

Session XXVI 1866 (October 1866 to January 1867)

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1. The Cameron Grant Ordinance 1866.

Analysis.

Preamble.

1. Power to Superintend to alienate portions of Reserve No. 91.
2. Title.

Whereas as by Grant from the Crown bearing date the Twenty-seventh day of January One thousand eight hundred and sixty-six all that parcel of land in the Province of Canterbury in the Colony of New Zealand situate in the Ashley District containing by admeasurement fifty acres more or less commencing at the junction of the road east of Section 767 with the North Road following along the latter road north-easterly a distance measured in a straight line of thirty-two chains thirty links to the Saltwater Creek following down the said Creek to the River Ashley thence westerly along the said river to the road first-mentioned and from thence returning along the same to the commencing point and numbered 91 in red on the map of the Chief Surveyor of the said Province of Canterbury setting out and describing the Rural Land in the Ashley District aforesaid as the same is delineating on the plan drawn in the margin thereof was granted unto the Superintendent of the Province of Canterbury and his successors in trust for Ferry Reserve And whereas it is expedient that the said Superintendent should have power to alienate a portion of the said land comprised in the said recited Grant by way of sale.

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

1. Power to Superintend to alienate portions of Reserve No. 91.
It shall be lawful for the Superintendent of the said Province with the advice and consent of the Executive Council thereof to alienate by way of sale unto Duncan Cameron and Donald Cameron of Saltwater Creek in the said Province of

Canterbury their heirs and assigns as tenants in common the fee simple of and in all that parcel of land containing eleven acres more or less being part of Reserve No. 91 in the said recited Grant described commencing at a point on the south side of the road the same being six chains seventy links from the edge of the Saltwater Creek following the said road in a westerly and southerly direction a distance of eighteen chains one link thence southerly at an angle of 119° 30" with the said road a distance seven chains fifteen links to the terrace following easterly along the said terrace to a point being the extremity of a straight line being at right angles to and seven chains seventeen links distant from the commencing point and from thence returning along that line to the commencing point And also all that parcel of land being one acre more or less and being other part of the said reserve No. 91 in red commencing at a point on the Saltwater Creek the same being the eastern end of the south side of the road leading to the jetty following the said road in a westerly direction a distance of two chains fifty links thence southerly at a right angle a distance of seven chains to the Saltwater Creek before-mentioned and from thence returning along the same to the commencing point being part of the land comprised in the said recited Grant.

2. Title.

The said Ordinance shall be entitled and may be cited as "The Cameron Grant Ordinance, 1866."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 31st October 1866, and assented to by the Superintendent on 2nd November.

2. The Sheep Rating Ordinance 1866

Analysis.

Preamble.

1. Sheep may be rated.
2. Manner of levying such rate. Exceptions.
3. List of sheep depastured within each district to be prepared.
4. Owners &c. to supply information under penalty.
5. Such list when revised and corrected to form part of Ratepayer's Roll.
6. Manner of recovering rates.
7. Ending of Ordinance.
8. Ordinance to be construed as "Roads Ordinance 1864."

9. Title.

Whereas by an Ordinance passed by the Superintendent and Provincial Council entitled the "Roads Ordinance 1864" provision was made for the appointment of Roads Boards and the formation of Ratepayers' Rolls in the Districts mentioned in the said Ordinance and whereas it is desirable to make further provision in that behalf as hereinafter mentioned.

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

1. Sheep may be rated.

For the purposes of the said recited Ordinance all Sheep within the Province of Canterbury shall be liable to be Rated as hereinafter provided.

2. Manner of levying such rate. Exceptions.

The Ratepayers' Roll in each District constituted under the said Ordinance in addition to the matters directed by the said Ordinance to be contained therein shall contain a statement of the name of every person having the charge control or management of any sheep within each District together with a statement of the number of such sheep above the age of twelve months and of the net annual value of the same at the rate herein provided The net annual value of sheep shall be taken to be at the rate of seventy pounds for every thousand sheep and the Rate to be levied in respect thereof shall and may be recovered either from the owner thereof or the person under whose charge control or management such sheep shall be at the time of the levying of such Rate Provided always that nothing in this Ordinance shall be construed to affect the liability of any owner to repay to any person under whose charge control or management any such sheep shall have been at the time of the levying of any Rate any sum or sums of money which he shall have been called upon to pay under the provisions of this Ordinance Provided always that in the preparation of such Ratepayer's Roll there shall be deducted from the number of sheep in respect of which any person is liable to be Rated one sheep for every acre of natural grass land and five sheep for every acre of enclosed land laid down in artificial grasses in each district in respect of which he is liable to be Rated.

3. List of sheep depastured within each district to be prepared.

For the purpose of bringing into force the provisions of this Ordinance with respect to the Ratepayers' Rolls already formed or now being formed under the above recited Ordinance the Superintendent shall on or before the First day of February next cause to be prepared for each Road District throughout the Province a list of all Sheep depastured within the District together with a statement of the net annual value of the same as hereinbefore provided and the names of the persons liable to be Rated in respect thereof.

4. Owners &c. to supply information under penalty.

All and every person or persons being the owner or owners or having under his or their control charge or management any Sheep liable to be Rated under the terms of this Ordinance shall upon demand to be made by any person or persons appointed by the said Superintendent to prepare or assist in preparing such list or statement as aforesaid or to any person or persons duly appointed by any Road Board or the Chairman of any Road Board to ascertain the number of Sheep depasturing upon any run or any other land with a view to the preparation of any Sheep Roll or Assessment or the revision of any Roll or Assessment to be from time to time made under the terms of this Ordinance forthwith furnish to such person or persons the number and ages of all Sheep owned by him or them or under his or their control or management under a penalty of any sum not exceeding Five Pounds to be summarily recovered for every day such information shall be withheld.

5. Such list when revised and corrected to form part of Ratepayer's Roll.

The Superintendent shall cause the List for each District mentioned in the preceding section to be corrected and revised in such manner as to him shall seem fit and shall immediately on the completion of such revision sign such List and cause the same to be forwarded to the Chairman of the Road District to which the same shall relate on and after the receipt of such List by such Chairman it shall form part of the Ratepayers' Roll for the District formed as above mentioned as fully and effectually to all intents and purposes as if the same had been prepared and revised under the provisions of the above recited Ordinance and shall continue in force until revised or corrected as provided in the said recited Ordinance.

6. Manner of recovering rates.

Any Sheep Rate payable under the terms of this Ordinance may be summarily recovered and that notwithstanding any defect in form or otherwise of any Ratepayers' Roll of which the list and statement in Section 3 of this Ordinance shall form part.

7. Ending of Ordinance.

This Ordinance shall continue in force until the First day of October One thousand eight hundred and seventy and no longer.

8. Ordinance to be construed as "Roads Ordinance 1864."

This Ordinance shall be interpreted and construed as part of the "Roads Ordinance 1864."

9. Title.

This Ordinance shall be entitled and may be cited as "The Sheep Rating Ordinance, 1866."

Notes

This Ordinance was passed by the Canterbury Provincial Council on 13th November 1866, and assented to by the Superintendent on the 15th November 1866.

3. The Fencing Ordinance 1866.

Analysis.

1. Repealing Clause.
2. Owner &c. of land desirous of making fence to give notice.
3. Contribution to be paid towards dividing fence.
4. Occupier may give notice to occupier adjoining to trim live fence.
5. Power of entry for making or repairing fence.
6. Procedure when notice cannot be delivered.
7. Ordinance not to affect agreements.
8. Description of fence how to be determined.
9. Damages not recoverable for trespass upon unfenced land.
10. Interpretation.
11. Ordinance to apply to towns.
12. Money how recoverable under the Ordinance.
13. Ordinance to come into operation.
14. Title.

Whereas by an Ordinance made by the Lieutenant Governor of New Zealand with the advice of the Legislative Council hereof Session VIII No. 8 entitled an "Ordinance to encourage the Fencing of Land" and by an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury Session XX No. 15 entitled "The Fencing Ordinance 1863" provision was made for regulating the erection and maintenance of dividing Fences And whereas it is expedient to repeal the said recited Ordinances and to make other provision in lieu thereof

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

1. Repealing Clause.

The said firstly recited Ordinance as to its operation within the Province of Canterbury and the said "Fencing Ordinance 1863" secondly recited shall from

and after the commencement of this Ordinance be and the same are hereby repealed.

2. Owner &c. of land desirous of making fence to give notice.

It shall be lawful for any lessee for years owner or owners of land adjoining or abutting upon any other lands not being waste lands of the Crown held under any depasturing license and having no sufficient Dividing Fence by notice in writing in the form set forth in the Schedule to this Ordinance to require any lessee for years owner or owners person or persons legally possessed of or entitled to an estate of freehold in any adjoining land his her or their agents respectively such notice be delivered personally or sent through the ordinary course of post to assist in equal proportions in making or repairing any Dividing Fence And in case such person or persons shall refuse or neglect to assist in the making any such Fence for the space of one calendar month after the delivery of such notice then and in such case it shall be lawful for the person or persons giving such notice as aforesaid to erect or repair such Fence or Fences and to recover from such adjoining owner or owners person or persons legally entitled as aforesaid one moiety of the cost of erecting or repairing such Fence or Fences as the case may be.

3. Contribution to be paid towards dividing fence.

If any lessee for years owner or owners shall at any time after the passing of this Ordinance make use of or avail himself or themselves of any Dividing Fence towards the erection of which no contribution shall have been paid such lessee for years owner or owners shall be liable to pay to the then owner of such land upon which such Fence shall have been erected one moiety of the then value thereof or of so much thereof as shall be made available as a Fence to such adjoining land Provided always that it shall be lawful for any Resident Magistrate or Justice of the Peace before whom such claim shall be heard to direct the payment of the same either all together or by instalments and at such times as such Resident Magistrate or Justice of the Peace shall think fit.

4. Occupier may give notice to occupier adjoining to trim live fence.

The occupier of land abutting on any Live Fence may at any time give notice in writing to the occupier of adjoining land abutting on such Fence requiring him to cut and trim that side of the Fence abutting on such adjoining land and in the event of such occupier failing to comply with such notice within ten days from the date thereof it shall be lawful for the person giving such notice to cause the same to be done and the amount of the cost of such trimming and cutting with all costs shall be recoverable from the occupier of such adjoining land Provided always that if in the opinion of any Resident Magistrate or Justice of the Peace before whom such money is sought to be recovered it shall appear to have been unnecessary that such Fence should have been cut and trimmed the person giving such notice shall not be entitled to recover from such adjoining occupier.

5. Power of entry for making or repairing fence.

For the purpose of making or repairing any Fence or for trimming any Live Fence it shall be lawful for the occupier or owner of any land or any person duly authorised by him from time to time to enter upon that of the adjoining occupier or owner and no action shall accrue to such adjoining occupier or owner by reason of such entry or entries.

6. Procedure when notice cannot be delivered.

When the lessee for years owner or owners of the adjoining land cannot after due enquiry be found or when such lessee for years owner or owners not resident within the Province and shall not have left any Attorney or Agent within the Province or such Attorney or Agent shall not be known to the person giving any notice herein prescribed such notice may in lieu of delivery thereof be inserted twice at intervals of not less than six days in some newspaper published within the Province and also in the Provincial Government Gazette if any.

7. Ordinance not to affect agreements.

Nothing in this Ordinance contained shall make void or affect the liability of any person or persons under any now subsisting covenant or agreement relative to Fencing or to any covenant or agreement which shall be hereafter entered into between adjoining occupiers or owners landlord and tenant or any other person or persons whomsoever.

8. Description of fence how to be determined.

If any person or persons liable to join in the creation or repair of any Fence shall have received notice to join in the making erection or repair of any Fence under this Ordinance and shall be willing so to do but shall not within one calendar month agree as to the description of Fence to be erected the person or persons giving such notice shall be entitled to erect the moeity of the Fence to be made by him or them in such manner as he or they shall think fit provided the same be a Fence within "The Trespass of Cattle Ordinance" Session XIV No. 1 but if such moeity of the said Fence shall not have been erected by him or them within the period prescribed by this Ordinance in that behalf it shall be lawful for the person or persons giving such notice to erect the whole of such Fence in such manner as he or they shall think fit provided the same be a Fence within the said lastly recited Ordinance.

9. Damages not recoverable for trespass upon unfenced land.

No owner or occupier of any unfenced freehold land shall be entitled to recover any damages by reason of any trespass thereupon by any cattle horses or sheep.

10. Interpretation.

The term " Fence " in this Ordinance shall mean any one of the several descriptions of Fences enumerated in Schedule B to the "Trespass of Cattle Ordinance" Session 14 No. 1.

