### **1. Canterbury Police (Offences) Ordinance 1858**

Whereas an Ordinance was passed on the Twenty-second day of June, one thousand eight hundred and forty-nine, by the Lieutenant-Governor and Legislative Council of New Munster, entitled an "Ordinance to increase the efficiency of the Constabulary Force:" And whereas it is expedient that the said recited Ordinance should, so far as the same relates to the Province of Canterbury, be repealed, and provision made in lieu thereof: Be it therefore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. Repeal of Constabulary Force Ordinance.**

From and after the passing of this Ordinance, the above recited Ordinance shall be and the same is hereby repealed within the said Province.

**2. Persons having certain implemens, or otherwise acting with felonious intent.**

Every person armed with any gun, pistol, sword, bludgeon, or having in his possession any pick-lock, crow-bar, jack, bit, or other implement with intent feloniously to break into, or having broken into any building for an unlawful purpose, or frequenting any highway, street, quay, wharf, or other thoroughfare or place of public resort, with intent to commit felony, may be imprisoned by any two Justices of the Peace for any term not exceeding three calendar months.

**3. Persons having stolen property to be arrested.**

Any Constable finding any person with property in his possession which may reasonably be suspected of having been stolen, or unlawfully obtained, may take such person before a Justice of the Peace to be dealt with according to Law.

**4. Penalty on commission of following offences.**

Every person who shall, within the Province of Canterbury commit any of the offences next hereinafter specified, shall, for every such offence forfeit and pay a sum not less than Ten Shillings nor exceeding Five Pounds (that is to say):

1. Playing in streets on Lord's Day

Every person playing at any game in any street, bye-way, or public thoroughfare on the Lord's Day.

2. Making disturbance on Lord's Day.

All persons assembling in any street, or other public place, on the Lord's Day, to the disturbance of any congregation of Worshippers.

3. Firing litter so as to endanger property.

Every person who shall wilfully fire any litter, shavings, or other combustible matter, so as to endanger any house or other building.

4. Furious riding or driving.

Every person who shall ride or drive in a public thoroughfare so as to endanger the lives or limbs of Passengers or others.

5. Ferocious dogs at large.

Every person who shall, in a public thoroughfare, suffer any ferocious dog to be at large and unmuzzled, or shall wantonly set on any dog to attack worry, or put in fear any person or animal.

6. Misconduct in driving cattle.

Every person driving cattle in a public thoroughfare who shall wilfully or negligently cause any injury or damage to be done by such cattle to any person or property, or shall in anywise misbehave in the driving of such cattle.

7. Cruelty to cattle.

Every person who shall wantonly hurt or harass any cattle passing along or being in a public thoroughfare.

8. Leaving open doors of cellars.

Every Occupier ( and where there is no Occupier every Owner) of a house or other building accommodated by an opening in the public footway or roadway, giving access or light to any cellar or sunk casement, who shall neglect to keep such opening securely covered and constantly closed by a substantial trap-door, or by substantial rails or bars, or in some other sufficient manner, save only in the day time, when articles or things stored, or to be stored in such cellar or casement are in the process of being lowered therein or brought up therefrom.

9. Conveying night soil within certain hours.

Every person who shall convey night soil along a public thoroughfare after the hour of six o'clock in the morning, and before the hour of eleven o'clock at night.

10. Selling unwholesome meat, &c.

Every person who shall sell or expose for sale, or have in his possession with intent to sell, any unwholesome meat, fish, game, poultry, or fruit, or who shall have in his possession, for the purpose of slaughtering, any diseased animal unfit for human food.

11. Throwing glass, rubbish, &c., into roads.

Every person who (without permission in writing from the Superintendent or some Officer for that purpose appointed by him,) shall throw or leave earth, stones, glass, bottles, or rubbish upon a public thoroughfare.

12. Leaving carts, &c., on thoroughfare.

Every person who shall leave standing or lying upon any part of a public thoroughfare any carriage, cart, waggon, dray, truck, wheelbarrow, or other vehicle, or any packing case, crate, basket, cask, barrel, or package.

13. Leaving timber, bricks, &c., on thoroughfare.

Every person who shall place upon any part of a public thoroughfare (without an authority, in writing, from the Superintendent or the Officer for that purpose appointed by him,) any timber, stones, bricks, lime, or materials for building.

14. Hanging meat, &c., over thoroughfare.

Every person who shall suspend or place any carcass, meat, or offal, so as to overhang any part of a public thoroughfare.

15. Throwing dead animals in streams or thoroughfares.

Every person who shall throw, or cause to be thrown, any dead animal, or part thereof, into any street, lane, road, or other public place, or into any river, creek, stream, or other water, or leave or cause the same to be left on the bank thereof.

16. Refusing to remove obstruction to highway.

Every person being the Owner or having the custody of any article unlawfully placed upon or over any part of a public thoroughfare, who shall refuse to remove the same within a reasonable time after being thereunto required by a Constable, shall be liable to a separate penalty for every such refusal.

17. Breaking horses in thoroughfare.

Every person who shall train or break horses in a public thoroughfare, within any town or village.

18. Negligent riding.

Every rider of a vehicle not driven by means of reins who shall ride thereupon, there being no person on foot to guide the same, or who shall wilfully remain at such a distance from his vehicle whilst in motion as not to have command of the horses or cattle drawing the same; or, meeting any other carriage, shall not keep his carriage on the left or near side of the road—or, in passing, shall not keep on the right or off side of the road; or shall in any manner wilfully prevent any other person passing from him; or, by negligence or misbehaviour, interrupting the free passage of any person or carriage along the said road.

19. Unenumerated obstructions to thoroughfares.

Every person who shall wilfully encumber or obstruct a public thoroughfare in any way not before specially described.

20. Hauling timber sledges on thoroughfares.

Every person who shall haul or draw any timber, stone, or other load along any part of a public thoroughfare, otherwise than upon a wheeled carriage or rollers, or shall suffer any load, conveyed upon a wheeled carriage or rollers, to drag or trail or hang over such carriage to the obstruction of the thoroughfare.

21. Permitting entire animals to cover in public.

Every person having the charge of, or permitted any stallion, bull, or other entire animal to cover in any paddock, close, or land, within the limits of any town, being within public view.

