

Session XIX 1862

(October to December 1862)

1. The Executive Government Amendment Ordinance 1862.

Whereas an Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled "The Executive Government Ordinance, Session I., No. 3;" and whereas it is expedient that the said Ordinance should be amended:

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

1. Repealing Clause.

That the second section of the said Ordinance shall be and the same is hereby repealed.

2. The Executive Council: how to consist.

The Executive Council shall consist of a President and not more than Five or less than Three other Persons, who shall be appointed by Warrant under the hand of the Superintendent, and shall hold office during his pleasure: Provided always that any Member of the Executive Council may, by writing, under his hand, resign his seat in the same, and provided also that not more than Four Members of the Provincial Council shall at the same time be Members of the Executive Council.

3. Title

This Ordinance shall be entitled and may be cited as "The Executive Government Amendment Ordinance, 1862."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 2nd December, 1862, and assented to by the Superintendent on the 3rd December.

2. The Immigrants Barracks Ordinance 1862.

Whereas it is expedient to make Regulations for the Order and Good Management of Immigrants' Barrack 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. Immigration Officers to be appointed.

It shall be lawful for the Superintendent to appoint an Immigration Officer or Officers, who shall be charged with the control and custody of all buildings and property which now or hereafter may be proclaimed as Immigrants' Barracks, such Proclamation being duly published in the Provincial "Government Gazette."

2. Rules may be issued for the management of the Barracks.

It shall be lawful for the Superintendent, with the advice of his Executive Council, from time to time to issue any rules or orders for the good management of any such Barracks, and for the discipline of Immigrants temporarily residing within the same, and such rules and orders shall have the force of law.

3. Persons infringing such Rules may be removed from the Barracks.

It shall be lawful for any Immigration Officer or other person duly authorized by him for any such purpose to remove any person or persons found within the precincts of any such premises who may infringe the provisions of any rules or orders aforesaid.

4. Penalty may be inflicted upon any person communicating with Immigrants at certain hours contrary to rule.

Any person excepting Immigrants or those duly authorised who shall be found upon such premises, or shall be found remaining near or about such premises for the purpose of communicating with the Immigrants or other inmates of the Barracks contrary to any rules that may from time to time be adopted on that behalf between the hours of closing for the night and opening for the morning may be forthwith taken into custody by the Immigration Officer, or by any person duly authorised by him, or by any police constable, and as soon as conveniently can be done be brought before any two Justices of the Peace, and upon conviction of having so offended, shall be punished either by fine not exceeding the amount of Five Pounds, or by imprisonment for any term not exceeding three months.

5. Penalty may be inflicted upon any persons refusing to quit the Barracks.

It shall be lawful for any such Immigration Officer or other such person duly authorised by him to remove from such Barracks any person refusing to quit the premises upon being required to do so, and such person may be given into the custody of a police constable, and by him be taken before any two Justices of the Peace, and upon conviction of having so offended, shall be liable to a penalty not exceeding Five Pounds.

6. All Rules issued to be published in "Government Gazette."

All rules and regulations which shall from time to time be issued by the Superintendent for the guidance of any such Immigration Officer, or for the control or management of any Immigrants' Barracks, shall be published in the Provincial "Government Gazette," and shall afterwards be printed in a distinctly legible form, and be affixed in some conspicuous place within such Barracks.

7. Fines and penalties: how to be removed.

All fines and penalties imposed by this Ordinance may be recovered in a summary way.

8. Title.

This Ordinance shall be entitled and may be cited as "The Immigrants Barracks Ordinance, 1862."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 19th November, 1862, and assented to by the Superintendent on the 3rd December.

3. The Electric Telegraph Ordinance 1862.

Whereas an Electric Telegraph has been erected between the city of Christchurch and the town of Lyttelton, in the Province of Canterbury, and it is expedient to provide for the maintenance, protection, management and working of the same, and other lines of communication by electric telegraph which may be erected in the said Province:

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

1. Telegraphic Officers to be appointed.

It shall be lawful for the Superintendent, with the advice of the Executive Council, to appoint a proper person for superintending the maintenance, protection, management, and working the electric telegraph, and also to appoint such other Officers as may be deemed necessary for carrying this Ordinance into execution.

2. Fees and dues to be fixed, and rules for management to be made and published in the Provincial "Government Gazette."

It shall be lawful for the Superintendent, with the advice aforesaid, to fix the fees and dues to be received for the transmission and delivery of every dispatch, message, or other communication by the said electric telegraph, and to make all necessary Rules respecting the same and the general management thereof; and all such fees and dues, and all such Rules shall respectively be published in the Provincial Government Gazette.

3. Fees and dues to be paid over to the Provincial Treasurer.

All fees and dues received under this Ordinance shall be paid over to the Provincial Treasurer, and be by him carried to the ordinary revenue of the Province.

4. Order in which messages to be transmitted. Officers liable to a penalty for offence against this Section.

All messages shall be transmitted and delivered in the order in which they are received by the Manager or other Officer in charge of the station at which they shall be received. Except that messages relating to the arrest of criminals, the discovery or prevention of crime, or other matter connected with the administration of justice, and all Government Dispatches, when so required, shall have priority over all other messages; and any Officer offending against this Section shall be liable to a penalty not exceeding Twenty Pounds.

5. Penalty for divulging matter transmitted.

Every Officer, Clerk, or other person employed in working said lines, who shall divulge the contents or substance of any dispatch, message, or other communication transmitted by the said line, except to the person or persons to whom the same shall be addressed, shall, on conviction, be liable for every such offence to a fine not exceeding One Hundred Pounds, or to be imprisoned, with or without hard labour, for any period not exceeding six months.

6. Penalty for severing telegraph wire.

Every person who shall wilfully cut or otherwise sever any wire or cord, or so damage any part of the works connected with the said Electric Telegraph, or prevent the passing of the electric current, shall, on conviction, be liable for every such offence to a fine not exceeding One Hundred Pounds, or to be imprisoned with or without hard labour, for any period not exceeding six months.

7. Penalty for injuring telegraph works.

Every person who shall wilfully obstruct or injure the works, or interrupt or impede the use of the said Electric Telegraph, or the transmission of any message along the same, shall, on conviction, be liable for every such offence to a fine not less than Five Pounds nor more than One Hundred Pounds, or to be imprisoned, with or without hard labour, for any period not exceeding six months.

8. The amount of damage: how to be determined and recovered.

Every person causing damage to any line of communication, or any works connected therewith, although he may have been fined or been sentenced to imprisonment under this Ordinance, shall also be liable to make good such damage, the amount whereof shall be determined by the Justices imposing the penalty or sentencing to the imprisonment; and such amount of damages, if not paid on demand, may be recovered in a summary way.

9. The Superintendent may, by Proclamation, bring any future lines of telegraph under operation of this Ordinance.

It shall be lawful for the Superintendent, by Proclamation in the Provincial Government Gazette, to bring under the full operation of this Ordinance any lines of communication by electric telegraph hereafter made in the said Province.

10. 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.

11. Penalties and fees: how to be recovered.

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

12. Interpretation Clause.

In the interpretation of this Ordinance, the word "works" shall be taken to mean any station, post, insulators, wires, cords, galvanic apparatus, excavations, or other works in any way connected with the said electric telegraph, or line of communication thereby.

13. Title.

This Ordinance shall be entitled and may be cited as "The Electric Telegraph Ordinance, 1862."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 19th of November 1862, and assented to by the Superintendent on 3rd December.

4. The Dog Nuisance Amendment Ordinance 1862.

Whereas an Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled "The Dog Nuisance Ordinance, Session XVII., No. 3," and whereas it is expedient to repeal part thereof and amend 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. Repealing Clause.

That the second section of the said Ordinance shall be and is hereby repealed.

2. All dogs to be registered.

The Owner of any Dog or Dogs, three months old or upwards, shall, on the First day of January, One Thousand Eight Hundred and Sixty-three, and on the First day of January in every succeeding year, Register the same in a book to be kept for that purpose at such places in the said Province as the Superintendent shall from time to time by Proclamation appoint: Provided that the owner of any Dog or Dogs shall be at liberty to Register the same at any other period of the year.

3. Title.

This Ordinance shall be entitled and may be cited as "The Dog Nuisance Amendment Ordinance Ordinance," 1862."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 19th November 1862, and assented to by the Superintendent on 3rd December.

5. The White's Waimakariri Bridge Ordinance 1862.

Title.

Preamble.

1. William White to erect a bridge over the main branch of Waimakariri.
2. May collect tolls according to Schedule. Officers on public service to be free.
3. The Superintendent may take possession if certain conditions be not kept.
4. Scale of payment by which it shall be lawful for the Superintendent to take possession of the said bridge.
5. The public traffic to be maintained.
6. Interpretation of words "William White."
7. Short Title.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 19th November 1862, and assented to by the Superintendent on 3rd December. The Ordinance was disallowed by the Governor. See Proclamation in the New Zealand Gazette, No. 14, 21st April 1863, page 140.

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.

6. The Fencing Ordinance 1862.

Title.

Preamble.

1. Repealing Clause.
2. Interpretation of the word "fence."
3. Notice to be given of intention to make fence.
4. Contract as to fence to be made by Giver and Receiver of notice within forty-four days.
5. Each Occupier to bear one-half of cost of fence.
6. Fence to be made or agreed upon as decided.
7. Penalty for default.
8. Cost of fence: when to be recovered from Owner by Occupier.
9. The same provisions to hold good with regard to mainaining of fence.
10. Value may be recovered of fence already made.
11. Power of entry given.
12. Upon the notice given live fence abutting may be rimmed, and costs recovered.
13. Sale of waste lands of the Crown provided for.
14. Power given upon default of Owner or Occupier to re-make or repair any fence brought under provisions of this Ordinance.
15. Such fence to be repaired as apportioned.
16. Cost of repairing under this Ordinance to be recoverable.
17. Amount of default to be recovered from Owner, if no Occupier of land.
18. Disputes: how to be settled.
19. Notice to be published when no Owner or Occupier of land.
20. Two or more Justices then to decide and apportion.
21. Nothing herein contained to affect agreement already made.
22. Or, Purchasers or Occupiers except from the Crown.
23. Decision of Magistrates to be final.
24. Moneys: how to be recovered.
25. Any amount of judgment not liquidated, to be first charge upon land in question.
26. Case of land held under lease abutting on land granted.
27. Reserves duly made to be dealt with as held under Crown Grant.
28. Ordinance: when to come into operation.
29. Title.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 18th November 1862, and assented to by the Superintendent on 3rd December. The Ordinance was disallowed by the Governor. See Proclamation in the New Zealand Gazette, No. 14, 21st April 1863, page 140. Also, see "The Fencing Ordinance 1863

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 Heathcote Bridge Ordinance 1862

Whereas by an Act of the General Assembly of New Zealand entitled "The Highways and Watercourses Diversion Act, 1858," it is enacted that it shall be lawful for the Superintendent of any Province, with the advice and consent of the Provincial Council thereof, by Ordinance to be made for that purpose, to build bridges over any river, stream, or creek in such Province; and whereas it is expedient that a bridge be constructed over the River Heathcote, at a part thereof in continuation of the Sumner Road, in the Province of Canterbury, and to provide for the maintaining and keeping in repair the said bridge and the approaches thereto:

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

1. The Superintendent may construct a bridge over the Heathcote.

It shall be lawful for the Superintendent to construct a bridge and make approaches thereto, over the River Heathcote, at a part thereof in continuation of the Sumner Road: Provided that such bridge shall be so constructed as not to impede the navigation of the said river.