11. Ordinance to apply to towns.

This Ordinance shall be held to apply to the City of Christchurch and all other towns within the Province of Canterbury.

12. Money how recoverable under the Ordinance.

All moneys recoverable under this Ordinance shall if the amount claimed be within the cognizance of any Court of summary jurisdiction be recoverable before any Magistrate or any Justice of the Peace.

13. Ordinance to come into operation.

This Ordinance shall come into operation on the First day of January One thousand eight hundred and sixty-seven.

14. Title.

This Ordinance shall be entitled and may be cited as "The Fencing Ordinance 1866."

Schedule.

Take Notice that within one calendar month after the date hereof I require you to join with me in the (making or repairing as the case may be of the [dividing line if the notice be to make a fence or if there is a fence and the notice be to repair] of the Fence dividing the land now owned or occupied by you from that owned or occupied by me as the case may be) commencing (state situation of Fence) and that I require such Fence to be of the description numbered (state the number) in Schedule B to "The Trespass of Cattle Ordinance" Session XIV. No. 1 and I further give you notice that in the event of your neglect or refusal to comply with the terms of this notice I shall at the expiration thereof proceed to the (making or repairing as the case may be) of the said Fence in the terms of "The Fencing Ordinance 1866" and seek to recover from you a moiety of the cost thereof.

Dated the day of 1866.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 14th November 1866, and assented to by the Superintendent on the 20th November 1866.

Fencing Ordinance 1862 D NZG 1863 p140

Fencing Ordinance 1863

Fencing Ordinance 1866

Fencing Ordinance 1866 Amendment Ordinance 1867

Fencing Ordinance 1869

Fencing Ordinance 1869 Amendment Ordinance 1870 D NZG 1871 p57

4. The Hokitika Municipal Ordinance 1866.

Analysis.

Preamble.

1. Municipal Electoral Officers Hokitika declared to have been duly elected.

2. Title.

Whereas in pursuance of the powers vested in him by Section 3 of "The Municipal Council Ordinance" Session XIV. No. 2 the Superintendent of the Province of Canterbury did upon the Petition of one hundred householders resident within the town of Hokitika praying that the said town might be declared a Municipal District under the said Ordinance by and with the advice of the Executive Council of the said Province by Proclamation published in the Government Gazette of the said Province of Canterbury on the Thirtieth day of May One thousand eight hundred and sixty-six declare the town of Hokitika to be a Municipal District under the said recited Ordinance by the name of the Town of Hokitika Whereupon the householders of the said town of Hokitika and others entitled to vote nominated and elected certain persons to be Members of the Municipal Council for the said town of Hokitika And whereas doubts have arisen as to the validity of such elections which doubts it is expedient to remove.

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

1. Municipal Electoral Officers Hokitika declared to have been duly elected. That the several persons who were declared by the Chairman and Assessors appointed to conduct the first election of Councillors for the said Town of Hokitika at the Warden's Court in the said town in the month of October One thousand eight hundred and sixty-six to have been duly elected to serve as the Members of the said Municipal Council are hereby declared to have been duly elected according to law and shall and may during their respective terms of office have and exercise all the rights powers and privileges conferred upon Municipal Councils by the said recited Ordinance notwithstanding any error omission or irregularity in the mode of conducting such election or any proceedings precedent thereto.

2. Title.

This Ordinance shall be entitled and may be cited as "The Hokitika Municipal Ordinance 1866."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 27th December 1866, and assented to by the Superintendent, WS Moorhouse, on the 29th December.

5. The Medical Practitioners Ordinance 1867.

Analysis.

Preamble.

1. Persons not duly registered not to practice.
2. Persons not registered not to recover charges.
3. Penalty for fraudulent representation.
4. All medical officers of public institutions to be duly registered.
5. This Ordinance not to affect Chemists, &c.
6. Fines and penalties recoverable.
7. Ordinance to come into operation.
8. Title.

Whereas it is expedient that persons in the Province of Canterbury requiring medical aid or advice should be enabled to distinguish qualified from unqualified practitioners.

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

1. Persons not duly registered not to practice.

After this Ordinance comes into operation it shall not be lawful for any person within the Province of Canterbury to pretend to be or take or use the name or title of Physician Doctor of Medicine Licenciate in Medicine and Surgery Master in Surgery Bachelor of Medicine Doctor Surgeon Medical or General Practitioner or Apothecary or Surgeon-Apothecary Accouncher or Licenciate or Practitioner in Midwifery or any other medical or surgical name or title unless registered under the Ordinance of the Legislative Council of New Munster entitled an "Ordinance to define the Qualifications and to provide for the remuneration in certain cases of Medical Practitioners" and every unregistered person so offending shall upon summary conviction for any such offence forfeit and pay a sum not exceeding Fifty pounds.

2. Persons not registered not to recover charges.

After this Ordinance comes into operation no person who shall not be registered under the Ordinance of the Legislative Council of New Munster above recited shall be entitled to recover any charge for any medical or surgical advice or attendance or for the performance of any surgical operation or for any medicine which he shall have both prescribed and supplied unless he shall prove on the trial that he is registered under the New Munster Ordinance aforesaid.

3. Penalty for fraudulent representation.

If any person fraudulently or by false representations obtains any certificate as a duly qualified Medical Practitioner he shall upon summary conviction thereof before any Justice of the Peace be liable to imprisonment with or without hard labour for any period not exceeding six calendar months.

4. All medical officers of public institutions to be duly registered.

After this Ordinance comes into operation no person unless registered under the New Munster Ordinance aforesaid shall be appointed as a Physician Surgeon or other Medical Officer in any Hospital Infirmary Dispensary or Lying-in Hospital or in any Lunatic Asylum Gaol Penitentiary House of Correction House of Industry or other Public Institution for affording medical relief in sickness infirmity or old age or as a Medical Officer of Health and no certificate required by law to be signed by any Medical Practitioner or Medical Practitioners shall be valid unless all and every person or persons signing the same shall be registered under the before mentioned Ordinance of New Munster.

5. This Ordinance not to affect Chemists, &c.

Nothing in this Ordinance contained shall extend or be construed to extend to prejudice or in any way to affect the lawful occupation trade or business of Chemists Druggists or Dentists.

6. Fines and penalties recoverable.

All fines and penalties imposed under this Ordinance shall be sued for and be recoverable in a summary way before any Resident Magistrate or Two Justices of the Peace.

7. Ordinance to come into operation.

This Ordinance shall come into operation on the First day of March One thousand eight hundred and sixty-seven.

8. Title.

This Ordinance shall be entitled and may be cited as "The Medical Practitioners' Ordinance 1867.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 2nd January 1866, and assented to by the Superintendent on the 3rd January 1867. It was disallowed NZG 1867 121p.

6. The Westland Board of Education Ordinance 1867.

Analysis.

Preamble.

1. Westland Board of Education constituted.
2. Number of Members.
3. How to be appointed.
4. Chairman to be appointed.
5. Such appointment how to be made.
6. Sittings to be held.
7. Regulations to be made.
8. Applications for grants.
9. Examinations of Masters and Candidates.
10. Funds to be administered.
11. Report to be rendered.
12. Inspector to be appointed and schools inspected.
13. Title.

Whereas it is expedient to institute a Board for the formation and Management of Schools in that part of the Province of Canterbury called Westland.

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

1. Westland Board of Education constituted.

There is hereby constituted a Board under the name of "The Westland Board of Education" and hereinafter called the Board.

2. Number of Members.

The Board shall consist of no less than five nor more than ten Members five to form a quorum.

3. How to be appointed.

The Members composing such Board shall be appointed and removable by the Superintendent with the advice of the Executive Council.

4. Chairman to be appointed.

There shall be a Chairman of the Board who shall be one of the Members thereof and shall from time to time reappoint and shall be removable by the Superintendent with such advice as aforesaid.

5. Such appointment how to be made.

Every appointment or removal of a Member or if the Chairman of the Board shall be made by Warrant under the hand of the Superintendent and every such appointment or removal shall be notified in the Provincial Government Gazette and shall take effect from the date of such notification.

6. Sittings to be held.

The Board shall hold sittings at such times and places as the Board shall appoint due notice of such sittings to be given by advertisement in one or more local papers.

7. Regulations to be made.

It shall be lawful for the Board from time to time to make and to revoke and alter such Regulations as they may think fit for the conduct of the business of the Board Provided that all such Regulations and every such revocation and alteration shall be subject to the approval of the Superintendent and Executive Council.

8. Applications for grants.

The Board shall entertain and decide upon applications for grants of money for establishing or aiding the establishment of new schools and for aiding existing schools.

9. Examinations of Masters and Candidates.

It shall be lawful for the Board to examine any person who may be desirous of becoming a Teacher or Master or Mistress in any school as to his or her knowledge and qualifications and for that purpose from time to time to appoint fit persons to examine Candidates and it shall be lawful for the Board to make such Regulations respecting the subjects comprised in and the general conduct of such examinations as they shall from time to time think fit Provided that all such Regulations shall be subject to the approval of the Superintendent and Executive Council.

10. Funds to be administered.

The Board shall administer all funds voted by the Provincial Council for the purposes of Education in Westland subject to any appropriation thereof that may be made by the Provincial Council.

11. Report to be rendered.

The Board shall in the month of March in each year render to the Superintendent a full report of all things done by them by virtue of this Ordinance during the year preceding such report.

12. Inspector to be appointed and schools inspected.

Any school or schools receiving grants of money under this Ordinance shall be from time to time inspected by an Inspector to be appointed by the Superintendent and the reports of such Inspector shall be published in the Government Gazette of the Province.

13. Title.

This Ordinance shall be entitled and may be cited as "The Westland Board of Education Ordinance 1867."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 2nd of January 1867, and assented to by the Superintendent, W.S. Moorhouse on the 3rd January 1867.

7. The Stanmore Bridge Road Ordinance 1867.

Analysis.

Preamble.

1. Lawful to Superintendent to construct Stanmore Bridge.
2. Said Bridge to be declared open for Traffic.
3. Title.

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 any Law or Ordinance to be made for that purpose to stop up any river stream or creek in such Province and to build over the same And whereas it is expedient that a bridge be constructed over the River Avon to form a continuation of the Stanmore-road passing through rural section No. 41 in the Christchurch District of 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. Lawful to Superintendent to construct Stanmore Bridge.

It shall be lawful for the said Superintendent to construct a Bridge and make approaches thereto over the River Avon on the site of the present Bridge over the said river known as the Stanmore Bridge and forming a continuation of the

Stanmore Road and for that purpose to use the said Bridge or part thereof as he shall think fit and during the construction of such Bridge to stop up such river.

2. Said Bridge to be declared open for Traffic.

The Superintendent shall so as soon he shall have received a certificate, under the hand of the Provincial Engineer or other person for that purpose appointed by the said Superintendent of the completion of the said Bridge by Proclamation in the Provincial Governmentt Gazette notify that the said Bridge is open for public traffic.

3. Title.

This Ordinance shall be entituled and may be cited as "The Stanmore Road Bridge Ordinance 1867.

8. The Cass Pension Ordinance 1867.

Analysis.

Preamble.

1. Sum to be paid to T. Cass, Esq.
2. Commencement and date of such payment.
3. Title.

Whereas Thomas Cass Esquire late Chief Surveyor of the Province of Canterbury on the Thirtieth day of November last resigned his office as such Surveyor which resignation has been accepted by the Superintendent of the said Province and whereas the said Thomas Cass has been in the public service of the Colony since the year One thousand eight hundred and forty-one and has filled the office of Chief Surveyor of the Canterbury settlement since the year One thousand eight hundred and fifty-one and has by the integrity zeal and ability with which he has performed his duties conduced greatly to the public welfare And whereas it is desirable to grant to him a retiring pension as a special recognition of his said services.

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

1. Sum to be paid to T. Cass, Esq.

There shall be paid to the said Thomas Cass Esquire out of the Public Revenues of the Province of Canterbury an annuity at the rate of Four Hundred Pounds sterling for the term of his natural life.

2. Commencement and date of such payment.

The said Annuity shall commence on the First day of March One thousand eight hundred and sixty-seven and shall be payable quarterly at the office of the Provincial Treasury of the said Province on the last day of May the last day of August the last day of November and the last day of February in every year.

3. Title.

The short title of this Ordinance shall be "The Cass Pension Ordinance 1867."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 3rd January 1867, and assented to by the Superintendent on 9th January.

9. The Fire Ordinance Amendment Ordinance 1867.

Analysis.

Preamble.

1. Repealing Clause.

2. Buildings in case of fire may upon due order be pulled down. Provision in case of Insurance.

3. Application of Ordinance to all accepted Fire Brigades.

4. Title.

Whereas it is expedient to amend the "Fire Ordinance 1864"

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.