22. Indecent or obscene language or conduct.

Every person who shall use, in a public thoroughfare or place, any profane or obscene language, or sing any profane, indecent or obscene song, or write or

draw any indecent or obscene word, figure, or representation, or who shall exhibit, distribute, or offer for sale any profane, indecent, or obscene book, paper, print, painting, drawing, or representation, to the annoyance of Inhabitants or Passengers.

23. Bathing in public.

Every person bathing near to or within view of any public wharf, quay, bridge, street, or other place of public resort, so as to offend against decency, between the hours of eight o'clock in the morning and eight o'clock in the morning.

24. Removing knockers, or disturbing Inhabitants.

Every person who shall maliciously deface, injure, or remove any door-plate, bell, knocker, lamp, or sign board, or who shall wilfully disturb any Inhabitant by ringing any bell, or knocking at any door.

25. Wilful damage to property.

Every person who shall wilfully damage any building, wall, fence, paling, fixture, or appendage thereunto, or any other real or personal property, or who shall steal or wilfully damage any tree, shrub, or other plant, or any seat in any walk, park, plantation, or garden.

26. Breach of the peace; threatening or abusive language.

Every person who shall commit any breach of the peace, or behave himself so as to provoke a breach of the peace, or whereby the passage along the street may be obstructed by causing a crowd to collect or otherwise; or who shall use any threatening language, or any abusive or insulting language in the presence or hearing of a Constable or of a Justice of the Peace.

**5. Offences within towns.**

Every person who shall commit any or either of the offences next hereinafter specified, shall, for every such offence, forfeit and pay any sum not exceeding Five Pounds (that is to say):

1. Discharging firearms.

Every person who shall discharge any firearms without lawful cause, or discharge any firework in any public thoroughfare, within the boundaries of any town within the Province.

2. Firing grass, &c.

Every person who shall wilfully fire the bush, scrub, grass, fern, flax, or other vegetation on land within the boundaries of any town.

3. Neglecting to keep chimney clean.

Every person who shall neglect to keep clean the chimney of any house or other building occupied by him, and situated within the boundary of any town.

4. Placing goods on thoroughfare.

Every person who shall expose or place upon any part of a public thoroughfare, within any town, any goods, wares, or merchandise, or who shall make use of any show-board projecting over any part of such thoroughfare.

6. Power of Justices to order abatement of nuisance and repair of chimneys.

Upon complaint made to any Resident Magistrate, or to any two Justices of the Peace, of the existence of any common nuisance within the boundaries of any proclaimed town within the Province, whether by the exercise of any noisome or unwholesome trade, or by the keeping of hogs, or of any privy, sty, or receptacle for filth of any kind or otherwise (however such nuisance shall arise); and also upon like complaint that any chimney within the said limits is dangerous to Passengers or neighbouring buildings (whether by reason of its insufficient construction or elevation, or want of repair), it shall be lawful for such Resident Magistrate or Justice to issue a Notice requiring the Occupier, or if there shall be no Occupier, then requiring the Owner of the land or property in which such nuisance or defective chimney shall exist, to remove or abate such nuisance, or to alter, raise, or repair such chimney, as the case may require, within a reasonable time to be specified in such Notice; and the said Resident Magistrate or Justices shall cause every such Notice to be forthwith served on such Occupier or Owner, or to be affixed in some conspicuous situation on such property; and in case and so often as such Occupier or Owner shall disobey any such Notice, he shall, for every such offence, forfeit and pay a penalty not exceeding Ten Pounds. For the purpose of ascertaining the existence of any such nuisance, or the state of any such chimney, it shall be lawful for any such Resident Magistrate or Justices, or either of them, to inspect the property wherein the same shall be alleged to exist, or to cause such inspection to be made by an Officer or Constable of the Armed Police Force.

**7. Penalty on commission of following offences.**

Every person who shall commit any of the offences next hereinafter specified shall, for every such offence, forfeit and pay a sum not exceeding Twenty Pounds (that is to say):

1. Wilfully damaging public works.

Every person who shall wilfully destroy or damage any public building, erection, bridge, sewer, culvert, water-course, road, footway, or other public work or property.

2. Removing material of roads.

Every person who shall remove without permission, in writing, from the Superintendent or an Officer for that purpose appointed by him, any soil, stone, or other material used in the formation of any road, footway, or other public road.

3. Making excavation in roadway.

Every person who shall dig or excavate without permission, in writing, from the Superintendent or other Officer for that purpose appointed by him, upon or beneath the surface of any road or footway.

**4. Encroachments on roadways.**

Every person who shall, without permission, in writing, from the Superintendent or some other Officer for that purpose appointed by him, encroach upon the limits of any road, street, or public thoroughfare.

**5. Damaging Government buoys or beacons.**

Every person who shall wilfully and wantonly remove, damage, or otherwise interfere with any buoy, beacon, or other survey-mark set up by any Government Surveyor or other Public Authorities, either on shore or afloat.

**6. Firing grass, scrub, &c., on another person's land.**

Every person who shall set on fire or cause to be set on fire any bush, scrub, grass, fern, flax, or other vegetation on land not in his own occupation.

**8. Indecent exposure of person.**

Every person who shall indecently expose his person in or within view of any public thoroughfare or place shall be liable to a fine not exceeding Twenty Pounds, or may, at the discretion of any two Justices of the Peace, be imprisoned for a period not exceeding three months.

**9. Former penalties saved.**

Nothing in this Ordinance shall be construed to take away or repeal any liability or penalty which at common Law, or by virtue of any Statute, Act, or Ordinance in force within the Province, shall attach to or be incurred in respect of any such offence as aforesaid.

**10. Power to Officers of Police to board vessels,&c.**

Every Inspector, Sub-Inspector, or any Officer of the Constabulary Force above the rank of a Private Constable, may with such Constables as he may think proper, enter into any ship, boat or other vessel (not being then actually employed in her Majesty's service), for the purpose of inspecting and directing the conduct of any Constable who may be stationed on board of any such vessel, and the conduct of all other parties who shall be employed on board of any such vessel, and for preventing fire, preserving peace and good order, and for prevention or detection of any felonies or misdemeanours on board of such vessel.

**11. Power to Constables to enter all houses where refreshment is sold.**

Every Constable may demand admittance, for the purpose of preventing or repressing disorderly conduct, into any house, shop, or place of public resort, wherever provisions, liquors, or refreshments of any kind shall be sold or

consumed (whether the same shall be kept or retained therein or procured elsewhere), and any unnecessary delay in giving admission to the said Constable shall subject the party to a penalty not exceeding Five Pounds.