2. And collect tolls according to the Schedule.

The Superintendent shall, by Proclamation in the Provincial Government Gazette, notify that the said bridge is open for public traffic so as soon he shall have received a Certificate, under the hand of the Provincial Engineer, to that effect; and thereupon it shall be lawful for the Superintendent to cause tolls to be levied at such rates, not exceeding the sum set forth in the Schedule to this Ordinance annexed:

3. The bridge may be let.

It shall be lawful for the Superintendent, with the advice of the Executive Council, from time to time to let the said bridge and tolls for any term not exceeding three years, at such annual rent and on such conditions as he thinks fit.

4. Tolls: how to be recovered.

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

5. Penalty for evasion of tolls.

Any person refusing or evading, or attempting to evade the payment of any toll leviable under this Ordinance, shall forfeit and pay for every such offence any sum not exceeding Five Pounds, to be recoverable in a summary way.

6. Title.

This Ordinance shall be entitled, and may be cited as "The Heathcote Bridge Ordinance, 1862."

Schedule of Tolls above referred to.

For every horse, ass, or mule

Threepence

For every horse, ass, mule, or other beast with pack

Threepence.

For all horned cattle driven without packs, per head

Twopence

For every wheeled vehicle drawn by one horse or other beast

Sixpence.

For every additional horse or other beast drawing such vehicle

Threepence

For every sheep, lamb, goat or pig in one drove, not exceeding one hundred

One half-penny

For every additional sheep, lamb, goat, or pig

One farthing.

Double the above tolls before the hours of six a.m., and after nine p.m.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 19th November 1862, and assented to by the Superintendent on 3rd December.

8. The Thistle Ordinance 1862

Whereas great injury and loss may be occasioned to the cultivated and waste lands of the Province of Canterbury by the growth and spread of noxious Thistles, and it is expedient that provision be made to prevent 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. Noxious thistles to be destroyed under penalty.

Every person who shall neglect to eradicate or destroy any noxious Thistles growing upon land in his occupation or owned by him, or upon the half of any occupation road adjacent thereto, after seven days' notice in writing as

hereinafter provided, shall, on conviction, be liable to be fined any sum not less than Five Shillings nor more than Thirty Shillings for every day that such Thistles shall be permitted to grow; such fine or fines to be recovered in a summary way: Provided it shall be lawful for the Resident Magistrate or Justice of the Peace by whom such person is convicted, to suspend such conviction upon being satisfied that the person convicted has used and is using reasonable exertions to eradicate or destroy such Thistles.

2. Notice: how to be served.

It shall be lawful for any such person either in his own behalf or appointed by the Superintendent for that person, to serve a notice in the form marked A in the Schedule hereto or to the effect thereof, by delivering the same personally, or leaving the same at the last known residence of the person occupying or owning the land whereon such Thistles shall be growing.

3. Notice to be published if the land unoccupied.

In case such Thistles shall be growing upon unoccupied land, the ownership of which cannot be discovered or the owner thereof is not resident in the Province, it shall be lawful for any person in his own behalf, or appointed by the Superintendent for that purpose, to cause a notice in the form B in the Schedule hereto or to the effect thereof, to be published in the Provincial "Government Gazette," and in two consecutive numbers of at least one newspaper published within the Province.

4. Thistles to be destroyed at cost of Owner after lapse of time.

If such Thistles shall not be eradicated or destroyed within ten days from the first publication of such notice, any Resident Magistrate or any two Justices of the Peace shall, on application by the person made by the person at whose instance such notice was published, authorize the said Thistles to be eradicated or destroyed, and all expenses incurred therein shall be defrayed by the Superintendent out of the ordinary revenue of the Province, and recoverable by him from the owner of said unoccupied land when he is discovered and resident in the Colony, or from the first occupant of the same.

5. Provision for destroying thistles on waste lands of the Crown and public roads.

It shall be lawful for the Superintendent to advance any sums of money out of any appropriation made for such purposes by the Provincial Council towards eradicating or destroying the said Thistles growing upon.

1. Waste lands of the Crown.
2. Public roads, not being occupation roads, and lands held for the public uses of the Province.

6. Power of entry upon land for action under this Ordinance.

It shall be lawful for the Superintendent or any two Justices of the Peace to authorize any person or persons to enter upon any land for the purpose of ascertaining the existence of such Thistles thereon, and eradicating or destroying the same, and no person when acting under such authority shall be deemed a trespasser.

7. Word "thistle" interpreted.

That in the construction of this Ordinance, the word "Thistle" shall be held to mean and include these three genera —"Carduus," "Cnicus," "Onopordum."

8. Title.

This Ordinance shall be entitled and may be cited as "The Thistle Ordinance, 1862."

Schedule A.

To Mr.

Take Notice that there are certain noxious Thistles growing upon land in the district now in your occupation or owned by you in the district or upon the half of the occupation road adjacent to land (in the district) now in your occupation or owned by you, and that I am prepared to point them out to you, and that unless you eradicate or destroy the same within seven days from the serving hereof, I shall proceed against you under "The Thistle Ordinance, 1862," for the penalty or penalties imposed by the said Ordinance.

Dated this day of 18 .

AB.
(Signed)

Schedule B.

Whereas certain noxious Thistles are growing on (rural or town) Section No. in the district, (the owner of which land cannot be ascertained by me after reasonable enquiry, or is not resident in the Province.) This is to give notice that if the said Thistles are not eradicated or destroyed within the time limited by "The Thistle Ordinance, 1862," the said Thistles will be destroyed according to the provisions of the said Ordinance, the expenses thereof to be recoverable from the owner of the said unoccupied land when he is ascertained and resident in the Colony, or from the first occupant of the same.

Dated this day of 18 .

AB.

(Signed)

9. The Public House Ordinance 1862

Title.

Preamble.

1. Repealing Clause.

2. Penalty for selling less than two gallons of any one kind of liquor at any one time.

3. Liquors exposed for sale without License may be forfeited.

4. Forfeited liquors to be sold or destroyed. Reward to informer.

5. In certain cases, License not needed.

6. Licenses to be of three kinds.

7. Applications for License to be made on or before 1st March.

8. List of applications to be affixed to the Court-house on or before 8th March.

9. List and notice of licensing meeting to be published.

10. General and adjourned meetings of Justices.

11. Power given to Superintendent if there is no quorum at such annual meeting.

12. Justices in certain cases disqualified from acting at such meeting.

13. Licenses may be granted by a majority of Justices, or refused: Proceedings in case of refusal.

14. Treasurer to issue Licenses.

15. Lists of licensed persons and houses to be published.

16. Licenses not applied for before 1st of July to be void.

17. Conditional Licenses may be granted by the Superintendent.

18. Licenses may be transferred on certain days.

19. Executors may appoint a Representative.

20. Holder of a License may transfer business from one house to another.

21. Restrictions on the sale of liquors to other than Lodgers or Travellers.

22. Exceptions.

23. Penalty on Licensee for neglecting to affix his name and description of License, or a copy of the Conditions of License, in some conspicuous part of the house.

24. Penalty for permitting gambling.

25. Penalty for supplying liquor to any person in a state of intoxication.

26. Penalty for taking anything in pledge for liquor supplied.

27. Penalty for allowing wages to be paid on the premises.

28. Penalty for not keeping a lamp burning.

29. Justices may suspend License.

30. Justices may declare License to be null and void; or inflict penalty on Licensee.

31. Penalty for obstructing Constable.

32. Penalty for drunkenness.

33. Justices to publish the description of known Drunkards.

34. Penalty for supplying any such Drunkard with liquor after notice given, except in certain cases.

35. Penalties: how to be recovered.

36. Title.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 11th November 1862, and assented to by the Superintendent on the 3rd December.

10. The Trespass of Cattle Ordinance 1862

Whereas it is expedient that further provision should be made against the trespass of cattle without the limits of a town:

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. In certain cases Cattle Trespassing may be driven to the Public Pound or residence of Owner: Damages and Charges for driving may be claimed.

If any cattle shall trespass upon any land without the limits of a town, but within the distance of ten miles from any Public Pound, it shall be lawful for the Occupier of such land, or of the pasturage thereof, thereupon to take such cattle and either to drive them to the residence of the Owner, or to the nearest Public Pound, as he shall think fit; and such Occupier shall be entitled to recover from the Owner of such cattle charges for driving the same according to the scale set forth in the Schedule to this Ordinance annexed. Provided that in no case shall the charges of driving exceed the sum of Five Pounds: Provided always that such Occupier, if claiming ordinary damages, may demand payment of such ordinary damages upon restitution of such cattle, but if such Occupier claims special damages, then such cattle shall not be detained, if application be made by the Owner for their restitution

2. This Ordinance to be part of “The Trespass of Cattle Ordinance, Session XIV., No. 1.”

This Ordinance shall be interpreted as, and considered part of, and all proceedings under it shall be regulated by “The Trespass of Cattle Ordinance, Session XIV., No. 1.”

3. Title.

This Ordinance shall be entitled and may be cited as “The Trespass of Cattle Ordinance.

Schedule. Charges For Driving Cattle.

For every head of cattle of any sort whatsoever not exceeding ten in number, Sixpence for every mile or fractional part of a mile from the residence of the

person driving such cattle to the residence of the Owner of the same or to the Pound.

For every head above ten in number and less

than one hundred Three pence.

For every head above one hundred One penny.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 12th November 1862, and assented to by the Superintendent on 3rd December.

11. The Christchurch Hospital Ordinance 1862.

Title.

Preamble.

1. Repealing Clause.

2. Superintendent may retain a site for Public Hospital.

3. Such site to be conveyed to Body Corporate herein created.

4. Board of Directors: how to consist: Chairman to be elected, and Regulations made by the said Board.

5. Treasurer and Officers to be appointed.

6. The Board to meet 1st May in each year: Accounts to be audited and published.

7. Penalty for infringement of Rules.

8. Title.

Notes.

This Ordinance was passed by the Canterbury Provincial Council and assented to by the Superintendent on 3rd December 1862.

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.

12. The Cattle Driving Ordinance 1862.

Title.

Preamble.

1. Notice to be given by person driving cattle under penalty.
2. Herd of cattle may be inspected.
3. Penalty for removing cattle from off cattle run without consent of person in charge of such run.
4. Penalties: how to be recovered. Maximum penalties.
5. Notice to be given that any cattle-run may come under the provisions of this Ordinance.
6. Interpretation of words "cattle" and "cattle-run."
7. Title.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 18th November 1862, and assented to by the Superintendent on 3rd December. 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.

13. The Town of Sefton Ordinance 1862.

Title.

Preamble.

1. The unsold sections in township of Sefton withdrawn from sale.
2. Title.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 21st November 1862, and assented to by the Superintendent on 3rd December. 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 Municipal Councils Reserves Ordinance 1862.