Section 12 of the said recited Ordinance shall be and the same is hereby repealed.

2. Buildings in case of fire may upon due order be pulled down. Provision in case of Insurance.

Whenever it shall be deemed necessary by the Chief Engineer or other Officer for the time being acting in the command of any Fire Brigade to remove pull down or destroy any tenement building or buildings for the purpose of preventing the spreading of any fire and an order for such purpose shall be signed by the Chairman of any Municipal Council or by any such two Members of such

Municipal Council for the town or locality where such fire shall for the time being be raging or the Resident Magistrate of such town or by some other Justice of the Peace or by the Chief Officer of Police on duty in such town or locality and the said Chief Engineer or other Officer acting as aforesaid any tenement or building so removed pulled down or destroyed shall be deemed for the purpose of recovering any insurance that may have been effected thereon and for all other purposes whatsoever to have been destroyed by fire and no person acting under the authority of such order shall be liable to any penalty or damages whatsoever for having assisted at the removal pulling down or destruction of any tenement or building Provided always that any such order shall be forthwith handed to any Officer of the Police then on duty.

3. Application of Ordinance to all accepted Fire Brigades.

This Ordinance and Sections 10 and 11 of the said recited Ordinance shall be and the same are hereby declared to apply to all Fire Brigades when the same shall have been accepted by the Superintendent of the said Province.

4. Title.

This Ordinance shall be read and taken as part of the said recited Ordinance and shall be entitled and cited as the "Fire Ordinance Amendment Ordinance 1867."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 3rd January 1867, and assented to by the Superintendent on the 9th January.

10. The Publichouse Ordinance 1866 Amendment Ordinance 1867.

Analysis.

Preamble.

1. Penalty for conviction of drunkenness.
2. Penalties how recoverable.
3. Title.

Whereas an Ordinance was passed by the Superintendent of the Province of Canterbury with the advice and consent of the Provincial Council in the Twenty-fourth Session of the said Council entitled "The Public House Ordinance 1855 1866" And whereas it is expedient to 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. Penalty for conviction of drunkenness.

If any person shall be convicted of drunkenness and creating a disturbance in any licensed house under this Ordinance or in the public streets or roads or in any place of public resort before any Justice of the Peace he shall be liable to a penalty not exceeding Twenty Shillings and in default thereof shall be imprisoned for any period not exceeding Forty-eight Hours And if any person shall have been so convicted twice in the space of three months he shall be liable to twice the aforesaid penalty or shall be imprisoned for any period not exceeding Forty-eight Hours And if any person shall have been so convicted three times within the space of six months he shall be liable to a penalty not exceeding Five Pounds or in default thereof to be imprisoned for any period not exceeding One Month or to be imprisoned with hard labour for any period not exceeding Fourteen Days.

2. Penalties how recoverable.

All penalties incurred under this Ordinance shall be recoverable in a summary way.

3. Title.

This Ordinance shall be entitled and may be cited as "The Public House Ordinance 1866 Amendment Ordinance 1867."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 9th January 1867, and assented to by the Superintendent on the 12th January.

11. The Westland Public house Ordinance 1867.

Analysis.

Preamble.

1. Recited Ordinance when to be in force.
2. Penalty for unlicensed sale of liquors in Westland.
3. Licenses to be issued under the hand of the Superintendent.
4. Kind of Licenses to be issued.
5. Retail License.
6. Transfer of License.
7. Duties of holder of Retail License.

8. Licensed house may be kept open under circumstances.
9. Name of Licensee to be shown upon house.
10. Penalty for allowing gambling.
11. Penalty for supplying liquor to persons intoxicated.
12. Light to be affixed.
13. Power of entry to Constable.
14. Penalty for conviction of drunkenness.
15. Penalty for allowing unlawful games, &c.
16. Former Licenses to be considered as issued under this Ordinance.
17. Provision for licensed Auctioneers.
18. Penalties how recoverable.
19. Title.

Whereas an Ordinance was passed by the Superintendent of the Province of Canterbury with the advice and consent of the Provincial Council in the Twenty-fourth Session of the said Council entitled "The Public House Ordinance 1866" and whereas it is expedient to 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. Recited Ordinance when to be in force.

The said recited Ordinance shall be in force in that part only of the Province of Canterbury which lies on the east of the summits of the dividing range All Licenses to be issued for the sale of Spirituous Liquors Wine Ale Beer or Porter within that part of the Province which lies on the west of the summits of the dividing range (hereinafter called the District of Westland) shall be issued subject to the provisions of this Ordinance.

2. Penalty for unlicensed sale of liquors in Westland.

If any person within the District of Westland shall upon any occasion sell or knowingly permit to be sold in his house or premises or shall keep or expose for sale any Spirituous Liquors Wine Ale Beer or Porter without having first been duly licensed under this Ordinance he shall upon conviction thereof forfeit and pay for every such offence a sum not exceeding Fifty Pounds and all such Liquors may be seized by any Constable and forfeited by order of any Resident Magistrate or two Justices of the Peace before whom the conviction shall have taken place and all such Liquors so seized shall be either destroyed or sold as such Resident Magistrate or Justices shall direct and the net proceeds of such sale shall be paid to the Provincial Treasurer for the public service of the Province Provided that it shall be in the discretion of such Resident Magistrate or Justices to remit the forfeiture of any such Liquors so seized if he or they shall see good grounds for so doing.

3. Licenses to be issued under the hand of the Superintendent.

All Licenses to be issued under this Ordinance shall be issued under the hand of the Superintendent of the Province to such persons and for such houses or premises as he shall think fit upon payment to the Provincial Treasurer of the said Province of the sums hereinafter mentioned.

4. Kind of Licenses to be issued.

Licenses issued under this Ordinance shall be of three kinds Wholesale Bottle and Retail.

(1.) Every Wholesale License shall be in force for One Year from the date of issue and shall empower the Licensee thereof to sell Spirituous Liquors Wine Ale Beer or Porter on the premises mentioned in such License in quantities not less than two gallons and shall be in the form in Schedule A hereunto annexed The sum to be paid for Wholesale License shall be Ten Pounds.

(2.) Every Bottle License shall be in force for One Year from date of issue and shall empower the Licensee thereof to sell Spirituous Liquors Wine Ale Beer or Porter on the premises mentioned in such License in quantities not less than one bottle of which six constitute a reputed imperial gallon (such liquor not to be drunk on the premises) and shall be in the form in Schedule B hereunto annexed The sum to be paid for a Bottle License shall be Fifteen Pounds.

(3.) Every Retail License shall be in force for One Year from the date of issue and shall empower the Licensee thereof to sell Spirituous Liquors Wine Ale Beer or Porter in any quantity on the premises mentioned in such License and shall be in the form in Schedule C hereunto annexed The sum to be paid for a Retail License shall be Thirty Pounds Provided that the Superintendent may grant to the holder of any Retail License on the recommendation of the Wasrden Resident Magistrate of the District or Two Justices of the Peace upon the payment of an additional Ten Pounds yearly permission to keep his licensed house open from six a.m. to midnight.

5. Retail License.

A Retail License may be transferred from the Licensee thereof to such other person as the Superintendent may think fit upon payment of the sum of Five Pounds to the Provincial Treasurer of the said Province by the person to whom such License is transferred.

6. Transfer of License.

All applications for Licenses or Transfers of Licenses under this Ordinance shall be made in writing addressed to the Superintendent of the Province and left with the Resident Magistrate of the Court or Warden of the Gold-field nearest to the house or premises in which it is proposed to exercise such License or Transfer for Transmission to the Superintendent.

7. Duties of holder of Retail License.

Every Licensee of a Retail License shall reside on the premises for which the License is issued and the house or premises licensed shall except as herein before provided be opened for business on week days from six a.m. to eleven

p.m. and on Sundays from one p.m. to two p.m. at all other hours the house shall be closed for all business purposes except for the accommodation of bona fide travellers.

8. Licensed house may be kept open under circumstances.

If any holder of a Retail License shall apply to a Warden of the Gold-field or Resident Magistrate or any two Justices of the Peace for permission to keep his house open beyond the hour of eleven o'clock except as hereinbefore provided for the convenience of the public upon the occasion of any public dinner or other festivity being held in such house or to carry on his business in any building or booth temporarily erected at a distance from his licensed house at public races or upon any other public occasion it shall be lawful for such Resident Magistrate Warden of the Gold-field or Justices to grant such permission by writing under his or their hands to continue for such a time and upon such conditions to be set forth on such written permission as he or they shall think fit and a copy of such permission shall be forwarded by the Licensee to the Chief Officer of Police for the district immediately upon obtaining the same and no person acting under the authority of such written permission shall be liable to the penalty which he would otherwise incur under the provisions of this Ordinance.

9. Name of Licensee to be shown upon house.

Every person holding a License under this Ordinance shall keep his name painted in legible characters not less than three inches in length with the words "Licensed to sell Spirits Wine Ale Beer or Porter wholesale" "Licensed to sell Spirits Ale Beer or Porter by the Bottle" or "Licensed to Retail Spirits Wine Ale Beer or Porter" as the case may be on some conspicuous part of the front of the house and any such person refusing or neglecting to comply with the provisions of this clause shall be liable to a penalty not exceeding Twenty Shillings.

10. Penalty for allowing gambling.

It shall not be lawful for any licensed person to permit any gambling of any kind whatsoever to be carried on in his house or premises licensed under a penalty not exceeding Twenty Pounds.

11. Penalty for supplying liquor to persons intoxicated.

If any person holding a License under this Ordinance shall supply or suffer to be supplied in or upon his house or premises any intoxicating liquors to any person in a state of intoxication he shall be liable to a penalty not exceeding Ten Pounds for every such offence.

12. Light to be affixed.

Every holder of a Retail License shall have a lamp with sufficient light affixed over the front or principal door of his house and shall keep the same burning from sunset until sunrise and any such person neglecting or refusing to comply with the above provisions shall be liable to a penalty not exceeding Twenty Shillings for every such offence Provided always that in case such light be

extinguished by any accident beyond the control of such Licensee no penalty shall be inflicted.

13. Power of entry to Constable.

Every Constable shall have power and authority to enter any licensed house upon receiving information that any of the provisions of this Ordinance are being contravened within such house or upon hearing any riot or disturbance therein and if any person shall obstruct or attempt to obstruct or interfere with any Constable in the performance of his duties under this Ordinance such person shall be liable to a penalty not exceeding Ten Pounds.

14. Penalty for conviction of drunkenness.

If any person shall be convicted before any Justice of the Peace for drunkenness he shall be liable to a penalty not exceeding Twenty Shillings and in default thereof shall be imprisoned for any period not exceeding Forty-eight hours and if any person shall be convicted before any Justice of the Peace of drunkenness or riotous behaviour within any licensed house and of refusing to quit such licensed house when requested to do so by the Licensee or his Agent or Servant he shall be liable to a penalty not exceeding Forty Shillings and in default of payment thereof he shall be imprisoned for any period not exceeding Forty-eight hours and if any person shall have been so convicted twice in the space of Three Months he shall be liable to twice the aforesaid penalty or term of imprisonment respectively and if any person shall have been so convicted three times within the space of Six Months he shall be liable to a penalty not exceeding Five Pounds and to be imprisoned with hard labour for any period not exceeding Furteen Days.

15. Penalty for allowing unlawful games, &c.

Every person who shall have or keep any house shop room or place of public resort wherein provisions liquors or refreshments of any kind shall be sold or consumed (whether the same shall be kept or retailed therein or procured elsewhere) and who shall wilfully and knowingly suffer any unlawful game or games whatsoever therein or knowingly permit persons of notoriously bad character to meet together and remain therein shall for every such offence forfeit and pay a penalty not exceeding Ten Pounds.

16. Former Licenses to be considered as issued under this Ordinance.

All Licenses for the sale of spirituous liquors which shall have been issued to persons within the District of Westland under the provisions of "The Gold Fields Act, 1862" or under the provisions of "The Public House Ordinance, 1866" and which shall not have expired at the time of the passing of this Ordinance shall be deemed and taken to have been issued under this Ordinance and shall continue in force and under such conditions for so long a time as is stated in such licenses.

17. Provision for licensed Auctioneers.

Any person exercising the trade or calling of an Auctioneer may sell as Agent for the Owner any spirituous liquors wine ale beer or porter anything in this Ordinance to the contrary notwithstanding but any such auctioneer who shall sell or shall keep or expose for sale any such liquors on his own account shall be liable to the penalties mentioned in Section 2 of this Ordinance.

18. Penalties how recoverable.

All penalties and forfeitures incurred under this Ordinance shall (except as hereinbefore specially provided) be recoverable in a summary way.