**12. Compounding information.**

If any person shall lodge any information before any Justice of the Peace for any offence by which he was not personally aggrieved, and shall afterwards directly or indirectly receive any sum of money or other reward for compounding, delaying, or withdrawing the information, he shall be liable to a penalty of not more than Ten Pounds.

**13. Written permission from Superintendent to be produced to Constable.**

Every person who shall have permission, in writing, from the Superintendent or Officer appointed by him for that purpose to do any of the things for which such Officer or Superintendent is empowered to give such permission, shall produce such permission when called upon to do so by any Police Constable, and if such person shall refuse or neglect to produce such permission when so called upon, he shall be considered as acting without such permission.

**14. Resisting or refusing to aid Constable.**

Every person assaulting or resisting any Constable in the execution of his duty, or being called upon by a Constable in the Queen's name and refusing to assist such Constable acting as aforesaid, shall be liable to a fine of not more than Ten Pounds, or to be imprisoned for a period not exceeding one month.

**15. Penalties recoverable summarily.**

All penalties imposed by this Ordinance shall be recoverable in a summary way.

**16. Interpretation.**

In the Interpretation of this Ordinance, the word "cattle" shall mean every head of horses, asses, mules, horned or neat cattle, swine, sheep, or goats. The word "town" shall mean the town specified in the Schedule to this Ordinance, and any other town or towns within which the Superintendent, upon the requisition to that effect from a majority of the Justices of the Peace of the district in which such town is situated, shall, by Proclamation, declare this Ordinance to be in operation. The term "Constable" shall include all Officers of the Armed Police.

**17. Title**

This Ordinance shall be entitled, and may be cited as the "Canterbury Police Ordinance, 1858, Session X., No. 1."

**Schedule.**

The town of Christchurch as set forth in the Maps of the Chief Surveyor of the Province of Canterbury, including the town reserves.

The town of Lyttelton as set forth in the Maps of the Chief Surveyor of the said Province.

The town of Akaroa as set forth in the Proclamation of the Superintendent of the said Province, bearing date the 1st May, 1856.

The town of Kaiapoi as set forth in the Schedule to the "Kaiapoi Town Ordinance, Session VIII., No. 7."

**Notes.**

*This Ordinance was passed by the Canterbury Provincial Council on 1st December 1858, and assented to by the Superintendent on 3rd December.*

**2. The Immigrants' Barracks Ordinance 1858.**

Title.

Preamble.

1. Superintendent to appoint Immigration Officer.
2. Superintendent to issue Rules and Orders for management of Barracks.
3. Immigration Officers to remove any person infringing such rules.
4. Persons found on premises during night hours, or refusing to conform to the Rules, to be deemed guilty of misdemeanour.
5. Persons refusing to quit the premises upon notice from Officer, to be removed and given into custody.
6. Rules and Regulations issued by Superintendent to be published in "Government Gazette."
7. Title.

**3. The Planting of Forest Trees Ordinance 1858**

Whereas it is desirable to encourage and promote the planting of Forest Trees on Rural Sections in the Province of Canterbury:

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

1. From and after the passing of this Ordinance, every Tenant for years in occupation of any section of rural land, if not less than ten acres statute measure, shall be entitled to transplant, cut down, remove, or receive the value of such trees planted thereon by him and registered as hereinafter provided.

2. Every such Tenant having planted on land in his occupation forest trees exceeding fifty in number may register the same at the Office of the Registrar of Deeds of the said Province by filing a Schedule thereof in the form hereto annexed.

3. The said Registrar shall cause every such Schedule filed in his Office under the provisions of this Ordinance to be numbered, and shall register the same in a book or books to be kept by him for the purpose.

4. There shall be paid to the Registrar, upon the filing of every such Schedule, the fee of Five Shillings and no more.

5. Any person shall be entitled to have an Office Copy or an Extract of every such Schedule filed as aforesaid upon paying Five Shillings for the same.

6. Any person shall be entitled to examine and search the Register of Schedules upon paying to the Registrar the Fee of One Shilling.

7. Every Tenant who shall register any such Schedule as aforesaid shall, within fourteen days thereof, deliver or cause to be delivered to or left at the last place of abode of his Landlord or the Agent of such Landlord a true Copy of such Schedule duly signed by him.

8. Every Tenant registering as aforesaid may, on giving twelve months' notice, in writing, to that effect to the Landlord or his Agent previous to the termination of his Lease, call upon such Landlord to elect whether he will purchase the forest trees so registered and growing; and if the Landlord, within thirty days of the service of such notice, intimate, in writing, to the Tenant, his intention of purchasing the same, but do not within fourteen days therefrom agree as to the value thereof, then such value shall be ascertained by arbitration in the usual manner.

9. In the event of both or either Landlord or Tenant refusing or neglecting to nominate an Arbitrator within fourteen days after having been called on so to do by the other, then any two Justices of the Peace may, on application of either party, nominate and appoint the Arbitrator or Arbitrators required.

10. On the value of the said forest trees being agreed on, in writing, by the Landlord and Tenant, or ascertain by arbitration as aforesaid, and on the value thereof so agreed on or ascertained being paid within six months prior to the

termination of the Lease, or security being given for such payment within such period, the said trees shall become the property.

11. On the landlord refusing or neglecting to give notice to his Tenant within the time required of his intention to purchase the forest trees registered and growing as aforesaid, or neglecting to pay or failing to give security as aforesaid, the Tenant shall become entitled to transplant, cut down, and remove the same at any rate thereafter; and previous to the expiration of his lease, the Tenant shall be bound to clear the ground planted on of all stumps, and to leave the same in a proper and tenantable condition.

12. This Ordinance shall not extend to any existing Lease, except by the consent, in writing, of the parties to such Lease: Provided that the operation of this Ordinance may be barred by special proviso in any future Lease: Provided always, that any Tenant of land as hereinbefore described, previous to the passing of this Ordinance, may give notice, in writing, to the Landlord or his Agent of his intention to plant trees under the provisions of this Ordinance, and if such Landlord shall not give notice, in writing, within six calendar months thereafter of his objecting thereto, he shall be deemed to have consented and be subject to the provisions of this Ordinance to all intents and purposes: Provided nevertheless, that the service of such notice shall be proved before a Justice of the Peace, on oath, and registered in the Registrar's office.