Whereas the lands tenements and hereditaments described in the Schedules to this Ordinance annexed are vested in the Superintendent of the Province of Canterbury and his successors subject to the provisions of an Act passed by the General Assembly of New Zealand entitled "The Public Reserves Act 1854" And whereas an

Act was passed by the said General Assembly of New Zealand entitled "The Public Reserves Act Amendment Act 1862" whereby the Superintendent and Provincial Council of any Province may by any Ordinance duly passed in that behalf direct and declare that any lands vested or which might thereafter be vested in the Superintendent of any Province under the provisions of "The Public Reserves Act 1854" upon trust for any public purposes should be transferred to and vested in and held by any Corporation Commissioners or other person or persons having corporate succession to be named in such Ordinance in such manner and with such powers of lease management and disposition over the same and over all rents issues profits and proceeds thereof and other powers provisoes and conditions as should in such Ordinance be expressed and declared And it is also by the said Act provided that every Act or Ordinance passed by any Superintendent and Provincial Council under the authority of that Act should be reserved for the signification of the Governor's pleasure thereon and should have no force or effect until the confirmation by the Governor of the same should have been signified by proclamation in the Government Gazette of the Province to which the same right relate And whereas by an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury entitled "The Municipal Councils Reserves Ordinance 1862" the lands tenements and hereditaments described in the schedules A and B to this Ordinance annexed were declared to be vested in the Christchurch City Council and the Lyttelton Municipal Council respectively upon certain trusts in such Ordinance mentioned But such Ordinance was not reserved for the signification of the Governor's pleasure thereon and no proclamation of the confirmation of such Ordinance hath yet been published And whereas it is expedient that the specific purposes for which the lands tenements and hereditaments specified in schedule A to this Ordinance annexed should be changed and that such lands should be appropriated for other and different purposes of public utility And whereas it is also expedient that the said lands tenements and hereditaments vested in the Superintendent of the Province of Canterbury and respectively described in the schedules hereto annexed should be respectively vested in the Mayor Councillors and citizens of the city of Christchurch the Mayor Councillors and burgesses of the borough of Lyttelton and the Mayor Councillors and burgesses of the borough of Timaru respectively.

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

1. Lands described in Schedule A vested in Christchurch City Council.

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

Mayor Councillors and Citizens of the City of Christchurch and their successors as a Body Corporate in trust as and for the sites for public buildings for the use and benefit of the inhabitants of the City of Christchurch and upon trust to use and occupy the same when and so long as the same or any part thereof shall not be built upon for general Municipal purposes.

2. Lands described in Schedule B vested in Christchurch Municipal Council.

That the lands tenements and hereditaments described in Schedule B to this Ordinance annexed shall be and the same are hereby transferred to and vested in and held by the Mayor Councillors and Burgesses of the Borough of Lyttelton and their successors as a Body Corporate in trust as and for the sites for public buildings for the use and benefit of the inhabitants of the borough of Lyttelton and upon trust to use and occupy the same when and so long as the same or my part thereof shall not be

3. Lawful for the said Councils to manage the said lands under certain provisions.

That it shall be lawful for the said "Christchurch City Council" and "The Lyttelton Municipal Council" respectively, to lease and manage the lands, tenements, and hereditaments hereby transferred to them respectively, a such rents, issues and profits as they may deem expedient, subject to the provisions of the several Acts and Ordinances hereinbefore recited, so that such rents be rack rents, and such Leases be for any term not exceeding twenty-one years, to take effect from the time of the execution thereof.

4. Title.

This Ordinance shall be entitled and may be cited as "The Municipal Councils Reserves Ordinance, 1862."

Schedule A.

Reserve No. 9.

Containing sixteen perches, more or less, situate on Oxford Terrace West, having one chain frontage to the south side of Worcester-street, and extending back southerly in a rectangular block, a distance of one chain.

Reserve No. 10.

Containing sixteen perches, more or less, situate on Oxford Terrace West, having one chain frontage to the north side of Worcester-street, and extending back northerly in a rectangular block, a distance of one chain, immediately north of and opposite Reserve No. 9.

Reserve No. 15.

Containing one rood and eighteen perches, more or less, in two blocks, containing twenty-nine perches, each being situate in the Market Place, Christchurch. Block No. 1, extending three chains along the west side of Colombo-street, and extending westerly in a rectangular block a distance of sixty-one links. Block No 2, extending three chains along the north side of Armagh street, and extending northerly in a rectangular block a distance of sixty-one links.

Schedule B.

Reserves Nos. 35 and 36.

Two roods, more or less, situate in the Market Place, Lyttelton, being bounded on the north by the Market Place, three hundred and fifty-six links; on the east by St David street, one hundred and forty-three links; on the south by London street, three hundred and fifty-six links; and on the west by Oxford-street, one hundred and forty-three links, and numbered 35 and 36 (in red) on the Map of the Chief Surveyor of the Province of Canterbury, setting out and describing the town of Lyttelton.

Reserve No. 34.

One acre two roods twenty-eight perches, more or less, situate in Oxford-street, Lyttelton, being bounded on the north by London-street, two hundred and forty-six links; on the north east by Christchurch Road, one hundred and eighty links; on the east by St. David-street, three hundred and sixty-one links; on the south by Norwich Quay, three hundred and fifty-six links; and on the west by Oxford street, five hundred links; and numbered thirty-four (in red) on the Map of the Chief Surveyor of the Province of Canterbury, setting out and describing the town of Lyttelton.

Reserve No. 101.

Fifty-two acres one rood and thirty perches, more or less, situate on the north of Lyttelton, commencing at a point on the north-western boundary of rural section No. 350, a distance of six chains twenty-five links from the south-western corner of the said section No. 350; thence to the north-eastward along the said north-western boundary of section No. 360, and on in the same direction, altogether a distance of twenty-three chains, to a point ten chains fifty links from the trigonometrical station on Mount Pleasant, and extending north-westerly in a rectangular block above, and adjoining rural section No. 501, a distance of twenty-two chains eighty links; subject, nevertheless, to a road one chain wide in through this reserve from the north-eastern boundary line of section No. 501, to the summit of the hill, as the same is more particularly delineated on the accompanying Plan, and numbered 101 (in red) on the Map of the Chief Surveyor of the Province of Canterbury, setting out and describing the town of Lyttelton.

Reserve No. 68.

Ninety-six acres, more or less, in two blocks. Block I.

Eighty-five acres, situate at the eastern end of the town of Lyttelton, bounded on the north by rural sections Nos. 1 and 258, eleven chains thirty-three links, and twenty-two chains ten links, respectively; on the eastward, south-eastward and southward by the reserve for the Sumner Road, a distance of forty-eight chains fifty links; and on the westward by town sections 176, 177, 178, 179, 180, 181, and 182, the Roman Catholic cemetery reserve, No. 45 (in red), the Dissenters' cemetery reserve No. 46, and town sections 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 315, 316, 317, 318, 319, 320, and 321. Block II. contains eleven acres, more or less, being bounded on the northward by the reserve for the Sumner Road and rural section No. 130, distances of thirty-five chains sixty links and five chains respectively; on the south-eastward and southward by the reserve of one chain above high-water mark a distance of forty-nine chains twenty links; and on the north-westward by town section No. 341, a distance of two hundred and ninety links.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 20th November 1862, and was assented to by the Superintendent on the 3rd of December.

15. The Diversion of Roads, Special Ordinance 1862.

Title.

Preamble.

1. The Superintendent may construct lines of road set forth in Schedules A and B.
2. Compensation to be made for damage done to Owners by construction of said lines.
3. Title.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 2nd December 1862, and assented to by the Superintendent on 3rd December. It was disallowed by the Governor. See New Zealand Government Gazette, No. 14, 21st April 1863, 140p.

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 Canterbury Local Maritime Boards Ordinance 1862.

Title.

Preamble.

1. Local Marine Boards to be constituted in Ports of Lyttelton, Akaroa, and Timaru.
2. Master Wardens and Treasurers to be elected.
3. In certain cases any Warden's seat to be declared vacant.
4. The said Boards to be Bodies Corporate.
5. Empowering Clause.
6. Interpretation of the words "Lyttelton," "Akaroa," and "Timaru."
7. Title.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 27th November 1862, and reserved for the Governor's assent. It was disallowed by him. See New Zealand Government Gazette, No. 7, 23rd February 1863, 58p. 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.

17. The Bail for Petty Offences Ordinance 1862.

Whereas it is desirable to provide a more convenient method than now exists for Admitting to Bail Persons in Custody for Petty Offences:

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

1. When any person charged with drunkenness or any other petty offence or misdemeanour shall be brought, without the warrant of a Justice of the Peace, into the custody of any constable during his attendance at any watch-house or

police-station, it shall be lawful for the said constable in charge of the station or watch-hous, if he shall deem it prudent to take bail by recognizance, with or without surety or sureties, as the said constable in charge of the station or watch-house shall think fit, without any fee or reward from such person conditioned, that such person shall appear for examination before a Justice of the Peace at some time and place, to be specified in the recognizance, and the constable shall enter in a book, to be kept for that purpose at every police-station or watch-house, the name, residence, and occupation of the party, and his surety or sureties (if any) entering into such recognizance, together with the conditions thereof, and the sums respectively acknowledged, and such entry shall be signed by the party and his surety and sureties (if any) entering into such recognisance, and shall be laid before such Justice as shall be present at the time and place when and where the party is required to appear, and if the party does not then and there appear, the Justice shall require a record of such recognizance to be drawn up and signed by such constable; and if the party not appearing shall apply, by any person on his behalf, to postpone the hearing of the charge, and the Justice shall consent thereto, the Justice shall be at liberty to enlarge the recognizance to such further time as he shall appoint, and on the party appearing at the time and place fixed, either originally or by enlargement or postponement, to answer to the charge brought against him, the recognizance shall be void; but if the party shall not so appear, such recognizance shall be estreated in the ordinary way.

2. Every recognizance taken as above provided shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating threrof as if the same had been taken before a Justice of the Peace.

3. This Ordinance shall be entitled and may be cited as "The Bail for Petty Offences Ordinance, 1862."

Notes.

This Ordinance was passed by the Canterbury Provincial Council, and was assented to by the Superintendent on the 3rd of December 1862.

18. The Appropriation Ordinance 1862.

Analysis.

1. Appropriation of Provincial Revenue for the nine months ending 30th June 1863.
2. Provincial Treasurer shall issue and be allowed credit for sums appropriated as per Schedules B and C.
3. Provincial Treasurer shall issue upon Warrant by his Honor the Superintendent.

4. Provincial Treasurer shall be allowed credit for certain sums expended as per Schedule D up to 30th September 1862.
5. Title.

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

1. Appropriation of Provincial Revenue for the nine months ending 30th June 1863.

Out of the public revenues of the said Province there may be issued and applied for the public service of the said Province, and for defraying the charge of the Government thereof, for the period commencing on the First day of October, one thousand eight hundred and sixty-two, and ending on the Thirtieth day of June, one thousand eight hundred and sixty-three, in the manner set forth in the Schedule A to this Ordinance, any sum or sums of money not exceeding the sums in such Schedule specified, amounting in the whole to the Sum of Two Hundred and Eighty-eight Thousand Five Hundred and Eighty-two Pounds Twelve Shillings and Eleven Pence.