19. Title.

This Ordinance shall be entitled and may be cited as "The Westland Public House Ordinance 1867."

Schedules referred to

A. Wholesale License.

Whereas _____ residing at _____ in the District of Westland in the Province of Canterbury has applied for a Wholesale License subject to the provisions of "The Westland Public House Ordinance 1867" now in force for the house situated at _____ in the said District and Province:

Now I William Sefton Moorhouse Superintendent of the Province of Canterbury in exercise of the powers vested in me do hereby License the said _____ upon payment by him to the Provincial Treasurer of the said Province of the sum of Ten Pounds to sell any Spirituous or Fermented Liquors in quantities not less than two gallons in the house aforesaid

The License to commence on the _____ day of _____ 186 and to continue in force until the _____ day of _____ 186 .

Given under my hand at Christchurch this _____ 186 .

Superintendent.

B. Bottle License.

Whereas _____ residing at _____ in the District of Westland in the Province of Canterbury has applied for a Wholesale License

subject to the provisions of "The Westland Public House Ordinance 1867" now in force for the house situated at _____ in the said District and Province:

Now I William Sefton Moorhouse Superintendent of the Province of Canterbury in exercise of the powers vested in me do hereby License the said _____ upon payment by him to the Provincial Treasurer of the said Province of the sum of Fifteen Pounds to sell any Spirituous or Fermented Liquors in quantities not less one bottle (of which six constitute a reputed imperial gallon) in the house aforesaid.

The License to commence on the _____ day of _____ 186 and to continue in force until the _____ day of _____ 186 .

Given under my hand at Christchurch this _____ 186 .

Superintendent.

C. Retail License.

Whereas _____ residing at _____ in the District of Westland in the Province of Canterbury has applied for a Wholesale License subject to the provisions of "The Westland Public House Ordinance 1867" now in force for the house situated at _____ in the said District and Province:

Now I William Sefton Moorhouse Superintendent of the Province of Canterbury in exercise of the powers vested in me do hereby License the said _____ upon payment by him to the Provincial Treasurer of the said Province of the sum of Thirty Pounds to sell any Spirituous or Fermented Liquors in any quantities in the house aforesaid

The License to commence on the _____ day of _____ 186 and to continue in force until the _____ day of _____ 186 .

Given under my hand at Christchurch this _____ 186 .

Superintendent.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 3rd January 1867, and assented to by the Superintendent on the 9th January.

12. The Roads Ordinance Amendment Ordinance 1867.

Analysis.

Preamble.

1. In case of omission Superintendent to appoint Officer upon requisition of Ratepayers.
2. Interpretation.
3. Title.

Whereas an Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury entitled "The Roads Ordinance 1864" and whereas an Ordinance was passed by the said Superintendent and Provincial Council entitled "The Roads Ordinance Amendment Ordinance 1866" and whereas it is desirable to further amend "The Roads Ordinance 1864."

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

1. In case of omission Superintendent to appoint Officer upon requisition of Ratepayers.
If in any case any Annual Meeting or Adjourned Annual Meeting of Ratepayers of any District shall from any informality in their proceedings have heretofore failed to have elected or shall hereafter fail to elect Members to fill up vacancies occurring in the Road Board of such District under the provisions of the hereinbefore recited Ordinance then notwithstanding anything to the contrary contained in the said Ordinances it shall be lawful for the Superintendent of the Province of Canterbury with the advice of the Executive Council thereof upon a requisition signed by Ratepayers representing not less than one-twentieth of the votes to which all the Ratepayers on the Ratepayers' Roll of the District are entitled to fix another day and time for the Ratepayers of such Districts to hold a meeting to fill up such vacancies in the Board and the Superintendent with the advice aforesaid shall forthwith give public notice of such meeting and a Chairman thereof shall be elected under the provisions of Clause 59 of "The Roads Ordinance 1864." and the meeting so called shall elect Members to fill up the necessary vacancies in such Board under the provisions of Clause 4 38 42 and 43 of the said last-mentioned Ordinance and the Members so elected shall continue in office and have all the powers as if they had been duly elected at any

Annual Meeting or Adjourned Annual Meeting provided for by the said Ordinance.

2. Interpretation.

This Ordinance shall be interpreted as and shall be considered a part of "The Roads Ordinance 1864."

3. Title.

This Ordinance shall be entitled and may be cited as "The Roads Ordinance Amendment Ordinance 1867."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 10th January 1867, and assented to by the Superintendent on the 21st of January.

13. The Canterbury Goldfields Hospitals Ordinance 1867.

Analysis.

Preamble.

1. Land granted to be vested in Superintendent.
2. Superintendent to grant power to Board.
3. Governors constituted upon subscription. Government subsidy.
4. In case of surplus at end of year.
5. "General Board" and "Committee of Management."
6. Constitution of General Board.
7. Meetings of General Board.
8. Officers.
9. Election of Committee of Management.
10. Power of Committee of Management.
11. General Board to account to Trustees.
12. Penalty on disorderly behaviour.
13. No other than duly qualified Medical Practitioner to attend.
14. Title.

Whereas it is expedient to encourage the establishment of Hospitals in those parts of the Province of Canterbury called Westland where they may be required to be maintained partly by aid from the public funds and to remove difficulties that may arise in the management of the affairs of such Institutions:

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

1. Land granted to be vested in Superintendent.

The Superintendent of the said Province and his successors in office shall be capable of taking and holding all lands tenements and hereditaments which may be granted conveyed or bequeathed to any such Institution and all such lands tenements and hereditaments shall be held to be vested in the said Superintendent and his successors in office in trust for the benefit of such Institution.

2. Superintendent to grant power to Board.

It shall be lawful for the Superintendent to permit and suffer the General Board or Committee of Management of any such Institution respectively to erect such buildings and perform such other acts in respect to such lands tenements and hereditaments as shall be deemed expedient and necessary for carrying out the object of such Institution and by the name and style of the General Board or Committee of Management to sue and be sued plead and be impleaded answer and be answered defend and be defended in all Courts of Law or Equity whatsoever.

3. Governors constituted upon subscription. Government subsidy.

For the purpose of carrying out the general management of said Hospitals every person who shall subscribe Twenty Pounds Sterling at one time shall be a Governor for life and all subscribers of One Pound Sterling or upwards annually Governors during payment Government to supplement out of the Provincial Revenue with an equal sum all sums annually subscribed and otherwise collected for erecting upholding furnishing provisioning maintaining attendance and necessaries in each Hospital.

4. In case of surplus at end of year.

Should there be at the termination of each financial year a surplus over expenditure said surplus shall be reimbursed to Government said reimbursement not to exceed the contribution made by Government during the past financial year.

5. "General Board" and "Committee of Management."

All affairs of the Hospital in each District shall be directed and controlled by two bodies of Governors to be called the "General Board" and the "Committee of Management."

6. Constitution of General Board.

The General Board shall consist of all the Governors of the Hospital nine of whom shall be necessary to constitute a Board it shall possess the sole power of making altering and repealing By-Laws and in it shall be vested the supreme authority in all matters.

7. Meetings of General Board.

The General Board shall meet twice during the year and as much oftener as may be necessary on special business all such meetings to be convened by public advertisement at least seven days prior to the day of meeting due notice of which shall be given in the local newspaper of the District and specifying the particular subjects to be then taken into consideration.

8. Officers.

There shall be a President a Treasurer and Secretary all of whom shall be elected by the General Board.

9. Election of Committee of Management.

The Committee of Management shall consist of the President and the Treasurer who shall be ex officio members and nine Governors (not being Medical or Surgical Officers of the Institution) who shall be elected at the Annual Meeting of the General Board of the Governors thus elected six shall retire in rotation at the end of every year but shall be eligible for re-election.

10. Power of Committee of Management.

The Committee of Management shall regulate the affairs of the Hospital subject to the powers vested in the General Board they shall have power to appoint remove and fix Salaries of the Medical Officers Wardsmen Matrons and Servants and shall have power to suspend the Secretary for misbehaviour and to appoint another during suspension.

11. General Board to account to Trustees.

The General Board shall on the first day of May in each year forward to the Trustees hereby created correct copies of all Laws By-Laws and Regulations then in force and an Account of all moneys received and disbursed for the purpose of being audited by the Provincial Auditor an Abstract whereof shall be published in the Provincial Government Gazette.

12. Penalty on disorderly behaviour.

Any person in the said Hospital who shall behave in a disorderly manner therein or on the premises thereof or any person who shall supply any spirituous liquors to the patients in said Hospitals contrary to the By-Laws then in force in the said Hospitals shall on conviction thereof be liable to a penalty of not exceeding Ten Pounds Sterling to be recovered in a summary way.

13. No other than duly qualified Medical Practitioner to attend.

No person shall at any time be permitted to attend as Medical or Surgical Adviser on any patient in the said Hospitals or to hold any Medical or Surgical office or appointment in or about the said Hospitals except such person shall be a duly qualified Medical Practitioner under some Act or Ordinance for the time being in force in the Province of Canterbury.

14. Title.

This Ordinance shall be entitled and may be cited as "The Canterbury Goldfields Hospital Ordinance 1867."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 3rd January 1867, and assented to by the Superintendent on the 9th January. D NZG 1867 p121.

14. The Christchurch City Council Ordinance 1862 Amendment Ordinance 1867.

Analysis.

Preamble.

1. Power to City Council to sell said drain pipes.
2. Moneys so derive how to be applied.
3. Ordinance to be construed as part of "Christchurch City Council Ordinance 1862."
4. Title.

Whereas an Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury in the Nineteenth Session of the said Council entitled "The Christchurch City Council Ordinance 1862" and whereas it is expedient to further amend he same and whereas under the provisions of "The Christchurch City Council Ordinance 1862" certain vitreous or earthenware drain pipes and cement were bought by the Christchurch City Council for the purpose of underground drainage in the City of Christchurch and a special Drainage Rate has been made for the purpose of paying for the said pipes and of constructing such a sysem of draining And whereas it is expedient that the said drain pipes and cement should be sold and that the proceeds of such sale or sales and the moneys collected or to be collected under or by virtue of such Special Drainage Rate should be applied to the special purposes set forth in said Ordinance:

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

1. Power to City Council to sell said drain pipes.

That the Christchurch City Council may sell the whole or any part of the said vitreous or earthenware pipes and cement by public sale or private contract on such terms as may appear to them expedient.

2. Moneys so derive how to be applied.

That the monies arising from such sale or sales and all moneys collected or to be collected under or by virtue of any special drainage rate already made may be applied in and towards the liquidation of the debts of the said Council incurred in the purchase and importation of the said drain pipes and cement and to the purposes mentioned and set forth in the 20th Clause of "The Christchurch City Council Ordinance 1862."

3. Ordinance to be construed as part of "Christchurch City Council Ordinance 1862."

This Ordinance shall be construed as a part of "The Christchurch City Council Ordinance 1862."

4. Title.

This Ordinance shall be entitled and may be cited as "The Christchurch City Council Ordinance 1862 Amendment Ordinance 1867."

15. The Hokitika Municipal Council Ordinance 1867.

Whereas it is expedient to incorporate the inhabitants of the Municipal District of Hokitika.

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

1. The Ordinance of the Superintendent and Provincial Council of Canterbury entitled "The Municipal Council Ordinance" Session XIV No. 2 shall so far as the Town of Hokitika is affected thereby be repealed and cease to have any effect or operation.

2. The boundaries of the Town of Hokitika shall be those defined in the Schedule hereunto annexed marked A.

3. The citizens of the said town shall be a corporate body under the style of "The Corporation of the Town of Hokitika" hereinafter designated the Corporation) and by such name shall have perpetual succession and shall be capable at law by the Council hereinafter mentioned but in the name aforesaid to hold acquire and possess lands tenements and hereditaments (in fee simple for any term of years or otherwise) goods and chattels and to grant demise assign or otherwise dispose of the same to sue implead and answer and to be sued impleaded and answered in all Courts whatsoever and before all Judges and Magistrates whomsoever in all actions pleas disputes causes matters whatsoever and to do and suffer all such further acts as may be done and

suffered by virtue of their incorporation and as in this Ordinance set forth to be done and suffered.

4. The Corporation may have and use a common seal.

5. Every male person of the full age of twenty-one years who on the first day of September in any year shall be seized of or occupy any land house warehouse countinghouse or shop within the said town either as owner or tenant and whose name as such owner or occupier shall be inserted in the assessment hereinafter directed to be made shall be a citizen of the said town and a member of the Corporation and entitled to be enrolled on the Citizen's Roll under the provisions of this Ordinance.