13. For the purpose of this Ordinance, the words "forest trees" shall be deemed to include all trees recognized in commerce as timber, and the term "Landlord or his Agent" shall mean the Holder of lands in fee and include the authorised Agent of such Landlord, except where the context be repugnant to such construction.

14. This Ordinance may be cited as the "Planting of Forest Trees Ordinance, Session X., No. 3, 1858."

#### Schedule

1.2.3.4.5.6.7.8.

1. Number of Rural Section.
2. Proprietor's Name.
3. Tenant's Name.
4. Date of Lease and Term.
5. Acreage Leased.
6. Date of Planting Trees.
7. Number and Description of Trees Planted.
8. Date of Filing

#### **Notes.**

*This Ordinance was passed by the Canterbury Provincial Council on 28th October 1858, and assented to by the Superintendent on 8th November.*

#### **4. Trespass of Cattle Amendment Ordinance 1858**

Title.

Preamble.

1. Parts of former Ordinance repealed.
2. Cattle trespassing on unenclosed lands without towns.
3. Cattle trespassing may be detained or driven to residence of Owner or Public Pound. Damages recoverable from Owner.
4. Penalties for rescue or commission of Pound breach.
5. Schedule B to stand as Schedule A to former Ordinance
6. Interpretation Clause.
7. Title.

#### **Notes.**

*This Ordinance was passed by the Canterbury Provincial Council on 2nd November 1858, and assented to by the Superintendent on 8th November. It was repealed by "The Trespass of Cattle Ordinance 1860," passed during Session XIV, of the Council.*

#### **5. The Cathedral Square Ordinance 1858**

Whereas by a certain Ordinance of the Superintendent and Provincial Council of the Province of Canterbury, entitled "Christ's College Ordinance," certain persons therein named, and all such other persons as should thereafter become Warden, or be elected or appointed Sub-Warden, or Fellows, and their Successors, were constituted a Body Politic and Corporate by the name of "Christ's College, Canterbury," and were made able and capable in Law to purchase, receive, possess, and enjoy, to them or their Successors, any messuages, lands, buildings, tenements, and hereditaments, situate in the Colony of New Zealand or elsewhere: And Whereas, under and by virtue of a certain Deed bearing date the first day of May, one thousand eight hundred and fifty-five, being the Deed of Foundation of the said College, and of a certain Deed

of Conveyance dated the Twenty-first day of March, one thousand eight hundred and fifty-seven, made and executed in pursuance of the said Deed of Foundation, the said Corporation is seized in fee simple and is otherwise well and sufficiently entitled to a certain section of town land situate in the city of Christchurch, within the said Province, containing three acres one rood and three perches statute measure, or thereabouts, forming the centre of Cathedral Square within the said city: And Whereas the Governing Body of the said College hath agreed to alienate the said section of land for the uses of the said Province, in consideration of receiving for the same the sum of £1,200 for the purpose of enabling the said Governing Body to extend and otherwise improve the said College buildings: And Whereas it is expedient that such alienation should be effected accordingly:

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

**1. The College to convey section in Cathedral Square to the Superintendent.**

It shall be lawful for the said College to convey to the Superintendent of the said Province, for the time being, the said section of land within Cathedral Square, with the appurtenances, and the said Superintendent is hereby enabled to accept and take such conveyance, and to receive and hold the said section of land to him and his Successors as a Body Corporate, for the purposes hereinafter provided, 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."

**2. On execution of Conveyance, the College to be entitled to the sum of £1200.**

At any time from and after the conveyance of the said section of land to the Superintendent as aforesaid, the said College shall be entitled to a grant of One Thousand Two Hundred Pounds, which sum may be appropriated by the Governing Body of the said College for the purpose of extending and otherwise improving the College buildings; and the Provincial Treasurer is hereby empowered to pay to the Governing Body of the said College the aforesaid sum upon the execution of the said Conveyance.

**3. Reserve for highways.**

There shall be a highway one chain and a-half in width, with a public carriage way in the centre thereof of not less than fifty feet in width, across the said section in continuation of Colombo-street.

**4. Reserve for Cathedral Square.**

The remainder of the said section shall be reserved: that portion thereof to the west of the continuation of Colombo street as a site for the erection of a Cathedral in connection with the Church of England, which site shall be

conveyed to the Bishop of Christchurch and his Successors, to be held, in trust, for the uses as aforesaid of the Church of England in the said Province: And the said Superintendent, upon the commencement of the said Cathedral, is hereby empowered and required to convey the aforesaid site accordingly: that portion thereof to the east of the continuation of the said street as an open Square, or for plantations.

#### **5. Title.**

This Ordinance shall be entitled and may be cited as "The Cathedral Square Ordinance, Session X, No. 5."

#### **Notes.**

*This Ordinance was passed by the Canterbury Provincial Council on 25th day of October 1858, and assented to by the Superintendent on 1st November 1858.*

### **6. The Public Hospital Ordinance 1858**

Title.

Preamble.

1. Superintendent to sell certain reserves.
2. Terms and conditions of sale, by whom to be made.
3. Appropriation of the proceeds of sale.
4. Title.

#### **Notes.**

*This Ordinance was passed by the Canterbury Provincial Council on 30th November 1858, and assented to by the Superintendent on 1st December. It was disallowed by the Governor. [New Zealand Gazette, 27th January 1859, 33p.] See also "The Public Hospital Ordinance 1859," passed during Session XI. 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.*

### **7. The Appropriation Ordinance 1858.**

Title.

1. Appropriation of Provincial Revenue for Half-year ending 30th September 1858.
2. Provincial Treasurer, etc., shall issue and be allowed credit for the sums appropriated.
3. Title.

**Notes.**

*This Ordinance was passed by the Canterbury Provincial Council on 1st December 1858, and assented to by the Superintendent on 3rd December.*

**8. Christ's College Amendment Ordinance 1858.**

Whereas by an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury, entitled "Christ's College Ordinance, Session IV., No. 4," it was enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof, that the Bishop of the Diocese for the time being, the Warden, the Reverend Henry Jacobs, M.A., the Sub-Warden, together with certain other persons therein respectively named and described, the Fellows, and all such other persons as should thereafter become Warden, or be elected or appointed Sub-Warden, or Fellows, and their Successors should be, and they were thereby constituted a Body Politic and Corporate by the name of "Christ's College, Canterbury," and by such name should have perpetual succession and a common seal: And Whereas it is expedient to amend the said Ordinance 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. Seal may be varied.**

It shall be lawful for the said Body Politic and Corporate, and Seal may be varied, it is hereby empowered, from time to time, to alter, vary, break, and renew the said seal at their discretion.