2. Provincial Treasurer shall issue and be allowed credit for sums appropriated as per Schedules B and C.

Out of the public revenues of the said Province which shall have been raised by Debentures issuable under the authority of the is Lyttelton and Christchurch Railway Loan Ordinance, Session XIII., No. 1," there may be issued and applied for defraying the charges of the Lyttelton and Christchurch Railway Works, for the period commencing on the First day of October, One thousand eight hundred and sixty-two, and ending on the Thirtieth day of June, One thousand eight hundred and sixty-three, in the manner set forth in the Schedule B to this Ordinance, any sum or sums of money not exceeding the sums in such Schedule specified, amounting in the whole to the sum of One Hundred Thousand Pounds, and out of the public revenues of the said Province, which shall have been raised by Debentures issuable under the authority of " The Canterbury Loan Ordinance, 1862," there may be issued and applied for defraying the charges of the works set forth in the Schedule C to this Ordinance, any sum or sums of money not exceeding the sums in such Schedule specified, amounting in the whole to the Sum of Fourteen Thousand Pounds.

3. Provincial Treasurer shall issue upon Warrant by his Honor the Superintendent.

The Provincial Treasurer shall issue from time to time any sum or sums of money not exceeding the sums in such Estimates severally specified to such persons and in such portions 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 by him in pursuance of such Warrants; and the Receipts of the

persons to whom such sums shall have been paid shall be a full discharge for the sum or sums for which such Receipts shall be given.

4. Provincial Treasurer shall be allowed credit for certain sums expended as per Schedule D up to 30th September 1862.

And Whereas, in defraying the charge of the Provincial Government and in the Public Service of the said Province for the year ending the Thirtieth September, One thousand eight hundred and sixty-two, certain sums of money, amounting in the whole to the sum of Nine Thousand Eight Hundred and Sixty-four Pounds Nine Shillings and a Penny, were issued and paid by the Provincial Treasurer, in pursuance of Warrants under the hand of the Superintendent; and such sums were paid in the manner and on account of the services particularly set forth in the Schedule D to this Ordinance, but were not included in any Bill for the appropriation of the Public Revenues of the said Province for the said year: Be it therefore enacted that the Provincial Treasurer shall be allowed credit in his Accounts for all sums of money so issued and paid by him on the several accounts set forth in the Schedule D hereunto annexed; and the Receipts of the persons to whom such sums of money shall have been paid under such Warrants, shall be a complete discharge for the sum or sums of money for which such Receipts shall have been given.

5. Title.

This Ordinance shall be entitled and may be cited as " The Appropriation Ordinance 1862."

19. The Beswick Wharf Ordinance 1862.

Analysis.

Preamble.

1. William Cockerill Beswick may construct a wharf on certain conditions.
2. William Cockerill Beswick to collect tolls according to Schedule.
3. Title.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 12th November 1862, and reserved for the Governor's assent. This assent was withheld, and this was notified in the New Zealand Government Gazette, No. 17, 12th May, 1863, page 172.

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.

20. The Canterbury Loan Ordinance 1862.

Analysis.

Preamble.

1. Power given to the Superintendent to raise £500,000 by way of loan.
2. Form of Debenture.
3. How to be issued.
4. To bear interest.
5. The principal, how to be paid.
6. Payment to be made out of the public revenues of the province.
7. Sinking fund to be provided.
8. The money raised, how to be expended.
9. Public revenues defined.
10. Nothing herein contained to affect the Ordinances herein named.
11. Title.

Whereas it is expedient to make provision for raising a Loan of Five Hundred Thousand Pounds, for the purposes of Immigration to the Province of Canterbury, the construction of railways, wharves, bridges, electric telegraphs, and other large public works:

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

1. Power given to the Superintendent to raise £500,000 by way of loan.
It shall be lawful for the Superintendent to raise, by way of loan, a sum not exceeding Five Hundred Thousand Pounds, and to issue Debentures to that amount, and such Debentures, when issued, shall be and are hereby charged upon the Public Revenues of the said Province.

2. Form of Debenture.

Every such Debenture shall be in the form set forth in the Schedule to this Ordinance, and shall be numbered in order, and shall be signed by the Superintendent, and sealed with the public seal of the Province.

3. How to be issued.

Such Debentures shall be issued, from time to time, at such times and at such places as the Superintendent shall, by Warrant, under his hand, direct.

4. To bear interest.

Every such Debenture shall bear interest, commencing from the date of issue, at a rate of not exceeding Six Pounds sterling per annum, and such interest shall be payable half-yearly, upon the Thirtieth day of June and the Thirty-first day of December in each year, at such place or places as the Superintendent shall, by Warrant, under his hand, direct.

5. The principal, how to be paid.

The principal of every such Debenture shall be payable, and shall be paid on demand, at the office in London of the banking Agents of the Province, upon the expiration of fifty years from the day of the issue thereof.

6. Payment to be made out of the public revenues of the province.

The Superintendent is hereby authorised and require to cause the interest and principal of the said loan to be paid out of the public revenues of the said Province.

7. Sinking fund to be provided.

For the purpose of providing a sinking fund for the liquidation of the principal, there shall be paid yearly, out of the said public revenues of the Province, to such person or persons as the Superintendent shall appoint, such sum as shall be equal to One Pound sterling per centum per annum on the total of the principal from time to time borrowed, to be invested by such person or persons in the purchase of such securities as the Superintendent and Provincial Council shall from time to time direct, and shall be increased by accumulation in the way of compound interest or otherwise.

8. The money raised, how to be expended.

No portion of the said sum of Five Hundred Thousand Pounds shall be expended in any other way than in immigration, in the construction of railways, wharves, bridges, electric telegraphs, and other large public works in the said Province: Provided that no portion of the said sum shall be expended without the vote of the Provincial Council.

9. Public revenues defined.

For the purposes of this Ordinance, the "Public Revenues" shall be deemed and taken to include the revenue only which shall be payable from time to time to the said Province, under two Acts of the General Assembly of New Zealand, entitled respectively "The Surplus Revenue Act, 1858," and "The Land Revenue Appropriation Act, 1858," and all such revenue as shall become payable under any Ordinance of the Superintendent and Provincial Council.

10. Nothing herein contained to affect the Ordinances herein named.

Provided always that nothing in this Ordinance contained shall prejudice, vary, or affect any security granted under or by virtue of "The New Zealand Loan Act,

1856," an Act of the Imperial Parliament, passed in the Twentieth and Twenty-first years of the reign of her present Majesty, entitled "An Act to Guarantee a Loan for the Service of New Zealand," an Ordinance passed by the Superintendent and Provincial Council of Canterbury, entitled "The Christchurch and Lyttelton Railway Loan Ordinance, Session XIII., No. 1," and an Act of the General Assembly of New Zealand, entitled "The Loan Act, 1862."

Title.

This Ordinance shall be entitled, and may be cited as "The Canterbury Loan Act, 1862."

Schedule

New Zealand, Province of Canterbury.

£500,000 Loan—6 Per Cent.

No. £100

No. £100.

Debenture for £100 Sterling.

To the Provincial Treasurer of the Province of Canterbury.

In pursuance of "The Canterbury Loan Ordinance, 1862," you are hereby authorized and required, fifty years from the date hereof, to pay to the Bearer, at the Bank of London, out of the public revenues of the Province of Canterbury, the sum of One Hundred Pounds sterling, together with interest thereon in the meantime at the rate of Six Pounds Sterling per centum per annum, commencing from the date hereof by equal half-yearly payments on the Thirtieth day of June and the Thirty-first day of December in each year; such payments of interest to be made as may be directed by Warrant under my hand.

Dated and sealed at Christchurch, New Zealand, this day of 18 .

Canterbury.

Superintendent of

Sealed by me

Keeper of

Records.

In my presence

Member of

Executive Council.

Copy of Coupon

Province of Canterbury, New Zealand.

£500,000 Loan.
Debenture, £100 Sterling.

Three Pounds sterling will be paid to the Bearer of this Coupon at
on the Thirtieth day of June, and the Thirty-first day of December, being six
months' interest on Debenture, No.

Superintendent.

of Public Records

Keeper

of Executive Council.

Member

[Copy.]

Colonial Secretary's Office, Auckland.
5th January, 1863.

Sir,

With reference to my letter of your Honor of the 23rd ultimo, respecting the
"Canterbury Loan Ordinance, 1862,"

I have the honor to inform you that his Excellency the Governor has been
pleased to assent to that Ordinance, a copy of which I herewith return to your
Honor.

&c., to be,

I have,

Domett.

(Signed) Alfred

His Honor
the Superintendent
of Canterbury.

Notes.

This Ordinance was passed on the 11th of November 1862, and reserved for the
Governor's assent which was given and notified to the Superintendent by letter
dated 5th January 1863. [see below]

See, also, the "Canterbury Loan Ordinance Amendment Ordinance, 1863,
passed during Session XX., No. 10, as to the form of Coupon. This Ordinance
repealed the part of this Schedule headed "Copy of Coupon," except as to
coupons issued before the passing of that Ordinance in 1863.

21. The Christchurch City Council Ordinance 1862.

Analysis..
Preamble.

1. Repealing Clause.
2. Interpretation Clause.

Constitution of Council.

3. Christchurch City Council constituted.

Election of Council.

4. By whom to be elected.
5. Meeting of annual election.
6. Proceedings at each election.
7. Retirement of Councillors in rotation.
8. Extraordinary vacancies: how occasioned.
9. Elections to fill extraordinary vacancies.
10. Payment of expenses of elections.

Division of City into Wards.

11. Superintendent may divide city into wards.

Proceedings of Council.

12. Council incorporated.
13. Election of Chairman.
14. Vacancy for Chairman: how occasioned, and how to be filled up.
15. Quorum.
16. Rules for conduct of business.

Rates.

17. Power to levy rates.
18. Rates to be on annual value.
19. General city rate.
20. Special city rate.
21. Special local rate.
22. Rates: by whom to be paid.
23. Joint Occupiers.

Ratepayers' Roll.

24. Preparation of Ratepayers' Roll
25. List open to inspection.
26. Notice of objection.
27. Objections: how to be heard and determined.
28. Council may correct trifling errors in Roll.
29. Roll for previous year may be adopted with alterations.
30. If no roll made by time of election, previous Roll to be used.

Mode of Levying Rates.

31. Rate: how to be made.
32. Objections to rate.

33. Rates due for Occupier having quitted may be recovered from Owner.
34. Rates may be remitted on account of poverty.
35. Rate Collectors to be appointed.
36. Rates recoverable at suit of Collectors.

Loans.

37. Power to borrow on mortgage.
38. Mortgage to be by Deed.
39. Mortgage may be transferred.
40. Transfer of mortgage to be registered.
41. Works executed by loan subject to supervision.

Government Works in the City.

42. Superintendent may entrust Government works in the city to the Council.

Accounts.

43. Accounts to be kept, and to be open to inspection.
44. Accounts and Balance-sheet to be laid before annual meeting.
45. Power to appoint Officers.
46. Members of Council disqualified from being Contractors.

By-laws.

47. By-laws: on what subjects to be made.
48. Maximum penalty under By-law.
49. By-laws subject to Superintendent's approval.

Management of Streets, Sewers, &c.

50. Streets, &c., under management of Council.
51. Sewers, materials of works, &c., vested in Council.
52. Council may provide for supply of water, lighting, and sanitary measures.
53. Council to give notice of alterations in sewers or levels of streets.
54. Plans of intended work.
55. Objections to proposed works: how to be dealt with.
56. Power to make new sewers.
57. Power to alter or stop up old sewers.
58. Remedy for injury to private individuals by alterations.
59. Council may require branch drains to be made.
60. Penalty for making branch drains without permission.
61. No building, cellar, &c., may interfere with sewers.
62. All sewers to be furnished with stench traps.
63. Use of city sewers outside the city.

Privies, Cesspools, Nuisances, &c.