6. On or before the Fifteenth day of September in each year the Town Clerk appointed as hereinafter provided shall cause alphabetical lists of all persons in the said Town entitled to be enrolled as citizens under the provisions of this Ordinance to be prepared and such lists being thereupon signed by the Mayor and Town Clerk which they are hereby authorised and required to do shall form and be called the Citizen's Roll whereof the Town Clerk shall cause a sufficient number of copies for the purposes of this Ordinance to be forthwith printed or copied and one of such copies to be affixed on one or more conspicuous buildings in the said town and he shall deliver one or more copies to any citizen applying for the same on payment of a reasonable price for each copy.

7. No person unless so enrolled shall be qualified to be elected to any office or to vote at any election under this Ordinance.

8. No person in receipt of public relief or alms or any person who being assessed shall not have paid all such rates directed to be levied under the provisions of this Ordinance as shall have become payable before the time of his application to be enrolled shall be entitled to be so enrolled.

9. Any person whose name shall have been omitted from such Citizen's Roll may claim to have it inserted thereon and any citizen whose name appears upon such roll may object to any other person as not being entitled to have his name retained thereon.

10. By and from among the enrolled male citizens shall be elected in manner hereinafter provided nine persons to be Councillors for the said Town of Hokitika and the said enrolled male citizens shall elect some one from the said nine Councillors to be the Mayor.

11. Such Mayor and Councillors shall constitute a Council for the good government of the corporation the management of the affairs thereof and the exercise within the said town of such powers and authorities as by this Ordinance shall be vested in or delegated to the Corporation and such Council shall be styled "The Council of the Town of Hokitika" and the said Mayor and Councillors shall be elected by ballot in manner as hereinafter provided.

12. For the due examination of the accounts of the said Corporation the Council shall annually elect two Auditors.

13. The Council may appoint fit persons not being Members thereof to be Town Clerk Surveyor and Engineer of the Town and by warrant under the hand of the Mayor and Seal of the Corporation shall also appoint fit persons to be valuers of all property to be assessed within the said Town and to be Collectors

of Rates for the said Town and all such Inspectors Clerks and other Officers as they shall think fit for enabling them to carry into execution the various powers and duties vested in them by virtue of this Ordinance and may from time to time discontinue the appointment of such Officers as shall appear to them not necessary to be re-appointed.

14. All such Officers as aforesaid shall hold their offices during pleasure and give such security for the due execution thereof as the Council shall think fit.

15. The Council may order payment to the Mayor Auditors Town Clerk and every other Officer to be appointed or employed as aforesaid or such allowance salary or commission as to the Council shall seem reasonable and proper the allowance to the Mayor (if any) to be fixed annually nor more than ten days after the election of the Council and to be unalterable during the ensuing year.

16. The Council shall have the power to remove from office every such Town Clerk Surveyor or other Officer who shall be so appointed as aforesaid and every officer so removed who shall be in possession or receipt of any moneys goods valuables account-books accounts and papers belonging to or concerning the Corporation shall deliver up and account for the same immediately upon such removal.

17. No person being an officiating Minister under the Marriage Act 1854 of any religious congregation nor any person who shall hold any office or place of profit (other than that of Mayor) in the gift or disposal of the Council or who by himself his partner or otherwise shall have any interest in any contract with or employment under such Council shall be elected as Mayor Councillor or Auditor of the Town Provided that no person shall be disqualified from being Mayor Councillor or Auditor as aforesaid by reason of his being a proprietor or shareholder of any public Company which shall contract with the Council for any of the purposes hereof.

18. On the Ninth day of October in every year the Mayor and four Councillors and the Auditors shall go out of office.

19. The Councillors so to retire shall be those who shall have been longest in office without re-election but in cases where the period of office shall have been equal the majority of the Council for the time being shall fifteen days before the day of election determine the order in which the Councillors shall retire by ballot.

20. Upon the ninth day of October in every year the citizens shall elect in manner hereinafter mentioned from among themselves five citizens to be Councillors in place of the Mayor and Councillors retiring from office And upon the Twentieth day of October in every year the citizens of the said Town shall elect one of the Councillors to be the Mayor for the ensuing year and for the election of Mayor and Councillors votes shall be taken at meetings which shall be held in such place or places within the said Town as may be considered convenient Provided that the retiring Mayor shall continue to act until the election of his successor on the Twentieth day of October Provided also that from and after the coming into operation of this Ordinance the Chairman and Councillors now forming the Corporation of the Town of Hokitika shall be and remain in office as the Mayor and Councillors of the Town of Hokitika under this Ordinance until the ninth day of October One thousand eight hundred and sixty-seven.

21. Every election of Mayor and Councillors shall be held before a Councillor or other person authorised by the Council but no candidate shall preside and shall be held at such place or places within the town as the Council shall direct.

22. No citizen shall be entitled to vote at any such election of Mayor or Councillors until he shall have paid all rates which shall have been declared six months previously according to the provisions hereof and which shall have been payable by him in respect of the property for which he may claim to vote and any citizen or Collector of Rates appointed under this Ordinance may object to any person attempting to vote who shall not have paid his rates.

23. Subject to the objections authorized to be taken by Collectors of Rates as herein mentioned no inquiry shall be permitted at any election of Mayor or Councillors as to the right of any person to vote as a citizen except only as follows that is to say the presiding officer may or shall if required by any two citizens entitled to vote put to any voter at the time of his claiming his voting paper and not afterwards the following question and no other Are you the person whose name appears as AB on the Citizens' Roll now in force for this town being registered therein as rated for property described to be situated in (here specify the street described in the Citizens' Roll) No person required to answer the said question shall be entitled to vote until he shall have answered the same in the affirmative and if any person shall wilfully make a false answer to the question aforesaid or shall poll or offer to poll more than once at the same election or shall personate any other person for the purpose of polling at such election he shall be liable to a penalty not exceeding Fifty pounds in default of payment to imprisonment for any term not exceeding three calendar months.

24. Seven clear days at the least before the day by this Ordinance appointed for the annual election of the Mayor and Councillors respectively the Mayor shall cause public notice to be given of a place day and hour for the nomination of Candidates for election to the said several offices such day of nomination not being later than three days before the said day of annual election.

25. The nomination of the Mayor and Councillors respectively shall be signed by two citizens and by each of the persons therein nominated in testimony of his consent to be put in nomination and to act if elected and such nomination shall be in the form in the Schedule hereto annexed marked B or as near thereto as circumstances may admit but no nomination shall be acted upon unless the name shall have been lodged in the office of the Town Clerk before noon on the day fixed for nomination as aforesaid.

26. Should no nomination of Candidates for the office of Mayor or Councillor take place for want of assent in writing of any citizen to be nominated to office within the time fixed for public nomination and on its being so notified by the Mayor it shall be lawful for the citizens to elect any qualified person who shall be nominated although without his consent and the election shall in all other respects be as provided in this Ordinance and be held at a period not exceeding fourteen days next after default.

27. On the day of nomination the Mayor or if he shall be unable to attend a person appointed by him shall attend at noon at the place fixed for the nomination at which time and place he shall cause all nominations lodged with

the Town Clerk to be publicly opened and read [aloud] if there shall be such number of candidates as are required to be elected and no more he shall declare such candidates to be duly elected but in the event of there being more than the necessary number of candidates nominated he shall adjourn all further proceedings to the Ninth day of October in case of election of Councillors and the Twentieth day of October in the case of election of Mayor and cause such adjournment and the object of such adjournment and the names of the candidates nominated to be published daily in one or more of the local newspapers until the polling day and on such day the election shall be by ballot to be conducted as is hereinafter provided.

28. The polling for election of Mayor and Councillors within the said town according to the provisions of this Ordinance shall be held before some Councillor or other person for that purpose appointed by the Council and the voting shall commence at nine o'clock in the fore-noon and shall finally close at four o'clock in the afternoon of the same day and shall be conducted in manner following that is to say every citizen entitled to vote in the election of Mayor and Councillors may vote for any number of persons not exceeding the number then to be chosen and the presiding Councillor or other person as the case may be shall furnish to the said voter a white printed voting paper marked with the initials of the presiding Councillor or other person as the case may be containing the Christian and Surname of each candidate and no other matter or thing and there shall be provided separate apartments or places forming part of the polling booth into which the voter shall immediately retire and there alone and in private without interruption shall draw a line through the name or names of the candidate or candidates for whom he does not intend to vote but in case such voter shall be unable to read he shall signify the same to the Councillor or other person presiding who shall thereupon strike out the name or names of such candidate or candidates as the voters may designate and such voters shall then fold the same paper and immediately deliver it so folded to the Councillor or other person presiding who shall forthwith publicly and without opening the same deposit it in a box provided for that purpose and no voting paper so deposited in any box shall on any account be taken therefrom unless in the presence of scrutineers after the close of the election provided that no voting paper shall be received unless it be folded so as to render it impossible for the Councillor or other person presiding or any other person to see what candidate or candidates the vote is given and any voter wilfully infringing any of the provisions of this section or obstructing the voting by any unnecessary delay in performing any act within the polling booth or room shall be liable to a penalty not exceeding Twenty Pounds or in default of payment to the imprisonment for any term not exceeding one month.

29. Before the opening of the poll at every election of Mayor and Councillor the presiding Councillor or other person taking part in such election shall sign a declaration as follows I AB Councillor or other person (as the case may be) do hereby solemnly declare that I will not disclose or make known under any circumstances whatever either directly or indirectly the names of voters who shall vote at this election or of the person or persons for whom they shall vote unless

required to do so by course of law or by any competent authority duly authorized and appointed to enquire into and ascertain such fact or facts.

30. No person elected to be Mayor or Councillor until this Ordinance shall be capable of acting as such until he shall first in the presence of any two Councillors have made and subscribed the following declaration (that is to say) I AB having been elected Mayor or one of the Councillors for the Town of Hokitika do hereby declare that I take the office upon myself and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability.

31. If any extraordinary vacancy shall occur in the office of Mayor or Councillor the Citizens entitled to vote shall upon a day to be fixed by the council (such day being not later than fourteen days from the occurrence of such vacancy) elect another qualified citizen to supply such vacancy and such election shall be held and the voting and other proceedings in case of a contest shall be conducted in the same manner and subject to the same regulations as are hereinbefore prescribed with respect to the election of Mayor and Councillors and every citizen so elected shall hold such office until the time at which the Mayor or Councillor in room of whom he was chosen would regularly have gone out of office and he shall then go out of office but be capable of re-election.

32. In case no election shall be made of Mayor or Councillors upon the day or within the time appointed by this Ordinance for any such election or such election being made shall afterwards become void whether such omission or voidance shall happen through the Officer who ought to preside at such election or by any accident or other means whatsoever the said Corporation shall come under no disability by reason thereof nor be prevented from proceeding as soon thereafter as conveniently may be to an election of such Mayor or Councillor and every act necessary for the completion of such election may be done and shall be as effectual and valid for all purposes as if the election so delayed had been made on the proper day appointed for the same to have taken place.

33. Every citizen who shall be duly elected to the office of Mayor or Councillor shall accept such office by taking making and subscribing the Declarations aforesaid within five days after notice of his election or shall in lieu thereof pay to the Corporation the fine specified in the Schedule of penalties for the non-acceptance of such office which shall thereupon be deemed to be vacant and shall be filled up in the manner hereinbefore mentioned Provided that all persons who shall have already served such office (or paid the fine for not accepting such office) within five years next before the day on which he shall have been so re-elected shall be exempt from accepting the same office if he shall claim exemption within five days after notice of his election nor shall any member or officer of the General Assembly of New Zealand or of the Provincial Council of Canterbury nor any person holding any permanent civil or military employment under the General or Provincial Governments or being a military navl marine commissariat or ordnance officer on full pay in Her Majesty's service be liable to serve in or to be fined for non-acceptance of any office under this Ordinance and any person elected into any corporate office may at any time resign such office on payment of the fine which he would have been liable to pay for the non-acceptance of the same office.

34. If any person holding the office of Mayor or Councillor under the provisions of this Ordinance shall be declared or become insolvent or shall obtain any order for the protection of his person or goods under the laws of the said Colony of New Zealand relating to insolvency or shall during his term of office compound by deed or otherwise with his creditors or being Mayor shall be absent from the meetings of the Council without leave of the Council for more than one calendar month or being a Councillor for more than three calendar months without such leave then and in every such case such person shall become disqualified and shall cease to hold such office respectively and in case of such absence shall be liable to the same fine as if he had refused to accept the said office and the Council thereupon shall forthwith declare such office to be vacant by public notice and the said office shall thereupon become vacant but every person so becoming disqualified and ceasing to hold such office on account of is being declared or becoming insolvent according to the laws relating to insolvency or being protected thereunder or compounding as aforesaid shall on obtaining his certificate or on payment of his debts in full or being by deed under seal released therefrom be capable (if otherwise qualified) of being re-elected and every person becoming disqualified to hold such office on account of absence as aforesaid shall on his return to the said town be capable of re-election provided he shall then be otherwise qualified Provided that the Council may at their discretion reduce the amount of or altogether remit any such fine.