**2. Title.**

And be it enacted that this Ordinance shall be entitled and may be cited as "Christ's College Amendment Ordinance, Session X., No. 8."

**Notes.**

*This Ordinance was passed by the Canterbury Provincial Council on 1st December 1858, and assented to by the Superintendent on 3rd December.*

## **9. The Sheep Ordinance 1858.**

Whereas an Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled " The Scab and Catarrh Ordinance, Session III., No. 2," and also an Ordinance entitled " The Scab and Catarrh Amendment Ordinance, Session VIII., No. 5 : "And Whereas it is expedient that the said recited Ordinances should be repealed, and that other provision should be made in lieu thereof:

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

### **1. Repealing Clause.**

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

### **2. All sheep to be branded.**

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

### **3. Registrar of brands to be appointed.**

It shall be lawful for the Superintendent to appoint some fit person to be the Registrar of Brands, and, with the advice and consent of the Executive Council, to make Rules and Regulations for the management of the office of such Registrar, and to fix a Scale of Fees, which shall be payable to such Registrar; and all such Rules, Regulations, and Tables of Fees, shall be published in the

Government Gazette, and shall thereupon be binding upon all persons whom they may concern, and shall have the force of Law.

#### **4. Sheep brands to be registered.**

Every Owner of sheep shall cause his sheep brand to be registered in the office of the Registrar of Brands; and any Owner neglecting so to register such brand as aforesaid, shall be liable to a penalty not exceeding Five Pounds: Provided always, that any brand already registered under the provisions of " The Scab and Catarrh Ordinance, Session III., No. 2," shall be deemed to have been registered under this Ordinance.

#### **5. Using brand of another person.**

After any person shall have so registered a brand, it shall not be lawful for any other person, without the authority, in writing, of the person first registering the same, to brand any sheep with the same brand, or one so nearly similar as in the opinion of the Registrar of Brands to be not readily distinguishable therefrom, or without such authority as aforesaid to make, or cause to be made any branding-iron bearing the same or nearly similar brand as aforesaid: And any person offending against the provisions of this Section, shall be liable to a penalty not exceeding Ten Pounds: and every day during which, after any person shall have been convicted under the provisions of this Section, his sheep shall continue to be branded with the registered brand of another person, shall be deemed a separate offence against the provisions of this Section.

#### **6. Branding sheep without leave of Owner.**

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

#### **7. Branding prima facie evidence of ownership.**

The mark or impression of any registered brand upon any sheep shall be prima facie evidence of the ownership of such sheep by the person in whose name such brand shall have been registered in the office of Registrar of Brands.

#### **8. Inspectors of sheep.**

It shall be lawful for the Superintendent, from time to time, to appoint fit persons to be Inspectors of Sheep, and from time to time to remove the same, and to appoint others in their stead, and such Inspectors, so appointed, shall have at all times the powers hereinafter given to certain persons acting under the Warrant of any one or more Justices of the Peace; and it shall be lawful for the Superintendent, with the advice of his Executive Council, to make such Regulations as he may think fit for the guidance of all such Inspectors in the execution of their duty, and for the carrying this Ordinance into effect: Provided always, that no such Regulations shall have any force until after they shall have been published in the Government Gazette.

**9. False report or certificate.**

If any Inspector of Sheep, or Provisional Inspector to be appointed as hereinafter provided, shall wilfully make any false Report, or deliver any false Certificate as to the condition of any sheep examined by him, he shall be liable, on conviction thereof before any two Justices of the Peace, to a penalty not less than Twenty Pounds, nor exceeding One Hundred Pounds, or, at the discretion of such Justices, to be imprisoned for any term not exceeding six calendar months. If any Inspector of Sheep or Provisional Inspector shall, under colour of his office or employment, exact or accept any fee or reward whatsoever, other than his authorized salary or allowance, his office shall, on his conviction of such offence before any two Justices of the Peace, become ipso facto vacant, and he shall be liable to a penalty of Fifty Pounds.

**10. Inspector may require declaration from Owner as to muster of sheep, &c.**

It shall be lawful for any Inspector of Sheep, or any Provisional Inspector, when it shall appear to him to be necessary, for the purpose of enabling him to decide satisfactorily upon the condition of any sheep, to call upon the Owner of such sheep to make a Declaration in the form or to the effect specified in Schedule A to this Ordinance; and if any such Owner shall refuse or neglect to make such Declaration when so called upon, he shall be liable to a penalty not exceeding Fifty Pounds; and if any person shall make any such Declaration, knowing the same to be false, he shall, on conviction thereof before any two Justices of the Peace, be liable to a penalty of One Hundred Pounds, and to be imprisoned for a period not exceeding six calendar months.

**11. Possession of scabby sheep.**

Every Owner of any sheep infected with scab shall be liable to a fine of not less than one shilling, nor more than five shillings, for every such infected sheep: Provided that it shall be lawful for the Justices before whom any information under this clause shall be heard, to suspend the payment of any penalty, by the conviction made on such information ordered to be paid, for a period of not more than six months from the date of such information; and if at any time within such period of suspension, such sheep shall appear upon the report of any Inspector of Sheep, deposited with the Clerk of the Court in which such conviction shall have been made, to be again free from scab, such penalty shall be altogether remitted; but if it shall not so appear, then payment of such penalty shall be enforced in the usual way: Provided also, that if at or before the expiration of such period, it shall appear to the satisfaction of any two Justices of the Peace, and upon the certificate of an Inspector of Sheep, that peculiar and exceptional circumstances, beyond the control of the Owner of such sheep, and such as could not have been met by foresight and exertion on his part, have rendered it impossible effectually to clean such sheep, it shall be lawful for such Justices to extend such period for a further period of four calendar months, but no longer

**12. Owners of sheep to give notice of appearance of disease.**

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

**13. Scabby sheep to be branded S.**

Every Owner of any sheep infected with the scab shall cause the same to be distinctly wool-branded on the back thereof with the letter S, such letter not being less than four inches in length; and every such Owner shall be liable to a fine of not less than sixpence nor more than five shillings for every sheep not being so branded as aforesaid.