64. Council may require privies, &c., to be made and altered.
65. Council may regulate cleansing of privies, &c.

66. Council may provide receptacles for dung, rubbish, &c., and provide for its removal.
67. Council may require immediate removal of nuisances.
68. Council may fill up hollows on private property.

Levels of New Streets and Houses subject to approval of Council.

69. Private individuals about to build or lay out streets to give notice to Council.
70. Council may disapprove of levels and fix others.
71. In default of notice, Council may alter such streets or houses.
72. If Council does not object, work may proceed.

Miscellaneous Powers.

73. Protection and removal of dangerous buildings, &c.
74. Materials thereof may be sold to defray expenses.
75. Council may order removal of projections from buildings, &c.
76. No cellars to be made under, or openings in the streets.
77. Gutter pipes to be provided.
78. Boards may be erected indicating names of streets.
79. Power of entry on private lands.
80. Council may temporarily stop thoroughfare.
81. Protection against accident; penalty for interfering with barriers, &c.
82. Council may compromise suits.
83. Council may apportion certain expenses between Owner and Occupier.
84. Remedy if Occupier prevents Owner from executing works required.
85. Power to recover expenses incurred by Council.

Protection of Officers.

86. Members and Officers not personally liable.
87. Penalty for obstructing Officers, &c.

Service of Notices.

88. Officers of Council may receive and give its notices.
89. Notices on Owners and Occupiers: how to be served.

Power of Interference by Superintendent.

90. Superintendent may dissolve Council if it does not fulfil terms of loan, &c.
91. If no Council elected, powers to pass to Superintendent.

Miscellaneous.

92. Limitation of Penalties.
93. Penalties recoverable summarily.
94. Title.

Whereas it is expedient to make further provision than now exists for the improvement of the streets in the city of Christchurch, and for the preservation of the health of the Inhabitants thereof:

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

1. Repealing Clause.

"The Municipal Council Ordinance, Session XIV, No. 2," shall be, and the same is hereby repealed so far as regards the city of Christchurch.

2. Interpretation Clause.

In the interpretation of this Ordinance, the words "city" and "city of Christchurch" shall mean the city of Christchurch as described in Schedule A to this Ordinance; the words "the Council" shall mean the Christchurch Municipal Council hereinafter constituted; the word "Ratepayer" shall mean every male person of full age liable to be rated under the provisions of this Ordinance, either as Owner or Occupier of property within the city, and whose name shall appear on the Ratepayers' Roll for the time being, and who shall have paid all rates due from and payable by him under this Ordinance; the words "Ratepayers' Roll" shall mean the Ratepayers' Roll prepared under the authority of this Ordinance. Provided, that until a Ratepayers' Roll shall have been so prepared, such words shall include any Ratepayers' Roll which may have been prepared by the authority of the present Municipal Council of Christchurch; and the word "street" shall include an bridges, squares, roads, streets, lanes, paths, or other public places within the city.

Constitution of Council.

3. Christchurch City Council constituted.

For the purposes hereinafter mentioned, there shall be constituted within the city of Christchurch, a Council, consisting of nine Members, to be called the Christchurch Municipal Council, and to be elected in manner hereinafter prescribed. Provided that until the first election of such Council, the existing "Municipal Council of Christchurch" shall be deemed and taken to be the Christchurch City Council.

Election of Council.

4. By whom to be elected.

At the election of Members of the Council every Ratepayer shall be entitled to vote or to be elected a Member of the Council. If the property in respect of which such Ratepayer is liable to be rated shall not exceed One Hundred Pounds in annual value, he shall be entitled to one vote; if it shall exceed such annual value and not exceed the annual value of Three Hundred Pounds, then such Ratepayer shall have two votes, and if it shall exceed the annual value of Three Hundred Pounds then such Ratepayer shall have three votes.

5. Meeting of annual election.

A meeting of the Ratepayers shall be held on the second Tuesday in January in every year, at the hour of noon, for the purpose of the annual election of Members of the Council. The Chairman of the Council shall give fourteen days' public notice of such meeting, by advertisement, in one or more Newspapers circulating within the city, stating the time and place of holding such meeting.

6. Proceedings at each election.

At such meeting of Ratepayers, the Chairman of the Council, if present, shall preside; if not, then some person appointed by the meeting. Every Candidate shall be proposed and seconded by Ratepayers. If there be not more Candidates than vacancies, the Chairman shall declare such Candidates duly elected; or if there be more Candidates than vacancies, such Chairman shall call for a show of hands for each Candidate, and shall declare the Candidate or Candidates in whose favour such show of hands was exhibited to be duly elected unless any Candidate or four Ratepayers shall demand a poll, in which case such Chairman shall proceed on the next day (not being a public holiday, and in that case on the day after) to hold a poll and to cause the votes of the Ratepayers to be recorded, and shall open such poll at Ten o'clock in the morning, and close it at Four o'clock in the afternoon of the same day, and shall, as soon as practicable after the closing of such poll, declare the numbers each Candidate respectively polled, and the names of the Candidate or Candidates who shall have been elected, and shall forthwith transmit the same, in writing, to the City Council. Such Chairman shall, at such election, make such arrangements for receiving and recording the votes of Electors, and otherwise for the due and equitable management of the election as to him shall seem most desirable. The decision of the Chairman in respect of any disputed vote shall be final and conclusive.

7. Retirement of Councillors in rotation.

At the first annual election which shall be held after the passing of this Ordinance, four Members of the Council shall retire (to be decided by ballot at a meeting of the Council to be held not less than thirty days previously), and four duly qualified persons shall be elected in manner herein provided to fill up the vacant seats: At the second annual election the five Members who were elected two years previously shall retire, and five duly qualified persons shall be elected to fill their seats, and so on; every Member retiring from office at the expiration of two years from the date of his election. Any Member so retiring shall, if duly qualified, be eligible for re-election.

8. Extraordinary vacancies: how occasioned.

If any Member of the Council shall die, or, by writing, under his hand, delivered to the Chairman of the Council, shall resign his seat, or shall become insolvent, or be convicted of any felony, or shall become of unsound mind, or shall, without the leave of the Council first obtained, absent himself from six consecutive

meetings of the Council, the seat of such Member shall become ipso facto void, unless cause for such absence be satisfactorily proved to the Council.

9. Elections to fill extraordinary vacancies.

Whenever, from any of the causes aforesaid, the number of the Members of the Council shall be reduced below seven, the Chairman shall, by notice, advertised in one or more Newspapers published within the Province of Canterbury, call a meeting of the Ratepayers, for the purpose of electing persons to fill the vacancies; and every person so elected shall hold office only until the time at which the person in whose room he may have been elected would regularly have gone out of office. The proceedings at any such election shall be conducted in the same manner as at the annual election.

10. Payment of expenses of elections.

The Council may pay, out of any funds at its disposal such expenses as may necessarily have been incurred in or about the election of any Members of such Council, and of any public meeting called by such Council.

Division of City into Wards.

11. Superintendent may divide city into wards.

It shall be lawful for the Superintendent, if he shall think fit, on the application of a majority of two-thirds of the Council by Proclamation in the Provincial Government Gazette, to divide the city into wards, for the purpose of the election of Members of the Council, and by such Proclamation to fix the boundaries and names of such wards, the number of Members to be elected for each ward, to provide for the preparation of Lists of persons qualified to vote at such elections, and to make all other provision necessary for the proper conduct of such elections, and for giving effect to such division of the city for the purposes aforesaid.

Proceedings of Council.

12. Council incorporated.

The Christchurch City Council shall be and is hereby created a Body Corporate, under the name of "The Christchurch City Council," and under such name shall have perpetual succession and a common seal, with power to alter, vary, break, and renew the same, and may sue and be sued, implead, and be impleaded, in any Court of Law or Equity; and is hereby empowered to hold and enjoy property both real and personal, and to alienate or dispose of the same; and to enter into contracts, and enforce the fulfilment thereof, for the purposes of this Ordinance.

13. Election of Chairman.

So soon after the election of the Members of the Council as conveniently may be, such Members shall elect from amongst themselves some one to be the Chairman of the Council, who shall continue in office until after the next annual election of Members of the Council. The Chairman of the Council, whenever present, shall preside, and if he be not present, then the Council shall choose, as and in manner it may deem expedient, some other Member to preside. In case of an equality of votes at any meeting of the Council, the Chairman or presiding Member, besides his own vote, shall have a casting vote.

14. Vacancy for Chairman: how occasioned, and how to be filled up.
If the Chairman shall cease to be a Member of the Council, or shall, by writing, under his hand, addressed to the Council, resign such his office, the Council shall, at its next meeting thereafter, elect another Member to be Chairman in his stead, who shall hold office until the next annual election of Members of the Council.

15. Quorum.
Five members of the Council shall form a quorum, and the act of such quorum shall have the same force and effect, and shall be considered as the act of the whole Council. No proceeding of the Council shall be invalidated or be illegal in consequence of there being any vacancy in the number of its Members at the time of such proceeding, or in consequence of any defect in the appointment of, or of any incapacity in any of the Members present at the time of such proceedings.

16. Rules for conduct of business.
The Council shall, as soon as conveniently may be, make Rules for regulating the conduct of business at meetings of the Council.

Rates.

17. Power to levy rates.
The Council may make and levy rates on an lands, buildings or tenements within the city: Provided always, that no such rates shall be made or levied on any land or premises belonging to the Crown, or belonging to or in the occupation of the Provincial Government of Canterbury, or on any land or building used exclusively for public, charitable, or literary, or scientific purposes, or on any building used exclusively for public worship, or for a public school or school house, Provided it be inhabited only by the Master or Mistress of such school, or his or her family.

18. Rates to be on annual value.
The rates shall be levied on the net annual value of all such lands, buildings or tenements, that is to say upon the rent at which the same might reasonably be expected to let from year to year.

19. General city rate.

For the purpose of maintaining and repairing the streets, and of cleansing, repairing, and maintaining in effective operation the sewers and drains of the city, of the payment of Officers employed, and the ordinary expenses incurred on account of, or inuring to the common benefit of the city, it shall be lawful for the Council, from time to time to make and levy a rate or rates, to be called " the general city rate." No such general rate or rates shall in any one year exceed the sum of One Shilling in the Pound on the annual value of the property rated.

20. Special city rate.

For the purpose of defraying the expense of making any street, or making any new, or altering, improving, closing, or destroying any old sewer or drain, or erecting any other work or improvement of a permanent nature for the benefit of the city, the Council may, from time to time, make and levy a rate or rates to be called " the special city rate," of such amount as will be sufficient to discharge the amount of such expenses and interest thereon within such period, not exceeding five years, as the Council shall, in each case, determine. No such special rate or rates shall in any one year exceed the sum of Two Shillings in the Pound on the annual value of the property rated: Provided always, that in all cases in which any sum or sums of money shall have been or may be granted by the Superintendent and Provincial Council for or on account of any special work within the city, the same shall be carried to account for such work, and the special rate or rates shall be levied for the balance only, if any, of sch expenses aforesaid.

21. Special local rate.

If at any time the persons liable to the payment of rates in any street or part of any street shall, by a majority of two-thirds of their votes, as provided in this Ordinance, request the Council to impose a rate upon the rateable property in such street or part thereof, for the execution of any work of special benefit to that particular locality, it shall be lawful for the Council to impose such rate accordingly, and to apply the proceeds thereof to the execution of such work. Such rate, so imposed, shall be called a "special local rate," and shall not in any one year exceed the sum of Two Shillings in the Pound on the annual value of the property rated.