35. No person shall act as Mayor or Councillor without making the Declaration hereinbefore required in that behalf or without being duly qualified at the time of making such declaration or after he shall cease to be qualified according to the provisions of this Ordinance to hold any such office Provided that all acts and proceedings of such person so acting as Mayor or Councillor shall notwithstanding such disqualification be as valid and effectual as if such person had been duly qualified.

36. At all meetings of the Council the Mayor or in his absence such Councillor as the members assembled shall choose to be chairman shall preside and such presiding Chairman in all cases of equality shall have a casting vote Unless five members are present no meeting of the Council shall be constituted for the transaction of business and all acts to be done by the Council (except where any special provision is made herein) and all questions of adjournment or other questions may be done and decided by a majority of members present provided five at least be present.

37. Minutes of the proceedings of such meetings shall be drawn up and fairly transcribed in a book to be kept for that purpose and shall be signed by the Mayor or other Chairman and such minute book shall be open to the inspection of any qualified citizen at all reasonable times.

38. The Mayor may at any time call a meeting of the Council.

39. Any three members of the Council by requisition signed by them for that purpose may call upon the Mayor to convene a meeting of the Council and in all cases where the Mayor shall refuse or neglect so to do the said three members may call a meeting by public notice to be signed by them stating therein the time

and place of meeting and the nature of the business proposed to be transacted thereat.

40. Previously to any meeting of the Council (except in cases of emergency when the Council may be convened to meet within any less time) notice to attend such meeting signed by the Town Clerk shall be sent to each member of the Council two days before the time appointed for such meeting.

41. If in consequence of the death absence or any lawful impediment it shall not be possible for any Councillor or for the Town Clerk or any other person to perform or such Councillor or Town Clerk or other person shall fail to perform any particular matter or thing which by this Ordinance he is directed to perform the Mayor for the time being may appoint any other person to perform the same and if by reason of death absence or any other lawful impediment the Mayor shall be prevented from performing or shall fail to perform any matter or thing which he may by the provisions of this Ordinance be required to perform the Council may either perform the same or by a majority of their votes appoint some other person to perform it.

42. The Council shall constitute an open Court for the revision of the Citizens' Lists and for hearing and determining the claims of the Citizens to be inserted in such Lists and the objection of any one of such Citizens to any other Citizen having his name retained thereon ten days public notice being previously given by the Town Clerk of the time and place of the sitting of such Court the same shall sit for the purposes aforesaid one or more days not being later than the First day of October in every year.

43. The claim by any Citizen to have his name inserted in such List and every objection by a Citizen to the name of any other Citizen being retained on such List shall be respectively in the form specified in the Schedule hereunto annexed marked C nor shall any such claim or objection be available unless as respects claims the same shall have been lodged at the office of the Town Clerk not later than the Twenty-fifth and as regards objections not later than the Twenty-seventh day of September in every year.

44. The Town Clerk shall cause alphabetical lists of all such claims and objections to be prepared and exhibited in some conspicuous place or places in the said town for three days at least prior to the sitting of the Court of revision and shall also give public notice thereof.

45. The Town Clerk or other Officer appointed by the Council shall at such times during the continuance of his office or after the expiration of or removal from his office and in such manner as the Council shall direct deliver to the Council or to such person as they shall authorise for that purpose a true and correct account in writing of all matters committed to his charge by virtue of this Ordinance and also all moneys which shall have been by him received by virtue thereof and how much thereof shall have been disbursed and for what purpose together with the proper vouchers for such disbursements and also a list of the names of all such persons as shall not have paid the moneys due from them to the Corporation for the purposes of this Ordinance and of the amount due from each of them and every such Officer shall pay all such moneys as shall remain due from him as herein provided.

46. The Council may from time to time cause maps of the said town and the suburbs thereof to be constructed and all or any of the maps aforesaid or any part thereof to be copied or engraved and published and sold as they may deem expedient.

47. The public roads squares paths markets and thoroughfares and all drains ponds and ditches not being private property within the said town for all the purposes of this Ordinance shall be under the care control and management of the Council.

48. The Council may license any bazaar or repository within the said town for the sale therein of horses horned cattle carriages and other vehicles and to take from the same such fees as they may by any bye-law or public notice from time to time appoint.

49. The Council may cause such fountains as they may deem necessary for the public convenience and health to be made and constructed in or upon any of the public streets or places within the said town and accept and take the management of any fountain or watercourse which may be surrendered to them for public use and cause all such fountains and watercourses to be from time to time altered enlarged repaired and cleansed as the Council may deem proper.

50. The Council by contract or otherwise as they may deem proper may cause the several streets thoroughfares squares and public places within the said town or such of them as they shall think fit to be lighted with gas oil or otherwise during such time as they may deem requisite and in like manner may provide such lamps lamp-posts gas-pipes and other works and materials as may be necessary for that purpose and may manufacture or contract for the manufacture of gas for lighting such streets and public places and provide or contract for gasometers and all requisite apparatus and machinery and appropriate purchase or rent subject to the provisions hereof any land which may be necessary for the establishment of such manufacture.

51. The Council or any person or company with whom the Council may contract for lighting the said streets and public places or any of them may under the control and direction of the Council and the superintendence of the Town Surveyor break up within the said town the soil or pavement of any street and fix and lay therein such lamp-posts and pipes as may be necessary for the purposes aforesaid and may cause the same to be fixed upon or against the exterior of any house or building or the walls of fences thereof within the limits of the said town.

52. Subject to any contracts the Council may cause any lamps to be taken down and removed to any other place within the said town and to be altered as to the mode of giving light thereby and any material used therein or thereby and any material used therefor and to be increased or diminished in number from time to time as they may think fit.

53. If at any time before the said town shall be so wholly or chiefly lighted as aforesaid the majority of the ratepayers in any principal street may be desirous that the same shall be lighted with lamps the Council shall cause the same to be so lighted either under the provisions herein contained or otherwise and may and are hereby authorised as to any moiety of the expenses to be so incurred to defray the same out of the general rate and Corporation fund for the time being

but if such fund shall not be sufficient then by a special rate under the provisions hereof and as to the other moiety of the expenses of lighting such street the same shall be paid by the inhabitants thereof rateably either according to their assessments for the general rate or according to the lineal frontage of the premises lighted and either from year to year or for such number of years and upon such terms and conditions as the Council shall determine and the moiety of the expenses aforesaid may be collected and shall be recoverable rateably from each of the inhabitants of the said street by any Collector of Rates or duly authorised Officer of the Corporation under any of the provisions herein contained for the collecting and enforcing payment of the general rates.

54. The streets and roads fixed at the original setting out of the site of the said town as delineated on the public maps and plans deposited at the office of the Chief Surveyor of the said Province and such streets and roads as have been since opened and dedicated to the public or surrendered to the accepted by the Corporation as a public street or which may hereafter be so opened and dedicated to the public or surrendered and accepted or which may be formed by the Council by virtue hereof shall be deemed for the purposes of this Ordinance public streets.

55. A plan under the hand of the Mayor and Town Surveyor of every street or part of street or public place which shall be so set out showing thereon the breadth of the carriage way and footways therein respectively shall be deposited and kept at the office of the Town Clerk who shall on every such deposit cause public notice thereof to be given wherein shall be stated the defined breadth of the carriage way and foot ways in such street respectively.

56. The Council may as they think proper and necessary cause public streets foot ways foot crossings passages and places in the said town to be restrictively paved flagged macadamized improved repaired and kept in good condition with such materials as the Council shall think proper and to be raised lowered or altered in such manner as the Council shall deem proper and may cause all necessary sewers gutters drains and water-courses to be made along or under the said several public streets and other public places and vary and alter the same from time to time in such manner as the Council shall think proper.

57. The Town Surveyor during such time as any street or place within the said town shall be under repair or during the making or repairing of any sewers or drains therein may prevent the passing of any carriages carts drays horses and cattle whilst such works and repairs are in progress by causing such fences or bars to be placed on or across any such streets or public places as they may deem proper provided that such Surveyor shall during the time that such fences or bars shall be continued cause to be affixed such lights during the night as shall be sufficient to prevent injury or danger to carriages or passengers.

58. The Council may cause to be painted or colored or may affix upon the walls of any house within the said town any board or plate having painted thereon the name of any street or place or such notice as may be conducive to the public convenience or may affix on such house any letters in wood iron or other material by which such names of streets or notice may be expressed so as to be clearly legible.

59. The Council may assign a number to each house in every street and public place within the said town which number the occupier of every such house is hereby required to paint or affix upon the door thereof within fourteen days after notice to that effect signed by the Town Clerk or Town Surveyor shall have been served upon such occupier.

60. The Council may from time to time cause any public street within the said town to be watered and they are hereby authorised to employ such men horses and watercarts as may be necessary for that purpose and for defraying the expense to be occasioned thereby to make a separate rate which may be apportioned among the inhabitants of any such street either according to the assessed value of the respective properties or holdings therein or to the lineal frontages of such buildings or holdings and for the purpose of collecting and enforcing payment of such rate the Council may appoint any such Officer or Agent as may be necessary and may exercise the like powers and remedies as are herein provided for collecting levying and enforcing any general rate to be made by virtue of this Ordinance.

61. The Council shall cause footpaths in the public streets within the said town to be made as nearly as practicable of the same breadth and levels and for that purpose may remove or reduce any flagging steps unevenness of surface or whatever may obstruct render uneven or contract such footways or any of them.

62. The Council may fix the place at which crossing places for vehicles and animals from any public street to private residences or other premises on either side of the said street shall be made over any footway and may by any by-law regulate the width and specify the mode in which and the materials whereof such crossing places shall be constructed.

63. Upon the application of any owner or a majority in number of any owners of property who may require a communication with the street by means of such crossing as aforesaid the Council may permit the same to be constructed under the superintendence and to the satisfaction of the Town Surveyor in conformity with the provisions of this Ordinance.

64. The Council may adopt all such measures as they may deem necessary for the cleansing of the said town and the preservation of the public health and for the prevention and suppression of nuisances and for more effectually carrying such objects into effect may appoint one or more Officers to be called Inspectors of Nuisances.

65. The Council shall cause streets foot-paths and surface drains within the said town to be kept at all times properly cleansed and all refuse to be duly removed therefrom and shall cause the ashes filth and rubbish from dwelling houses and other buildings and premises in the said town to be carried away at convenient hours and times and all privies and cess-pools within the said time from time to time to be emptied and cleansed in a sufficient and proper manner provided that the occupier of any house building or premises may keep the night-soil ashes or rubbish which may be made on his own premises for manure and from time to time remove the same so that such retention and removal be not a nuisance to the inhabitants residing near such premises and that such removal be made at such times and in such manner as shall be directed by the Council.

66. The Council may employ or contract with any person for sweeping and cleansing the streets and removing all refuse therefrom and from houses and all other premises within the said town and for emptying privies and cess-pools on such days and at such hours and in such manner as the Council may from time to time appoint and all such scavengers and contractors are hereby authorised and empowered to execute all such works and duties as they may respectively be employed or shall contract to perform at the time and in the manner prescribed by the Council for that purpose.

67. The Council may provide places either within or without the said town for the deposit of the night-soil dung ashes and other filth and rubbish to be removed or collected under the authority of this Ordinance.

68. The night-soil dung ashes filth and refuse which the Council shall cause to be carried away and collected from the streets houses privies sewers cess-pools or elsewhere within the said town shall be the property of the Corporation and they shall have the power to sell and dispose of the same as they shall think proper and the moneys arising from the sale thereof shall be paid to the funds of the Corporation.

69. No person other than the person employed by or contracting with the Council for that purpose shall collect and carry away any night-soil dust ashes filth or rubbish by this Ordinance directed to be removed except as provided in section sixty-five.

70. The Council either separately or in conjunction with any Commissioner or other authorised body for supplying the said town with water may cause such reserves tanks main pipes and fire plugs to be constructed and laid down in such streets and public or other places as the Council may deem necessary for affording a constant and ample supply of water for use in the event of any fire or conflagration within the said town and either separately or in conjunction with any Fire Insurance Company or any Volunteer Fire Brigade or other persons may procure such fire engines fire escapes ladders and other machines and apparatus made use of for extinguishing and in cases of fire and may in like manner organize and establish any Fire Brigade or accept the services of any Volunteer Fire Brigade and make provision for or contribute towards the payment of any Superintendent Officer Fireman or other person employed therein to grant any sums of money as rewards for meritorious conduct or compensation for personal injury to any person assisting in the extinguishment or preventing the spreading of the fire or in the rescue of or attempting to rescue any persons animals or goods therefrom within the said town and may cause alarm bells to be fixed in such situations and make such further and other regulations from time to time for the more effectual extinction and suppression of fires as they may deem expedient.