**14. Infected sheep to be kept certain distance from boundary of Run.**

If any sheep infected with scab or catarrh shall be found, not being at the time herded by a Shepherd, within half-a-mile of the boundary of the land to which they belong, or upon which they shall be lawfully depastured, such boundary not being a natural barrier, or guarded by a sheep-proof fence, or within half-a-mile of any public highway, the Owner of such sheep shall be subject to a penalty of not less than sixpence, nor more than five shillings for every sheep so found within half-a-mile of such boundary or highway as aforesaid.

**15. Justices may order infected sheep to be herded and yarded.**

If it shall appear to any two Justices of the Peace, upon the oath of any one or more credible Witnesses, that any sheep are infected with scab or catarrh, and that such sheep may, if suffered to run at large, cause damage to the Owners of neighbouring flocks, it shall be lawful for such Justices, by warrant, under their hands, in the form or to the effect set forth in Schedule B to this Ordinance, to order the Owner of such sheep to cause them to be constantly herded by day, and to be kept by night within a sheep-proof enclosure, until it shall appear, upon the certificate of any Inspector of Sheep, that such sheep are entirely free from the said diseases; and for each day upon which such Owner shall neglect to have such sheep herded as aforesaid, and likewise for each night upon which he shall neglect to have such sheep enclosed as aforesaid, he shall be subject to a penalty not exceeding twenty-five pounds.

**16. Landing sheep without Certificate.**

If any person shall himself, or by means of any Agent or Servant, land, or cause to be landed from any ship, boat, or other vessel, any sheep, unless they shall, within seven days previous to such landing have been inspected by an Inspector of Sheep or a Provisional Inspector, and unless such person shall have received from such Inspector of Sheep or Provisional Inspector a Certificate, in the form or to the effect specified in Schedule a to this Ordinance, that such sheep are entirely free from either scab or catarrh, he shall be liable to a penalty of not less than five shillings nor more than five pounds for every sheep so landed: Provided that if such sheep, so landed, shall not amount to twenty in number, he shall nevertheless be liable to a penalty of one hundred pounds; and for every day during which such sheep, so landed, without such certificate, shall be driven, depastured, or suffered to stray within the Province of Canterbury, the Owner thereof shall be liable to a penalty not exceeding one hundre pounds; and the before-mentioned certificate shall, at any time within six months after the date thereof, be produced by the Owner of such sheep to any person demanding the same, under a penalty of five pounds.

**17. Declaration of Owner before landing sheep.**

It shall not be lawful for any Inspector of Sheep or Provisional Inspector to grant the certificate mentioned in the preceding section until the Owner of the sheep for which such certificate is required shall have made before such Inspector a declaration, in the form or to the effect specified in Schedule D to this Ordinance; and if any person shall make any such declaration, knowing the same to be false, he shall, on conviction thereof before any two Justices of the Peace, be liable to a penalty of one hundred pounds, and to be imprisoned for a period not exceeding six calendar months.

**18. Penalty on Master of vessel allowing sheep to be landed without Certificate.**

Any Master, Owner, or Supercargo of any ship, boat or other vessel, who shall permit any sheep to be landed therefrom before they shall have been inspected by an Inspector of Sheep, or a Provisional Inspector, and before the certificate mentioned in section twenty-six of this Ordinance shall have been given, shall be liable to a penalty of not exceeding one hundred pounds.

**19. Introducing sheep by land without Certificate.**

If any person shall himself, or by means of any Agent or Servant, introduce, or cause to be introduced into the Province of Canterbury, by land, any sheep, unless they shall, within fourteen days previous to such introduction, have been inspected by an Inspector of Sheep, and unless such person shall have received from such Inspector a certificate, in the form or to the effect specified in Schedule C to this Ordinance, that such sheep are entirely free from scab or catarrh, he shall be liable for every sheep so introduced to a penalty of not less than one shilling, nor more than one pound: Provided that if the number of sheep so

introduced be less than one hundred, he shall nevertheless be liable to a penalty of one hundred pounds; and for every day during which such sheep, so introduced, without such certificate shall be driven, depastured, or suffered to stray within the Province of Canterbury, the Owner thereof shall be liable to a penalty not exceeding one hundred pounds, and the beforementioned certificate shall, at any time within six months after the date thereof, be produced by the Owner of such sheep to any person demanding the same, under a penalty of five pounds.

**20. Declaration of Owner before introducing sheep by land.**

It shall be lawful for any Inspector of Sheep to grant the certificate mentioned in the preceding clause until the Owner of the sheep, for which such certificate is required, shall have made, before such Inspector, a declaration in the form or to the effect specified in Schedule D to this Ordinance; and if any person shall make any such declaration, knowing the same to be false, he shall, on conviction thereof before any two Justices of the Peace, be liable to a penalty of one hundred pounds and to be imprisoned for a period not exceeding six calendar months.

**21. Sheep introduced by land to be dipped.**

When any sheep shall have been introduced by land into the Province of Canterbury, it shall not be lawful for such sheep to be driven, depastured, or suffered to stray to, or at a greater distance within the said Province than three miles from that part of the boundary at which such sheep shall have been introduced, until such sheep shall have been effectually dressed, to the satisfaction of the Inspector of Sheep, with some reputed effective scab-destroying preparation, and until the Owner of such sheep shall have received from such Inspector a certificate to that effect; and for every day during which any sheep shall be driven, depastured, or suffered to stray, in contravention of the provisions of this section, the Owner of such sheep shall be liable to a penalty not exceeding one hundred pounds; and the beforementioned certificate shall, at any time within six months after the date thereof, be produced by the Owner of such sheep, to any person demanding the same, under a penalty of five pounds.

**22. Driving, &c., infected sheep.**

If any person shall by himself, his Agent, or servant, drive, depasture, or suffer to stray, any sheep infected with scab or catarrh, or which shall, within three months previously, have been mixed with any sheep so infected, or have undergone any dressing for the cure of the scab, across or upon any land not being the property of, nor being rented by such person, and not being land of which he shall have the right of pasturage, or upon or along any public highway, he shall, for every day during which such sheep shall be so driven, depastured, or suffered to stray, be subject to a penalty of not less than twenty-five pounds, nor more than one hundred pounds: Provided always, that nothing herein contained shall prevent the Occupier of any land or run upon which shall be found trespassing any sheep

infected as aforesaid, and owned by the Occupier of adjoining land or an adjoining run, from driving such sheep to the residence of such Owner on such adjoining land or run.