22. Rates: by whom to be paid.

Except as hereinafter provided, the rate, whether general, special, or local, shall be paid by the Tenant or Occupier of the land, building, or tenement rated, or in case there be no Tenant or Occupier, then by the Owner thereof. Provided that the Owners of all rateable property of which the net annual value does not exceed the sum of Ten Pounds, or which is let to weekly or monthly Tenants, shall be rated to and pay the rates instead of the Occupiers thereof.

23. Joint Occupiers.

When any rateable property is jointly occupied, or if unoccupied, is jointly owned by more persons than one, each of such persons shall be deemed to be the Occupier or Owner of rateable property of equal annual value to that of the whole of such first mentioned property divided by the number of such joint Occupiers or Owners thereof.

Ratepayers' Roll.

24. Preparation of Ratepayers' Roll

The Council shall, every year forthwith, after the election of the Chairman, cause to be prepared a List, containing the names and residences of all persons liable to be rated as hereinbefore provided, together with a description of the land, buildings, or tenements in respect of which every such person is liable to be rated, and a statement of the rateable value of the same.

25. List open to inspection.

The Council shall give public notice, by advertisement in one or more Newspapers published within the Province and circulating within the city, of the completion of such List, and of the time and place at which objections thereto will be heard and determined as hereinafter provided. A true copy of such List shall be kept in the custody of the Clerk of the Council, and shall be open to the inspection of all persons interested therein at all reasonable hours.

26. Notice of objection.

If any person shall object to such List on the ground of any error, omission, irregularity, or overcharge therein, or unfairness in the valuation of any property included therein, he shall, within Fourteen days from the publication of such notice of the completion of such List, give notice of such objection to the Clerk of the Council in the form set forth in Schedule B to this Ordinance, or to the effect thereof.

27. Objections: how to be heard and determined.

Every such objection shall be publicly heard and determined by two or more Justices of the Peace, at a meeting to be held at the time and place fixed by the Council in the notice abovementioned or at some adjournment thereof. It shall be lawful for such Justices to allow such objections in whole or in part, and to alter the List in conformity with such allowance, or to overrule such objections, and the List so altered or unaltered, as the case may be, shall be signed by two Justices present at such meeting, and shall thenceforth be binding and conclusive upon all persons whom it may concern, and shall be called the " Ratepayers' Roll." The production of such Ratepayers' Roll, so signed as aforesaid, shall be evidence in any legal proceeding, to all intents and purposes, that it has been duly made and confirmed according to the provisions hereof: Provided that if two Justices shall not be present at the time and place so appointed for any such meeting, the

meeting shall stand adjourned to that day week, and so on, from time to time, until two Justices shall attend.

28. Council may correct trifling errors in Roll.

It shall be lawful for the Council, from time to time, to correct any error of name or description which may be proved to their satisfaction to exist in any such "Ratepayers' Roll," provided that such correction shall not affect the amount of the rate payable in respect of any property described therein, nor the person liable to pay the same.

29. Roll for previous year may be adopted with alterations.

It shall be lawful for the Council in preparing, from time to time, the List of Ratepayers prescribed by Section 24 of this Ordinance to adopt the "Ratepayers' Roll" theretofore in force, either in whole or with such alterations as may appear needful, and such Roll, when so adopted, shall be deemed to be a List of the Ratepayers made according to the provisions of the said Section 24, and shall be subject to revision, as provided in Section 27.

30. If no roll made by time of election, previous Roll to be used.

If, at the time of any election, the Ratepayers' Roll for the year in which such election is held shall not have been completed, the Roll for the previous year shall, for the purposes of such election, be considered to be in force.

Mode of Levying Rates.

31. Rate: how to be made.

Previously to making or levying any rate, the Council shall cause a List to be prepared, setting forth the amount of the rate proposed to be made, the names of the persons liable to the payment thereof, the sum payable by each of such persons, and the property in respect whereof each such sum shall be payable; and the Council shall give not less than fourteen days' notice of the place where such List is deposited for inspection, and of the time and place at which objections thereto will be heard, as hereinafter mentioned.

32. Objections to rate.

If any person, whose name shall be on such list, shall object to thereto on the ground that he has ceased to be liable to be rated in respect of any property for which in such list he is proposed to be rated, he shall give notice of such objection, and of the grounds thereof, to the Clerk of the Council, three clear days, at least, before the time appointed for hearing objections. At the time and place so appointed, or at any adjournment thereof, the Council shall hear and determine all such objections, and shall make all necessary alterations in such List, by striking thereout the name of any person who may have ceased to be liable to the payment of rates, and by inserting therein the name of any person who may, in the stead of the person first mentioned, have become liable to such

payment. After all necessary alterations shall have been made in such List, the Council may, if it shall think fit, order the rate therein described to be made and levied, and the List to be sealed with the public seal of the Council, and signed by the Chairman thereof, and the production of such List, so signed and sealed, shall be evidence that the rate has been duly made by the said Council.

33. Rates due for Occupier having quitted may be recovered from Owner. When the Occupier of any rateable property shall have quitted the same without having paid all the rates to which he shall have become liable in respect thereof, and then payable by him, the Council may either recover such rates from the person so having quitted, or may elect to recover the same from the Owner of the property, who shall thereupon be liable to pay the same.

34. Rates may be remitted on account of poverty.

It shall be lawful for the Council, if it shall be represented to it by any person liable to pay any rate, that he is unable, by reason of poverty, to pay such rate, and if the Council shall be satisfied of the truth of such representation, to remit and excuse the payment of such rate or any part thereof.

35. Rate Collectors to be appointed.

The Council shall appoint a fit person or persons to collect the rates, and shall take security from every Collector for the due execution of his office, which security shall be to the amount of the sum likely to be in the hands of the Collector at any one time, and shall be, by bond or otherwise, as the Council may determine.

36. Rates recoverable at suit of Collectors.

All rates shall be recoverable at the suit of any Collector appointed by the Council.

Loans.

37. Power to borrow on mortgage.

The Council shall have power to borrow, by way of mortgage or otherwise, on the credit of the rates which it may be entitled to levy, any sum or sums of money that may be required for the purpose of making, carrying on or completing any permanent improvements that may directly benefit the city, but in no case shall the sum or sums so borrowed exceed in the whole the estimated revenue of the Council for the period of five years: Provided that no money shall be borrowed by the Council until the express sanction, in writing, of the Superintendent and Executive Council shall have been obtained, not only for the amount to be borrowed, but also for the works or improvements upon which it is proposed to expend the sum or sums so to be borrowed.

38. Mortgage to be by Deed.

Every mortgage shall be by Deed, and shall be passed under the common seal of the Council, at a meeting of the Council, and be signed by the Chairman of the meeting. A Register of all such mortgages shall be kept by the Council, and shall be open to public inspection at all reasonable hours, without fee or reward.

39. Mortgage may be transferred.

Any person entitled to any such mortgage may transfer his right and interest therein.

40. Transfer of mortgage to be registered.

Within thirty days after the date of Transfer, if executed within the Province, or otherwise within thirty days after the arrival thereof in the Province, such Transfer shall be produced to the Council, and thereupon an entry or memorial thereof shall be made in like manner, as in the case of the original Mortgagee; and for every such entry shall be paid a fee of Five Shillings, and after such entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full benefit of the original mortgage, and the principal and interest thereby secured; and such Transferee may, in like manner, transfer the same again toties quoties, and it shall not be in the power of any person, except the person to whom the same shall last have been transferred, his Executors, Administrators, or Assigns, to make void, release or discharge the mortgage so transferred, or any money thereby secured.

41. Works executed by loan subject to supervision.

Every work carried on by the Council with any money so borrowed as aforesaid, shall be subject to the same Rules, Regulations, supervision and control as are hereinafter provided in regard to particular works carried on by the Council after it shall have received any special Government aid for such works.

Government Works in the City.

42. Superintendent may entrust Government works in the city to the Council.

It shall be lawful for the Superintendent to commit to the Council the expenditure of any moneys appropriated for the construction and maintenance of particular streets, bridges, drains and public works within the city, and to pay over the same to the Council, to be expended in such manner as the Council shall direct; the Plans and Specifications of all such works having first received the approval of the Superintendent. The Superintendent shall have authority to appoint any Engineer or other person to inspect all such works as aforesaid, during their progress, and to report thereupon, and in case it shall appear by the Report of such Engineer or other person, that such works are not being carried on in accordance with the Plans and Specifications so approved of as aforesaid; it shall be competent for the Superintendent to order such works to be forthwith stopped, and to make such further order in the matter as he may see fit.

Accounts.

43. Accounts to be kept, and to be open to inspection.

The Council shall, in books to be kept by it for that purpose, cause true Accounts to be kept of all sums of money by it received and paid, and of the several matters in respect whereof such sums shall have been received and paid: such Accounts shall be open to be inspected at all reasonable hours by any Ratepayer or by the Superintendent, or by any Officer appointed by him for that purpose.

44. Accounts and Balance-sheet to be laid before annual meeting.

All such Accounts, with Vouchers and Papers thereto, together with a full Abstract or Balance-sheet thereof, signed by at least three Members of the Council, shall, at the annual meeting of Ratepayers, be submitted to such meeting, and shall (as soon thereafter as conveniently may be) be examined and audited by two or more persons to be appointed for that purpose by such meeting. A copy of such Balance-sheet shall be posted up by the Council at or before the commencement of such meeting as aforesaid, upon some conspicuous part of the place in which such meeting shall be held.

Officers.

45. Power to appoint Officers.

The Council may appoint such Clerks, Surveyors, Engineers, Valuers, Collectors, and other Officers, as may be necessary for carrying this Ordinance into operation, with such salaries and emoluments as may seem reasonable, and may dismiss or suspend such Officers and appoint others in their stead, and may reduce or increase such salaries and emoluments in such manner and at such times as such Council shall see fit, and may pay such salaries or emoluments out of the funds at the disposal of the Council.

46. Members of Council disqualified from being Contractors

No Member of the Council shall, during the time he shall continue a Member thereof, become a Contractor with or hold any paid office in the gift of the Council; and any person offending against the provisions of this clause shall, upon conviction thereof, forfeit and pay a penalty not exceeding One Hundred Pounds. Provided that nothing herein contained shall be interpreted to apply to any Member of the Council who shall be a Shareholder in a Public Company which shall have entered into any contract with the said Council.

By-laws.

47. By-laws: on what subjects to be made.

It shall be lawful for the Council to make By-laws for—

(a) The collection of rates:

- (b) The prevention and extinguishing of fires:
- (c) The suppression of nuisances:
- (d) Regulating the traffic within the streets of the city, and preventing obstructions thereto:
- (e) Preventing encroachments upon or injury to any streets, and for securing the cleanliness thereof:
- (f) The preservation of the footpaths:
- (g) Preserving any streams or watercourses from pollution, obstruction, or injury:
- (h) Compelling all persons within the city to keep their premises free from offensive or unwholesome matters:
- (i) Regulating and licensing Porters, Public Carriers, Carters, and Water-drawers:
- (k) Regulating markets, market dues, fairs, and sales:
- (l) The preservation of public decency and public health:
- (m) The restraining noisome and offensive trades:
- (n) The general good rule and good government of the city: Provided always that no such By-laws shall be repugnant to or interfere with any Ordinance of the Superintendent and Provincial Council.