71. No person shall stack or pile in the open air or store for sale within the said town any hay straw or thatch except in premises to be licensed by the Council on the report of the Town Surveyor as fit for such purposes and the Council may by by-law make such regulations for the proper construction of buildings and premises wherein such materials and articles may be stored and sold as they may deem meet.

72. No pit or place shall be used for the deposit of ashes therein within the said town except such as shall be constructed wholly of incombustible material and shall be carried up on all sides with the same material two feet at least above the surface of the ground and no person shall deposit any embers or ashes liable to kindle in the open air nor unless with the consent of the Council first obtained shall any person light any fire within the said town in the open air.

73. If the chimney-flue of any dwelling house or other premises within the said town shall take fire by reason of its having been suffered to become foul or from any neglect carelessness or default of the occupier of such dwelling house or other premises or of his servant or other person using such chimney-flue such occupier shall forfeit for every such offence the fine specified in the Schedule of Penalties Provided that if any defendant shall plead that such chimney-flue did not take fire in consequence of its being foul or any such neglect carelessness or fault as aforesaid the proof thereof shall be upon such defendant.

74. On or before the Twentieth day of April in each year the Council shall cause to be prepared and published in the Provincial Government Gazette a statement of the rents profits and receipts which shall be estimated as the probable income of the Corporation for the year ensuing together with such proposed outlay and expenditure for the same period as the Council may deem necessary for the purposes of this Ordinance and also for the purposes of any other Ordinance Act or Law for the time being in force which may impose on such Corporation the performance of any duties without providing any funds out of which the Corporation can make such necessary outlay and expenditure.

75. For raising such portion (if any) of the proposed expenditure as the estimated probable income of the Corporation may be insufficient to meet the Council may order assessments of all buildings lands tenements and hereditaments within the said town to be made according to the full fair and estimated annual rent clear of all outgoings at which the same would be let from year to year.

76. For the making and completing of any assessment authorised hereby any valuator and his assistants may between the hours of nine a.m. and five p.m. enter any property within the said town subject to assessment under the provisions hereof and in case admission thereto shall be denied by the owner or occupier then after the expiration of three days from the leaving at the residence of the person so refusing notice in writing of the intention of such valuator to enter and view the property to be assessed for the purposes of this Ordinance he with his assistants may summarily act in execution of all or any of the powers hereby given.

77. Each Valuator is hereby required during the progress of such assessment to leave with the owner or occupier of the property assessed a note of the particulars thereof and the value placed upon the same and to deliver to the Town Clerk within the time allowed by the Council the assessment fairly written in a book.

78. Every such assessment shall be submitted for allowance to the Council at the meeting which shall take place next after the delivery thereof at the office

of the Town Clerk and being allowed shall thereupon be signed by the Mayor and continue open for inspection as hereinafter provided.

79. Within twenty-one days next after the allowance of such assessment by the Council the Town Clerk shall give public notice thereof and that the same is deposited and may be daily inspected at his office by any person interested therein during such reasonable terms as shall in such notice be specified.

80. Every person interested in such assessment whether as principal or agent shall be entitled to take extracts therefrom in respect of any property of which he is the owner or agent upon payment of one shilling.

81. If at any time it shall appear to the Council that any property which ought to have been included in such assessment book shall have been omitted therefrom or that the name of any person has been inserted therein as the owner or occupier of any property in respect of which some other person ought to have been assessed or that any other matter purely of error shall need rectification in such book the Council may cause a description of the property so omitted and the name of the owner or occupier to be inserted therein together with the annual value at which such property shall be assessed and may also substitute for the name of the person erroneously inserted therein as the owner of the property assigned the name of the true owner or occupier thereof and correct any other such error in the assessment book as may be requisite.

82. Any person may within ten days after the publication of the notice appeal against the assessment on any of the grounds following that is to say that he is not the owner or occupier of the whole or any or some particular part of the rateable property for which his name appears as owner or occupier that the rateable property for which he appears to be the owner or occupier is assessed beyond the full and fair annual value that any rateable property or the owner or occupier of any rateable property within the said town is omitted from the assessment that any rateable property is assessed below its full and fair annual value that any property included in the assessment is not rateable.

83. Appeals against assessment or alteration of assessment shall be heard before the Resident Magistrate's Court held nearest to the Offices of the Town Clerk and shall be commenced by notice served by the appellant within the period allowed for appeals upon the Council and also upon any person whose name it is proposed to insert in the assessment or whose property it is alleged is omitted or assessed below its full and fair annual value and a copy of such notice shall be delivered to the clerk of the Resident Magistrate's Court six days before the day of hearing.

84. The appeal shall come on for hearing at the sitting of the Resident Magistrate's Court next after sixteen days from public notice of the assessment or alterations appealed against having been given and the Town Clerk shall produce the assessment book appealed against and upon examining the parties and the witnesses on oath the Court at the sittings aforesaid or at some adjourned or subsequent sittings may make such order as may be just and shall cause any alteration occasioned by the decision of the appeal to be made by the clerk of the Court in the assessment book and may make such order as the

Court may think fit for the payment of costs by or to the Council to or by the appellant or by or to any respondent other than the Council to or by the appellant.

85. No lands or buildings or other property used by either the General or Provincial Governments for any public purpose within the said town nor any hospital lunatic asylum benevolent institution or buildings used exclusively for public purposes nor any church chapel or buildings used exclusively for public worship nor any other building used exclusively as a school whether private or public shall be subject to any rates to be levied by virtue thereof and on assessment of any buildings part whereof only shall be used as a school public or private the valuator acting in the premises by virtue hereof shall allow a proportionate abatement in respect of the part so used as a school and shall specify the same on his assessment.

86. For the purpose of maintaining and repairing the streets and of cleansing repairing and maintaining in effective operation the sewers and drains of the town of the payment of officers employed and the ordinary expenses incurred on account of or inuring to the common benefit of the town it shall be lawful for the Council from time to time to make and levy a rate or rates to be called "The General Town 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.

87. 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 effecting any other work or improvement of a permanent nature for the benefit of the Town the Council may from time to time make and levy a rate or rates to be called "The Special Town Rate" of such amount as will be sufficient to discharge the amount of such expenses and interest thereon within each 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.

88. If at any time two-thirds of the number of persons liable to the payment of rates in any street or part of any street shall request the Council to make and levy a rate upon the rateable property of 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 make and levy such rate accordingly and to apply the proceeds thereof in or towards the execution of such work Such rate 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 thereby rated and shall be collected and be recoverable as herein provided for in respect of the General Town Rates.

89. The person primarily liable to the payment of rates under this Ordinance shall be the tenant of the property rated who shall be in possession thereof at the time when such rate may be made or due or recoverable and if such property be vacant and no sufficient distress found thereon then the owner shall be liable.

90. When any rate shall have been made and be payable the collector of rates or any other person appointed by the Council shall leave with the tenant or owner in possession of each property rated written or printed particulars of the

rate to be collected in respect thereof and which shall specify also the number and description of such property in the assessment book the time allowed for payment of such rate and the consequences of default in payment.

91. Every such rate shall be deemed payable to the Town Clerk or Collector authorised to receive the same who is hereby empowered in his own name to receive sue for and recover from the person liable therefor any rate payable under the provisions hereof.

92. If after the expiration of the time limited for the payment of any rate to be collected under the provisions hereof in respect of any property assessed any person liable to pay the same shall neglect or refuse so to do the Collector of Rates by virtue of the warrant of his appointment to office may satisfy such rates by distress and sale of the goods and chattels of the person so liable together with such charges as the Council may authorise Provided always that if any person or persons against whom any such distress shall have been executed shall allege that he or they have been aggrieved thereby such person shall upon payment into Court if the amount distrained on appeal to the Resident Magistrate's Court for the district providing such appeal be heard at the first practical sitting of such Court after the distraint made and such case shall be heard in the same manner as an ordinary case for debt and in case such Court shall decide such appeal in favor of the appellant the amount paid into Court shall be repaid to such appellant and the Court may award such costs as may appear just and in case such appeal shall be decided against such appellant the Court may order him to pay such costs as may be deemed just.

93. When any owner or lessor of any property assessed shall by virtue of this Ordinance or by contract or otherwise be liable to payment of any rates to be collected in respect thereof and such rates shall be required from and paid by any person primarily liable then such person may set off the amount so paid against any rent due from him to such owner or lessor and the Collector's receipt for such rates shall be a discharge of rent and evidence of payment to the amount specified therein if the rates so paid and satisfied shall exceed the rent due such person may either set off such amount against accruing rent or recover the same by action as for money paid and if after notice shall have been given by the person primarily liable to the owner or lessor of the rates demanded and there shall be no rent due from him in respect of the property rated and such person shall be compelled to pay such rates he may sue the owner or lessor as for money paid and shall be entitled to recover the same with full costs

94. The rents and profits of lands tenements and hereditaments and the interest dividends and annual proceeds of all moneys and securities for money with all rates dues tolls fees belonging or payable to the Corporation or to any Officer thereof by virtue hereof and all other sources of revenue whatsoever moneys notes bills and securities as and when the same shall be received shall be paid into and deposited within Forty-eight hours with such one or more Bank or Banks in the said city as the Council may from time to time direct to the credit of the Corporation of the said town and the funds so paid to any such account shall not be withdrawn except under an order of the Council and by cheque

signed by the Mayor or two other Members of the Council and countersigned by the Town Clerk.

95. The funds of the Corporation excepting funds derived from special rates shall be applied to and towards payment of the allowance (if any be made) to the Mayor of the salaries allowances or commission of the Town Clerk and other Officers whom the Council shall appoint of the expenses which shall be necessarily incurred in carrying into effect the provisions of this Ordinance and such further expenses as under the direction of the Council shall be incurred for the public benefit of the inhabitants and repair of the streets the sewerage lighting and all other improvements of the said town and all such works matters and things as may be entered upon and executed by virtue hereof.

96. Proper books shall be kept for the purpose of entering all sums of money received and paid on behalf of the Corporation which books shall at all times be open to the inspection of the Mayor or any Councillor.

97. The accounts of the Corporation shall be balanced twice a year and a balance-sheet for the year ending the First day of September in each year shall within thirty days next hereafter be prepared by the Town Clerk and delivered to the Auditors for examination for which purpose the Town Clerk shall produce to them the audited accounts of the Corporation for the preceding year and all books papers and vouchers relating to the Corporation accounts which may be required by the Auditors for such audit.

98. An account of all moneys received and expended by virtue and for the purposes of this Ordinance signed by the Mayor and Town Clerk and certified by the Auditors of the town specifying the total sum received from each source of income and the total annual revenue and the total amounts disbursed under each head of expenditure and the total outlay made up to the First day of September in each year shall on or before the First day of December be printed and published for distribution among the citizens or advertised for public information as the Council may direct.

99. The Council may borrow at interest on the credit of the rates hereby authorised to be levied from time to time (except special rates) any sum which with any amount previously borrowed and remaining unpaid shall not exceed Fifty Thousand Pounds and in the event of any part of such money being repaid may re-borrow the same but so that there shall not be owing on the security aforesaid more than Fifty Thousand Pounds at any one time and for securing the repayment of the moneys so to be borrowed with interest the Council may assign such rates or any part thereof to the person who shall advance or lend such money or his trustees as security for the repayment of such advance with interest but the Council shall not be authorised to borrow or re-borrow any such sum or sums of money until a resolution to that effect shall have been previously made by the Council at a meeting specially called for that purpose and at which two-thirds of the members shall be present.

100. Every such assignment shall be by instrument under the seal and at the expense of the Corporation and within the consideration shall be truly stated and may be according to the form in Schedule D or to the like effect.

101. All persons to whom such assignments shall be made or who shall be entitled to the moneys thereby secured shall in proportion to the sums therein respectively mentioned be creditors on the rates excepting special rates equally one with another without any preference in respect of the priority of advancing such moneys or of the dates of any such assignments respectively.

102. A Register of such assignments shall be kept by the Town Clerk and within Fourteen days after the date of such assignment a memorial specifying the number and date thereof the principal sum secured thereby and the names of the parties thereto with their proper additions shall be entered in such Register and such Register may be perused at all times by any person interested therein without charge.