**23. Separate Informations for every Run crossed.**

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

**24. Scabby Sheep trespassing and not removed may be destroyed.**

If any sheep infected with scab or catarrh shall be found on any land or run not in the lawful occupation of the Owner of such sheep, and such Owner shall not remove the same within forty-eight hours after he shall have been served in the manner prescribed for the service of notices by section thirty-eight of this Ordinance, with written notice that they are so trespassing; or if such Owner cannot, after reasonable inquiry, be discovered, it shall be lawful for the Occupier of such land or run forthwith to destroy such sheep: Provided always, that the nature of such reasonable inquiry, together with the number and brands of the sheep so found and destroyed, shall by the Occupier aforesaid, be certified, in writing to the Inspector of the district within eight days of the destruction of such sheep: And every person offending against the provisions of this section shall be liable to a penalty of not less than five pounds nor more than twenty-five pounds.

**25. Notices when sheep driven through Run.**

Any person about to drive any sheep across any lawfully occupied land or run in the Province of Canterbury, shall give to the Occupier thereof at least twenty-four hours' previous notice, in writing, of the day upon which he intends to drive such sheep across such land or run, by leaving such notice with some adult inmate of the principal house or station thereon; or if no such inmate can be found, by leaving the same affixed to some conspicuous part of such house or station, and such notice shall be renewed unless the sheep shall be so driven within three days after the time specified therein; and every person offending against the provisions of this section shall be liable to a penalty of not less than sixpence, nor more than one shilling for every sheep so driven.

**26. Occupier may, without Warrant, examine sheep on his land or Run.**

Every Occupier of land, or of a Run, may, without warrant or other authority, inspect, or cause to be inspected any sheep which shall be found upon such land or run, or upon any land or run immediately adjoining thereto, or upon any part of a highway passing through or lying adjacent to the land or run in his occupation.

**27. Justice may order inspection of sheep.**

Any Justice of the Peace having reasonable grounds, from information, stated on oath before him, to suspect any sheep within the Province of Canterbury, or on board any ship, boat, or vessel in any harbour of the said Province, to be infected with scab or catarrh, or being satisfied by such information that it is expedient such sheep should be inspected, may, by a warrant, in the form or to the effect specified in Schedule E to this Ordinance, order the inspection of such sheep, by any one or more competent person or persons named in such warrant, who shall, for the purposes of such inspection, be called Provisional Inspectors; and such Provisional Inspectors shall, immediately after such inspection, report the result thereof, in writing, to the Justice issuing the said warrant, and shall declare to the truth of the said report, upon oath, before him; and it shall be lawful for such Justice thereupon to order each of such Provisional Inspectors to be remunerated at the rate of not more than twenty shillings, by the day, during the time in which he or they shall have been reasonably employed in such inspection; and in case such sheep shall prove to be infected, such remuneration shall be paid by the Owner of the same; but if they shall prove to be uninfected, the remuneration as aforesaid shall be paid by the Informant. Provided always, that such Provisional Inspectors shall have, for the purposes of such inspection, the like powers as are conferred upon Inspectors of Sheep by the fifteenth section of this Ordinance.

**28. Penalties for resisting, &c., inspection.**

Every Owner of any sheep who shall refuse to allow such inspection to be made by any Provisional Inspector under such warrant as aforesaid, or by such Occupier as aforesaid, or by any Inspector of Sheep, or shall obstruct, or shall refuse or neglect to muster his sheep for the purpose of such inspection with all convenient speed, or to afford all reasonable facilities for making such inspection to such Provisional Inspectors, Occupiers, or Inspectors of Sheep, shall be subject to a fine not exceeding one hundred pounds.

**29. Sheep dying of catarrh not to be thrown into streams, &c.**

If any person, by himself, his Servant, or Agent, shall cast or cause to be cast, the carcass of any sheep infected with catarrh at the time of its death into any stream or pond, or other water, he shall be liable to a penalty of not less than five pounds, nor more than twenty pounds.

**30. Sheep dying of catarrh to be burnt or buried.**

The Owner of any sheep infected with the disease called catarrh at the time of its death, who shall fail to consume the carcass by fire, or to bury it at least three feet under the ground within twelve hours after death, shall be liable to a penalty of not less than ten shillings nor more than five pounds for each carcass not so buried or destroyed.

### **31. Slaughtering infected sheep.**

If any person shall slaughter, or have in his possession for the purpose of slaughtering, any sheep infected with scab or catarrh, or shall expose for sale the carcass, or any part thereof, of any sheep so infected, he shall be liable, for each such offence, to a fine of not less than twenty shillings, nor more than five pounds; one-half of such fine to be paid to the informer; and such infected carcass, or parts thereof, shall be thereupon destroyed in such manner as any Justice of the Peace may direct.

### **32. Recovering of straying sheep.**

Any Justice of the Peace may, upon the application of any Owner of sheep who has reason to believe that any of his sheep have strayed to and upon a run occupied by any other person, by writing, under his hand, direct such Occupier to muster his sheep in a pen at some time within two months after the receipt of such direction, in writing, for the purpose of delivering over such stray sheep to the Owner thereof; at least seven days' previous notice shall be given by such Occupier to the Owner of such stray sheep of the time at which such muster shall be made; and every such Occupier who shall refuse or neglect to comply with any such direction, in writing, or to give such notice, shall be subject to a penalty of not less than five, nor more than twenty pounds: Provided always, that such Occupier shall be entitled to recover from such Owner any reasonable expense of mustering or delivering such sheep: Provided also, that a certificate, under the hand of an Inspector of Sheep, that the flock with which such stray sheep have mixed is not in a condition to be moved within such period of two months, shall be a valid excuse for postponing the delivery of any such stray sheep.

### **33. Unauthorised removal of sheep.**

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

### **34. Wilfully communicating Scab.**

If any person shall wilfully communicate, or cause to be communicated to any sheep the diseases called scab or catarrh, he shall, on conviction thereof before any two or more Justices of the Peace, be imprisoned for a term of six calendar months. If any person shall knowingly and wilfully set at large or abandon any sheep infected with scab or catarrh, he shall be liable, on conviction thereof before any two Justices of the Peace, to a penalty not exceeding fifty pounds, or to be imprisoned for a term not exceeding two calendar months.

### **35. Maximum Penalty.**

No penalty to be imposed on any one conviction under the provisions of this Ordinance, shall exceed the sum of one hundred pounds.