48. Maximum penalty under By-law.

Each By-law so to be made as aforesaid, shall impose some maximum penalty not exceeding Ten Pounds for any neglect or breach thereof, and in the case of a continuing offence, a further penalty not exceeding Five Pounds for each day after written notice of such neglect or breach given to the Offender.

49. By-laws subject to Superintendent's approval.

No such By-law shall have any force or effect until the Superintendent, with the advice of his Executive Council, shall, under his hand, have signified his assent thereto; and when such By-law shall have been so assented to, the Superintendent shall cause publicity to be given thereto by Proclamation in the Provincial Government Gazette.

Management of Streets, Sewers, &c.

50. Streets, &c., under management of Council.

The Council shall have the care and management of the public roads, streets, squares, paths, wharves, bridges and thoroughfares, and watercourses, ponds, ditches, and the like, not being private property, within the city: Provided that nothing herein contained shall authorise the Council contrary to, or inconsistently with any private right to use, injure, or interfere with any watercourse, stream or river in which the Occupier or Owner of any lands, mills, or machinery shall have a light or vested interest, without his consent, in writing, being first obtained.

51. Sewers, materials of works, &c., vested in Council.

All main or public sewers and drains within the city, and all materials thereof, and all materials for making and repairing streets, and of works in progress of every

description, or brought upon or near to any works in progress, for the purpose of being used thereon, shall vest in, and belong to, and be under the management and control of the Council.

52. Council may provide for supply of water, lighting, and sanitary measures. The Council shall adopt such means as may seem to it desirable for the preservation of the public health, for securing the necessary supply of water for domestic or sanitary purposes, and for cleansing and lighting the streets of the city, and shall and may form, cleanse, repair, and maintain in effectual operation the sewers and drains of the city, as shall to such Council seem fit, subject to the provisions hereinafter contained.

53. Council to give notice of alterations in sewers or levels of streets. Fourteen days, at least, before fixing the level of any street Council to give notice which shall not have been hitherto levelled, and before making any sewer where none was before, or altering the level or course of, or abandoning or stopping any sewer, the Council shall give notice of its intention to perform such work, by posting a printed or written notice on a conspicuous place, in every such street through or in which such work is to be undertaken, in which notice shall be set forth the name or situation of the street intended to be levelled, and the names of the places through or near which it is intended that the new sewer shall pass, or the existing sewer be altered or stopped up, and also the places of the beginning and the end thereof, and such notice shall refer to Plans of such intended work, and name the place where such Plans may be seen, and a time when, and place where all persons interested in such intended work may be heard thereupon.

54. Plans of intended work.

Before giving notice of its intention to construct any work, of which by this Ordinance it is required to give notice, the Council shall cause a Plan and Section of the intended work to be made, on a scale not less for a horizontal plan than one inch to one hundred and ninety eight feet, and for a vertical section, not less than one inch to ten feet, and in case of a sewer, showing the depth of such sewer below the surface of the ground, which Plans may be deposited in the office of the Council or some other convenient place, and shall be open at all reasonable hours for the inspection of all persons interested therein during the time for which such notice is required to be given.

55. Objections to proposed works: how to be dealt with.

The Council shall, at the time and place mentioned in the notice, consider, either by itself or by some competent person appointed by it for that purpose, any objections made against such intended work, and all persons interested therein or likely to be aggrieved thereby shall be entitled to be heard thereupon. The Council may, in its discretion, grant compensation for, abandon, or make such alterations in the intended work as it may judge fit: Provided always, that if any person whose property may be effected by such decision shall object to the amount awarded by the Council in compensation for the injury he may sustain,

he shall be entitled to demand that such compensation shall be assessed in accordance with the provisions of " The Diversion of Roads Ordinance, Session XI., No. 3."

56. Power to make new sewers.

The Council shall, from time to time, subject to the restrictions herein contained as to the notice to be given and the Plans and Estimates to be prepared, cause to be made such main drain and other sewers as shall be necessary for the effectual drainage of the city, and also all such reservoirs, sluices, engines, and other works as may be necessary for cleansing such sewer. If, for completing any of the aforesaid works, it be found necessary to carry them into or through any land which is the property of private individuals, the Council may carry the same into or through such land accordingly, making full compensation to the Owners or Occupiers of any such land. The Council may also cause such sewers to communicate with and empty themselves into the sea or any public stream or river beyond the limits of the city, or cause the refuse of such sewers to be conveyed by a proper channel to the most convenient site for its deposit, collection, or sale for agricultural or other purposes, as may be deemed most expedient, but so that the same shall in no case be allowed to become a nuisance.

57. Power to alter or stop up old sewers.

The Council shall from time to time repair, and, as it sees fit, enlarge, alter, arch over, or otherwise improve all or any of the sewers vested in it: It may demolish or discontinue any sewer which may appear to it to have become useless, provided it be so done as not to create a nuisance.

58. Remedy for injury to private individuals by alterations.

If any person by means of any enlargement, alteration, or discontinuance of any sewer, or other proceeding of the Council, be deprived of the use of any sewer or drain which such person was theretofore lawfully entitled to use, the Council shall provide some other sewer or drain equally effectual for such purpose; and if the Council refuse, or do not within seven days next after notice, in writing, served upon it, begin and thereupon diligently proceed to restore to its former effective state such drain or sewer, the use whereof has been affected by the acts of the Council, or to provide such other sewer or drain as aforesaid, it shall forfeit to the person aggrieved any sum not exceeding Forty Shillings for every day after the expiration of such seven days during which he is deprived of the use of the drain or sewer to which he was so entitled.

59. Council may require branch drains to be made.

In an cases where a sewer of a sufficient size under the jurisdiction of the Council shall pass within one hundred feet of any house or building on a lower level than such house or building, the Council may, by notice, in writing, require the Occupier of such house or building forthwith, or within such reasonable time as shall be appointed by the Council, to construct or make from such house or building into the nearest common sewer, a covered drain of such materials, of

such size, at such level, and with such fall, as shall be adequate for the drainage of such house or building, and of its areas, water-closets, privies, and offices, if any, and to carry and convey the soil, drainage, and wash therefrom into the said sewer, and to provide a fit and proper trap affixed to the mouth of such drain to the satisfaction of the Council; and if the Occupier of such house or building shall neglect or refuse, during twenty-eight days after the said notice shall have been delivered to him or left at such house or building, to construct such drain, or shall thereafter fail to carry it on and complete it with all reasonable dispatch, the Council may, and it is hereby empowered to cause the same to be constructed and made, and to recover the expense to be incurred thereby from such Occupier.

60. Penalty for making branch drains without permission.

Every person, not being employed or authorized for the purpose by the Council, who shall make any branch drain into any of the sewers or drains vested in the Council, shall forfeit to the Council such sum, not exceeding Twenty Pounds, as the Council may determine; and the Council may cause such branch drain to be stopped or re-made as it may think fit, and all the expense incurred thereby shall be paid by the person making such branch drain, and shall be recoverable by the Council from him.

61. No building, cellar, &c., may interfere with sewers.

No building shall be erected over any sewer belonging to the Council, without the consent of the Council first obtained, in writing. All vaults, arches, and cellars shall be substantially made, and so as not to interfere or communicate with any sewers belonging to the Council. If, after the coming into operation of this Ordinance, any building is erected in the city, or any vault, arch, or cellar be made therein contrary to the provisions herein contained, the Council may demolish or fill up the same, and the expense incurred thereby shall be paid by the person erecting such building, or making such vault, arch, or cellar, and shall be recoverable as damages.

62. All sewers to be furnished with stench traps.

All sewers or drains within the city, whether public or private, shall be provided by the Council or other persons to whom they severally belong, with proper traps or other covering for means of ventilation so as to prevent stench.

63. Use of city sewers outside the city.

Any person being the Owner or Occupier of any lands beyond the city, and in respect of which he would not be liable to the payment of the rates authorized to be levied under this Ordinance, may, with the consent of the Council first obtained, in writing, and upon payment to them of a reasonable sum of money, to be agreed upon between them, at his own expense, and under the superintendence of the Surveyor of the Council, cause to branch into and communicate with any of the sewers belonging to the Council any sewer or drain in respect of the said property which may be lawfully made therefrom, of such

size and in such manner and form of communication as the Council may approve of.

Privies, Cesspools, Nuisances, &c.

64. Council may require privies, &c., to be made and altered.

The Owner or Occupier of any dwelling-house within the city shall provide the same with a privy or privies, constructed in an things to the satisfaction of the Council, within one month next after notice, in writing for that purpose given by the Council to him, and in default thereof the Council shall cause such privy or privies to be provided and the expense incurred thereby shall be recovered by the Council from such Owner or Occupier.

65. Council may regulate cleansing of privies, &c.

All drains, as well within as without the premises to which they belong, and all privies and cesspools within the city, shall be subject to the survey and control of the Council, and shall be altered, repaired, and kept in proper order, and cleansed at the costs and charges of the Owners or Occupiers of the premises to which the same belong, or for the use of which they are constructed, and the Council may cause the same to be repaired and cleansed, and recover the expenses incurred thereby from the Owner or Occupier of such premises.

66. Council may provide receptacles for dung, rubbish, &c., and provide for its removal.

It shall be lawful for the Council to make such provision as it shall think fit for the periodical removal of the refuse of every house or other building within the city, whether night soil, dung, ashes, slops, or other filth and rubbish, and for its conveyance to some convenient place for its deposit, and also from time to time to provide places convenient for deposit.

67. Council may require immediate removal of nuisances.

If at any time it shall be represented to the Council by any of its Officers, or by any duly qualified Medical Practitioner, that any stagnant water or accumulation of dung, soil, or filth, or other noxious or offensive matter within the city ought to be removed, as being injurious to the health of the Inhabitants, the Council shall forthwith give notice to the Owner or Occupier of the land or premises where the same may be to remove it forthwith, and if such Owner or Occupier shall refuse or neglect to comply with such notice, he shall be liable to a penalty not exceeding Five Pounds.

68. Council may fill up hollows on private property.

If it shall appear to the Council that any gully, drain, or hollow place on any private property within the city is a receptacle for filth or stagnant water, which is or is likely to be offensive or injurious to the health of the Inhabitants, the Council may, by Order, in writing, require the Owner or Occupier of such property to fill

up such gully, drain, or hollow place within a time to be specified in such Order, and if such Owner or Occupier shall not comply with such Order within the time so specified, the Council may, by its Officers, enter upon the said property, and cause such gully, drain, or hollow place to be filled, either with earth from any other part of the said property, or otherwise, as it may deem fit, and may recover the expense of so doing from such Owner or Occupier.

Levels of New Streets and Houses subject to approval of Council.

69. Private individuals about to build or lay out streets to give notice to Council. Before any person shall lay out any new street, begin to build any house, or to rebuild any existing house within the city, he shall give to the Council notice thereof, in writing, and shall accompany such notice with a Plan, showing the level at which such street or the foundation of such house is proposed to be laid, by reference to some level ascertained under the direction of the Council. Whenever any house is taken down to or below the roof of the floor, commonly called the ground or street floor, for the purpose of being built up again, such building shall be deemed a re-building within the meaning of this Ordinance.

70. Council may disapprove of levels and fix others. Within fourteen days after receiving such notice, the Council may signify its disapproval of the level at which it is proposed to lay such street or the foundation of any such house, and in case of such disapproval, may fix the level at which the same is to be laid.

71. In default of notice, Council may alter such streets or houses. In default of sending such notice and Plan, or if such new street or building be begun or made at any level different from that fixed by the Council within the said fourteen days, or in any other respect contrary to the provisions of this Ordinance, the Council may, if necessary, cause such new street to be altered, or such building to be altered or demolished, as the case requires, and the expenses incurred by the Council in respect thereof shall be repaid to it by the person failing to comply with the provisions aforesaid, and shall be recoverable as damages.

72. If Council does not object, work may proceed. If the Council fail to signify, in writing, its approval or disapproval of the level shown on such Plan as aforesaid, within fourteen days after receiving such notice and Plan as aforesaid, the person giving such notice may, notwithstanding anything herein contained, proceed to lay out and make the street, or build or rebuild the house therein referred to, according to the level shown on such Plan: Provided that such building or re-building be otherwise in accordance with the provisions of this Ordinance.

Miscellaneous Powers.

73. Protection and removal of dangerous buildings, &c.

If any building, or wall, or anything affixed thereon, within the city, be deemed by the Council, or any Surveyor appointed by it, to be in a state dangerous to Passengers, or to the Occupiers of the neighbouring buildings, such Surveyor shall immediately cause a proper board or fence to be put up for the protection of passengers, and shall cause a notice, in writing, to be given to the Occupier or Owner of such building or wall, if he be known, and resident within the city; and shall also cause such notice to be put on the door or other conspicuous part of the said premises, requiring such Owner or Occupier forthwith to take down, secure, or repair such building, wall, or other thing, as the case shall require; and if such Owner or Occupier do not begin to repair, take down, or secure such building, wall, or other thing, within the space of two days after any such notice has been so given or put up as aforesaid, and complete such repairs, or taking down and securing as speedily as the nature of the case will admit, or if no Owner or Occupier can be found on whom to serve such Order, the Council shall, with an convenient speed, cause all, or so much of such building, wall, or other thing as shall be in a dangerous condition to be taken down, repaired, or otherwise secured in such manner as it shall deem requisite; and all the expense of putting up such fence, and of taking down, repairing or securing such building, wall, or other thing, shall be paid by the Owner or Occupier thereof.

74. Materials thereof may be sold to defray expenses.

If any such building, wall, or other thing, as aforesaid, or any part of the same be pulled down by virtue of the powers aforesaid, the Council may sell the materials thereof, or so much of the same as shall be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such building, wall, or other thing, and restore any surplus to the Owner thereof on demand; nevertheless the Council, although they may sell such material for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as are hereinbefore given to them for compelling payment of the whole of the said expenses.

75. Council may order removal of projections from buildings, &c.

The Council may give notice to the Owner or Occupier of any house or building to remove or alter any porch, step, fence, veranda, or any other obstruction or projection erected, or placed against, or in front of any house or building within the city, and which is an obstruction to the safe and convenient passage along any street, or any encroachment thereupon, and such Owner or Occupier shall, within ten days after the service of such notice upon him, remove such obstruction, or alter the same in such manner as shall have been directed by the Council, and in default thereof shall be liable to a penalty not exceeding Five Pounds, and the Council in such case may remove such obstruction, projection, or encroachment, and the expense thereof shall be paid to the Council by the Owner or Occupier so making default.

76. No cellars to be made under, or openings in the streets.

No cellar or vault may be made under any street within the city, nor shall any opening be made in any street or footpath to make an entrance into any cellar or vault. Every person so making any such cellar, vault, or opening, shall be liable to a penalty not exceeding Ten Pounds, and to a further penalty not exceeding Ten Pounds for every day, after he shall have received notice from the Council to fill up such cellar, vault, or opening, during which the same shall remain unfilled.

77. Gutter pipes to be provided.

The Council may order the Owner or Occupier of any house or building in, adjoining, or near to any street, to put up and keep in good condition a gutter-pipe or trough, to convey the water from the roof thereof, in such a manner that the water therefrom shall not fall upon the persons passing along the street, or flow over the footpath; and in default of compliance with such Order within seven days after service thereof, such Owner or Occupier shall be liable to a penalty not exceeding Forty Shillings for every day that he shall so make default.

78. Boards may be erected indicating names of streets.

The Council may, for the purpose of indicating the name of any street, or for other like purpose, affix a board, having the name of such street printed thereon, to any house, building, wall or fence within the city; and every person who shall wilfully remove, injure, or deface such board, shall be liable to a penalty not exceeding Five Pounds.

79. Power of entry on private lands.

The Council shall have power, by itself or its Officers, to enter, at all reasonable hours in the day-time, into and upon any land, buildings and premises within the city, without being liable to any legal proceeding on account thereof: Provided always, that except when herein otherwise provided, the Council or its Officers shall not make any such entry, unless with the consent of the Occupier, until after the expiration of twenty-four hours' notice for that purpose given to the Owner or Occupier.

80. Council may temporarily stop thoroughfare.

The Council may stop up any street, and prevent the same from being used as a common thoroughfare for a reasonable time during the execution of any work authorized by this Ordinance.

81. Protection against accident; penalty for interfering with barriers, &c.

The Council shall, during the execution of any work, or the stoppage of any street, take proper precaution for guarding against accident; and if any person shall, without the authority or consent of the Council, take down, alter, or remove any bar, chain, or other protection, or extinguish any light placed at or near to any bar, chain, or work for protection, he shall, for every such offence, on conviction

thereof before any Justice of the Peace, be liable to a penalty not exceeding Five Pounds, or to be imprisoned for any period not exceeding fourteen days.

82. Council may compromise suits.

The Council may compound and agree with any person who may have entered into any contract with the Council, or against whom it may bring any action or suit for any penalty contained in any such Contract, or in any Bond or other Securities for the performance thereof, or for or on account of any breach or non-performance of any such Contract, Bond, or Security for any sum of money or recompense, as the Council may think proper.

83. Council may apportion certain expenses between Owner and Occupier.

Whenever any question shall arise as to whether any work required by the Council to be performed ought to be performed by the Owner or Occupier of any premises, the Council may determine the matter, and may order that the expenses of executing any such work shall be borne by the Owner or Occupier, or by both, in such proportion as it may deem equitable.

84. Remedy if Occupier prevents Owner from executing works required.

If the Occupier of any premises shall prevent the Owner thereof from carrying into effect, in respect of such premises, any of provisions of this Ordinance, after notice of his intention so to do has been given by the Owner to such Occupier, the Council may make an Order, in writing, requiring such Occupier to permit the Owner to execute all such works with respect to such premises as may be necessary for carrying into effect the provisions of this Ordinance; and if, after the expiration of ten days from the date of such Order, such Occupier continues to refuse to permit such Owner to execute such work, such Occupier shall, for every day during which he so continues to refuse, be liable to a penalty not exceeding Forty Shillings; and every such Owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

85. Power to recover expenses incurred by Council.

If the Owner or Occupier of any premises made liable by this Ordinance for the repayment to the Council of any expenses incurred by it, do not, as soon as the same becomes due from him, repay all such expenses, the Council may recover the same from such Owner or Occupier by legal proceedings.

Protection of Officers.

86. Members and Officers not personally liable.

No act done by any Member or Officer of the Council, acting under the direction of the Council, and bona fide for the purpose of carrying into operation any of the provisions of this Ordinance, shall subject such Member or Officer personally to any action, suit, or demand whatever, but the responsibility of such act shall lie upon the Council.

87. Penalty for obstructing Officers, &c

Any person who shall obstruct or attempt to obstruct any Member or Officer of the Council acting in the execution of this Ordinance, shall be liable to a penalty not exceeding Ten Pounds.

Service of Notices.

88. Officers of Council may receive and give its notices.

All Notices, Orders, or Instructions which the Council is by this Ordinance authorized or required to give or receive, may be given or received by any Officers of the Council duly authorized by it for that purpose.

89. Notices on Owners and Occupiers: how to be served.

Where by this Ordinance any notice is required to be given to the Owner or Occupier of any land or premises, such notice, addressed to such Owner or Occupier, as the case may require, may be served by delivering the same to the Occupier, or by leaving the same for him with some inmate of his usual place of abode; if there be no Occupier, such notice may be served by posting the same upon some conspicuous part of such land or premises: Provided always, that when such Owner and his residence are known to the Council, it shall be the duty of the Council, if he be resident within the city, to cause every notice addressed to him to be served by delivering the same to him, or by leaving it for him with some inmate of his usual place of abode, and if such Owner be not resident within the city, but be resident within the Colony of New Zealand, the Council shall serve such notice by sending the same by the Post, addressed to the residence of such Owner, and by publishing the same in one or more Newspapers of th Province. It shall not be necessary in any such notice to name such Occupier or Owner otherwise than by describing him as the Occupier or Owner of such land or premises.

Power of Interference by Superintendent.

90. Superintendent may dissolve Council if it does not fulfil terms of loan, &c.

If the Council, after any money shall have been given or advanced to it out of the public revenues of the Province, whether as a loan or otherwise, or after a guarantee shall have been given in respect of any loan, shall refuse at any time to observe the conditions required by the terms of such loan or guarantee, then it shall be lawful for the Superintendent to declare that the functions and powers of the Council shall, from and after a day to be named by him and published in the Provincial Government Gazette, absolutely cease and determine, and its functions, powers and liabilities, together with all its property, real or personal, shall thereupon be transferred to, and vest in a Board of Commissioners, consisting of not more than Five Members, to be appointed by the

Superintendent, and such Board shall, under such Rules and Regulations as the Superintendent may prescribe, exercise all the powers and discharge all the functions of the Council mutatis mutandis as fully and effectually as the Council could do. Provided that such Board shall enter upon no new work within the city, and that its powers and functions shall cease and determine as soon as any such loan, and all interest thereon, shall have been fully repaid and satisfied, or any such guarantee shall have expired or been otherwise determined.

91. If no Council elected, powers to pass to Superintendent.

If at any time the persons duly qualified to elect Members of the Council shall refuse or neglect so to do, or to elect a sufficient number of such Members to form a quorum, all the powers and duties herein vested in or imposed upon the Council (except the power to levy a rate) shall be transferred to and vest in, and be imposed upon the Superintendent.

Miscellaneous.

92. Limitation of Penalties.

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

93. Penalties recoverable summarily.

All fines and penalties imposed under this Ordinance or under any By-laws made by authority thereof shall be recoverable in a summary way.

94. Title.

This Ordinance shall be entitled "The Christchurch City Council Ordinance, 1863."

Schedule A.

The city of Christchurch is bounded on the north by the ridge of hills lying on the north side of Christchurch; on the east by the spur of the hill running down to the sea immediately on the east side of Gollan's Bay; on the south by the sea, and on the west by the eastern boundary of the Native Reserve at Rapaki.

Schedule B.

To the Christchurch City Council.

I hereby give you notice that I object to the following portion of the List of Ratepayers for the city of Christchurch now deposited for inspection at the office of the Clerk to the Council [here recite the part objected to], that the following are

the grounds of my objection [here state the grounds of objection], and that I shall appear in support of such objection at the meeting of Justices to be held on the.

Signature of Objector
Description.....
Address

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 11th November 1862, and reserved for the Governor's assent. This assent was granted, and was notified in the New Zealand Government Gazette, No. 3, 31st January, 1863, page 34.