**36. Saving other remedies at Law to persons suffering Damage.**

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

**37. Expenses of prosecution to be paid out of penalties.**

In all cases in which any fine or penalty shall be paid under the provisions of this Ordinance, it shall be lawful for the Justices before whom any such conviction shall take place, to award to the Prosecutor such portion of such fine or penalty as shall appear to such Justices a reasonable compensation for expenses incurred by him in the course of such prosecution.

**38. Penalties recoverable summarily.**

All fines and penalties imposed under the authority of this Ordinance shall be recoverable in a summary way.

**39. Interpretation.**

In the interpretation of this Ordinance, the words "Owner of any sheep " shall be taken to mean the person having the charge, control, or management of such sheep; and the word "sheep" shall, unless otherwise specially provided, be taken to mean all sheep of any age and either sex; the term " Inspector of Sheep " shall mean an Inspector appointed by the Superintendent, under the provisions of section eight of this Ordinance; the term "Provisional Inspector " shall mean an Inspector appointed by a Justice of the Peace under section forty of this Ordinance; the term "highway" shall mean any land laid down as a public road on the map of the Chief Surveyor of the Province of Canterbury; the term " herded " shall mean constantly followed and kept within sight. All sheep shall be deemed to have been "dressed for the cure of scab," to which there shall have been applied any reputed scab-destroying preparation, unless such sheep shall, within fourteen days previous to such application, have been certified by an Inspector of Sheep or a Provisional Inspector to be entirely free from scab; and every sheep belonging to any flock, or on board any ship, boat, or other vessel in which there shall be one sheep which shall, within any given period, have undergone any dressing for the cure of the scab, shall be deemed to have been dressed within such period. Every sheep belonging to any flock, or on board any ship, boat, or other vessel, or which may have been placed in any yard or enclosure in which there shall have been, at any time within two months previously, one sheep infected with the scab or catarrh, respectively, shall be deemed to be infected with scab or catarrh within the meaning of this Ordinance.

**40. Title.**

This Ordinance shall be entitled and may be cited as " The Sheep Ordinance, Session X., No. 9."

**Schedule A.**

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

I, \_\_\_\_\_ of do hereby solemnly declare that [I have made a complete muster of all the sheep in my charge, and that \*] my sheep branded \_\_\_\_\_ being \_\_\_\_\_ in number, now being at \_\_\_\_\_ have not within \_\_\_\_\_ months [been subjected to any dressing for the cure of the scab] had applied to any \_\_\_\_\_ of them any reputed scab-destroying, preparation, nor within \_\_\_\_\_ months been mixed with any sheep infected with the scab or catarrh, and I make this solemn declaration, conscientiously believing the same to be true.

\_\_\_\_\_ A . B .

Declared before me at \_\_\_\_\_ this day of \_\_\_\_\_ 18 .

\_\_\_\_\_ C . D .

Inspector of Sheep.

(Provisional Inspector.)

\* May be omitted when not required by the Inspector.

**Schedule B.**

Warrant for Herding or Yarding Sheep.

Province of Canterbury, New Zealand, ) To \_\_\_\_\_ and all others  
To wit. ) whom it may concern.

Whereas it appears to us \_\_\_\_\_ and \_\_\_\_\_ two of her Majesty's Justices of the Peace for the said Province, by information, upon oath, of \_\_\_\_\_ in the said Province \_\_\_\_\_ that certain sheep are depastured upon land situated at \_\_\_\_\_ being in the occupation of \_\_\_\_\_ of \_\_\_\_\_ in the said Province and that such sheep are infected with the disease called \_\_\_\_\_ and that there is danger lest such sheep, being suffered to run at large, should cause damage to the Owners of sheep in the neighbourhood thereof. These are therefore, in the name of our Lady the Queen, and in pursuance of the provisions of an Ordinance passed by the Superintendent and Provincial Council of the said Province, in the Twenty-seventh year of the reign of her Majesty, entitled " The Sheep Ordinance, 1863," to require you that you do cause the said sheep to be constantly herded by day, and to be kept by night within a sheep-proof enclosure; and we do

hereby require all persons having or being concerned in the charge, control, or management of such sheep, to aid and assist you in causing the same to be constantly herded and enclosed according to the provisions of the above recited Ordinance in that behalf made.

Given under our hands and seals at \_\_\_\_\_ in the said Province, this  
day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and

A. \_\_\_\_\_ . B \_\_\_\_\_ , J.P.

C. \_\_\_\_\_ . D \_\_\_\_\_ , J.P.

### **Schedule C.**

#### **Certificate of Inspector.**

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

Given under my hand at this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

A B  
Inspector of Sheep,  
(Provisional Inspector.)

### **Schedule D.**

#### **Declaration as to Imported Sheep.**

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

I.J.

Declared before me, at \_\_\_\_\_ this day of \_\_\_\_\_ 18 .



*It was amended by "The Sheep Ordinance Amendment Ordinance 1859" [Session XI., No. 11.], and "The Sheep Ordinance Amendment Ordinance 1861" [Session XVII., No. 6, 1861.]. It was to be repealed by the Sheep Ordinance 1863, but this Ordinance was disallowed by the Governor. However, this purpose was effected by The Sheep Ordinance 1864*

## **10. The Scab Prevention Ordinance.**

Whereas it is desirable to make further provision than now exists against the introduction of the Scab into the Province of Canterbury:

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

### **1. Sheep to be dipped before being introduced by land.**

If any person shall himself, or by means of any agent introduce or cause to be introduced into the Province of Canterbury by land any sheep, unless they shall, within a period of not less than three nor more than fourteen days previous to such introduction, have been effectually dressed, to the satisfaction of an Inspector of Sheep appointed under the provisions of the "Sheep Ordinance, Session X., No. 9," with some reputed effective scab-destroying preparation, and unless such person shall have received from such Inspector a Certificate to that effect, he shall be subject to a penalty of not less than Twenty nor more than One Hundred Pounds, to be recovered in a summary way.

### **2. Interpretation.**

This Ordinance shall be interpreted in the same manner as the "Sheep Ordinance, Session X., No. 9."

### **3. Title.**

This Ordinance shall be entitled and may be cited as "The Scab Prevention Ordinance, Session X., No. 10."

### **Notes.**

*This Ordinance was passed by the Canterbury Provincial Council on 1st December 1858, and reserved for the Governor's assent. Governor Gore Browne assented to it on 25th January 1859.*