103. The interest of money borrowed upon every such assignment granted under the provisions hereof shall be of an equal rate and in no case exceed ten per centum per annum and shall be payable half-yearly to the several persons entitled thereto unless otherwise provided by the condition of such securities respectively.

104. It shall be lawful for the Council and it is hereby required from and out of the rates so chargeable as aforesaid in each and every year from the first raising of any sums of money under the authority hereof until the whole amount so raised and the interest thereon shall have been duly paid to set apart as a sinking fund such sums of money as to the Council shall seem sufficient to pay the amount of the principal money so raised and such sums shall be paid over by the Council as soon as they shall be set so apart to three persons to be appointed from time to time by the Superintendent of Canterbury to act as trustees thereof and such sums shall be by such trustees invested in such securities as the Superintendent shall from time to time direct and the annual profits of such sums so invested shall be in like manner invested and such sums so invested and the proceeds of the securities on which they have been invested and the annual increase thereof shall be applied in payment of the principal moneys so raised but the interest on the moneys so raised shall be paid annually or otherwise by the Council out of the Corporation funds not set apart and such interest shall not be paid out of the sinking fund the trustees of the said sinking fund shall when directed by the Superintendent so to do make sale of and realize the securities upon which such sums of money so set apart as aforesaid have been invested and pay thereout such of the moneys raised by such Council and the interest thereon as shall be due or payable and for the payment of which the moneys invested in such securities were set apart.

105. The moneys raised by the rates hereby authorised to be charged with such securities as aforesaid shall be applicable firstly to the payment of interest of all principal money borrowed and secondly to the specified and general purposes of this Ordinance.

106. No person shall blast with gunpowder nor any blasting powder or other material any stone timber or other material or thing within the said City without the permission in writing of the Council or Town Surveyor first obtained.

107. If any meeting or adjourned meeting for the nomination election or admission of any Officer or for the transaction of any other business of the

Corporation hereby required to be held shall fall on a Sunday Good Friday Christmas Day or Fast Day or Holiday proclaimed by the Governor of New Zealand or the Superintendent of the Province of Canterbury such meeting shall be held on the day next ensuing or within Three days next thereafter at the like hour provided that any person whose term of Office would according to the provisions hereof have expired on any such Sunday Good Friday Christmas Day or Fast Day or Holiday shall during the interval aforesaid continue in exercise of all the duties and powers of such Office.

108. It shall be lawful for the Council to make by-laws for the maintenance of order the suppression of nuisances and the general good rule and good government of the town provided always that no such by-laws shall be repugnant to or interfere with any Ordinance of the Superintendent and the Provincial Council and provided further that no penalty to be imposed by any such by-law shall exceed the sum of Ten Pounds for any neglect or breach thereof nor the further sum of Five Pounds for each day after written notice of such neglect or breach shall have been given to the offender.

109. In the construction of this Ordinance the words in the table following shall unless inconsistent with the context have the respective meanings hereby assigned to them.

Definitions and Explanations.

Public Notice when directed by this Ordinance shall be sufficiently given by insertion thereof in one or more of the local newspapers or such other newspapers as the case may require and the Council direct.

The several statements of offences against this Ordinance in the Schedule of Penalties hereto annexed shall be read as if each such statement commenced with words importing the Commission by some person of such offence and as if each such statement respectively concluded with the words contrary to this section meaning the section of this Ordinance the number of which is set opposite to each such statement and further as if the whole of such section or so much thereof as constituted such offence had been repeated in each such statement the words within the town had been made use of.

“Owner” where any notice shall be required to be given to the owner of any lands messuages or hereditaments within the said town or where any act shall be authorised or required to be done with the consent of any owner and the word “owner” shall be understood to mean the person for the time being receiving or entitled to receive the rents and profits thereof whether on his account or as agent attorney or trustee for any other person.

“Penalties” the figures denoting the pecuniary fines in the Schedule of Penalties hereto annexed shall be read as if the same had been expressed in words denoting the amount of each specific fine and as if such words had been preceded by the words “every such person shall forfeit and pay for every such offence the sum of”

“Street” shall include every public square place road terrace or thoroughfare or any private street subject to the provisions of this Ordinance and may be used in any summons information or indictment under this Ordinance.

“Town Engineer” shall mean the Engineer for the time being of the Council of the Town of Hokitika.

“Time” In all cases in which any particular number of days not expressed to be clear days as prescribed by this Ordinance or shall be mentioned in any order of the Council the same shall be reckoned exclusively of the first day and inclusively of the last day unless the last day shall happen to fall on a Sunday Christmas Day Good Friday or gazetted Public Holiday or Fast Day which case it shall be reckoned exclusively of such day or days.

110. All fines and penalties imposed under or by virtue of this Ordinance or any by-law made hereunder shall be recovered in a summary way.

111. This Ordinance shall be entitled and may be cited as “The Hokitika Municipal Corporation Ordinance 1867.”

Schedule A.

Boundary of the Town of Hokitika.

The Boundaries of the Town of Hokitika shall for all the purposes of this Ordinance be the boundaries specified in the Proclamation of the 30th June 1866 published in the Provincial Government Gazette of that date declaring the Town of Hokitika to be a Municipal district under the “Municipal Council Ordinance Amendment Ordinance 1866.”

Schedule B.

Corporation of Hokitika.

Annual Election of (Mayor Councillor as the case may be) for the year ending 186 .

I A.B. of (insert name of residence and calling and No. of property on Assessment Book) hereby propose
(signature of A.B.)

I D.E. of (insert the like) hereby second
(signature of D.E.)

E.F. (insert the description of candidate if two the like also for the second) as a fit and proper person to be elected Mayor or Councillor of this Town.
(Signature of candidate or candidates.)

Schedule C.

Claim of A.B. of (insert the residence and calling of the claimant) to have his name inserted on the Citizens' Roll of the Town of Hokitika in right of (insert description of property) situate in (state the street or No. of section) within the said City being No. in (or omitted from as the case may be) the Assessment for the present year or being or being omitted from the Citizens' Roll for the present year.

Dated the day of 186 .
(Signature of claimant.)

Objection of D.E. (insert the residence and calling of the objector) to E.F. (insert name and description of E.F. as entered on the Citizens' Roll of the Town of Hokitika on the ground (shortly state objection).

Dated day of 186 .
(Signature of Objector.)

Schedule D.

Form of Mortgage of Rates..

Mortgage Number.

Corporation of Hokitika

By virtue of an Ordinance entitled "The Hokitika Municipal Corporation Ordinance 1867" the Mayor and Councillors and Citizens of the Town of Hokitika in the Westland District of the Province of Canterbury in consideration of the sum of paid to them by A.B. of for the purposes of the said Ordinance do grant and assign unto the said A.B. his executors administrators and assigns all (here describe the rates or moneys to be mortgaged) to hold to the said A.B. his executors administrators and assigns from the day of the date hereof until the said sum of with interest at the rate of per centum per annum for the same shall be fully paid and satisfied and it is hereby declared that the said principal sum shall be repaid on the day of and that in the meantime the interest thereof shall be paid on the day of and the day of in every year.

In witness whereof the said Mayor and Councillors have hereunto set their Corporate seal this day of One thousand eight hundred and sixty.

Schedule of Penalties.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 3rd January 1867, and assented to by the Superintendent on the 9th January.

16. The Gibson Quay Ordinance Amendment Ordinance 1867.

Analysis.

Preamble.

1. Repealing Clause.
2. Wharfage rates may be levied.
3. Schedule of rates to be levied to be published.
4. Said rates may be leased to the Corporation of the Town of Hokitika.
5. Rules and regulations to be made.
6. Interpretation Clause.
7. Title.

Whereas by an Ordinance of the Superintendent and Provincial Council of Canterbury intituled "The Gibson Quay Ordinance 1866" certain provisions were made for levying wharfage rates and for other matters relating to a certain parcel of land therein mentioned situate in the Town of Hokitika and known as Gibson Quay And whereas it is desirable 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.

Clauses 1 2 3 and 4 of the said recited Ordinance and the schedule to the said Ordinance are hereby repealed.

2. Wharfage rates may be levied.

It shall be lawful for the Superintendent of the Province of Canterbury to charge and recover wharfage and tonnage rates on such articles landed upon the parcel of land in the said Ordinance mentioned and upon such vessels loading unloading or refitting at or beside such parcel of land or any wharf erected

thereon at such rates as the Superintendent by and with the advice and consent of the Executive Council shall from time to time determine.

3. Schedule of rates to be levied to be published.

Before any such rates shall be recoverable under the provisions of this Ordinance a Schedule of the same and of the Articles and Vessels in respect of which the same are levied shall be published in the Provincial Government Gazette and every alteration of or addition to the said Schedule shall be so published before such alteration or addition shall have any force or effect.

4. Said rates may be leased to the Corporation of the Town of Hokitika.

It shall be lawful for the Superintendent by and with the advice and consent of the Executive Council to demise and lease for such term of years at a peppercorn rent and upon such terms and conditions as to the Superintendent with the advice and consent aforesaid may seem reasonable the said parcel of land and the said rates so to be levied to the Corporation of the Town of Hokitika and their successors and from and after the execution of such lease it shall be lawful for the Corporation of the Town of Hokitika and their successors in their own names to charge and recover the rates payable as aforesaid and to appoint and remove Collectors or other officers for the purpose of collecting such rates.

5. Rules and regulations to be made.

It shall be lawful for the Superintendent by and with the advice and consent of the Executive Council until the said parcel of land and rates shall have been leased as aforesaid and thereafter for the Corporation of the Town of Hokitika and their successors to make rules and regulations for the general good management of the said parcel of land and of the wharf thereon Provided always that all rules and regulations made by the Corporation of the Town of Hokitika or their successors shall be approved of by the Superintendent and Executive Council Provided further that none of such rules and regulations shall have any force or effect until the same shall have been published in the Provincial Government Gazette.

6. Interpretation Clause.

This Ordinance shall be interpreted as and shall be considered a part of "The Gibson Quay Ordinance 1866."

7. Title.

This Ordinance shall be intituled and may be cited as "The Gibson Quay Ordinance Amendment Ordinance 1867."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 12th January 1867, and assented to by the Superintendent on the 12th January.

17. The English Agents Ordinance 1867.

Analysis.

Preamble.

1. Crosbie Ward Esquire appointed Agent.
2. This Ordinance to be construed as part of "The Third English Agent's Ordinance Session XVII, No. 1."
3. Title.

Whereas an Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled "The Third English Agent's Ordinance, Session XVII., No. 1:" whereby Henry Selfe Selfe, Esquire was appointed the Agent in the United Kingdom for the Province And whereas the said Henry Selfe Selfe did on the 24th day of April last by writing under his hand addressed to the Superintendent of the said Province resign his office and it is expedient that a fit person be appointed in his stead.

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

1. Crosbie Ward Esquire appointed Agent.
Crosbie Ward Esquire shall be and he is hereby appointed the Agent in the United Kingdom for the Province of Canterbury.
2. This Ordinance to be construed as part of "The Third English Agent's Ordinance Session XVII, No. 1."
This Ordinance shall be interpreted and construed as par of "The Third English Agents Ordinance Sess. XVII, No. 1."
3. Title.
This Ordinance shall be entitled and may be cited as "The English Agents Ordinance 1867."

18. The Appropriation Ordinance 1867.

Analysis.

Preamble.

1. Appropriation of revenue for year ending 30th June 1867 as per Schedules A B and D.
2. Appropriation as per Schedule C.
3. Provincial Treasurer to issue upon warrant of the Superintendent.
4. Provincial Treasurer shall be allowed credit for sums expended as set forth in Schedule E.
5. Title.

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

1. Appropriation of revenue for year ending 30th June 1867 as per Schedules A B and D.
Out of the public revenues of the said Province there may be issued and applied for the public service of the Province and for the charge of the Government thereof for the period commencing on the First day of July, one thousand eight hundred and sixty-seven in manner set forth in the Schedules A B and D to this Ordinance any sum or sums of money not exceeding, the sums in such Schedules specified amounting in the whole to the sum of Three hundred and twenty-six thousand two hundred and three pounds eight shillings and five pence respectively.

2. Appropriation as per Schedule C.
Out of the public revenues of the said Province which shall have been raised by Debentures issuable under the authority of "The 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 July, one thousand eight hundred and sixty-six and ending on the Thirtieth day of June one thousand eight hundred and sixty-seven in the manner set forth in the Schedule C to this Ordinance any sum or sums of money not exceeding in the whole the sum of forty-three thousand three hundred and twenty-six pounds thirteen shillings and three pence and out of the revenues of the said Province, which have been set apart as the Railway and Harbor Works Fund (and not being revenue raised as aforesaid) there may be issued and applied, for defraying the charges of the works set forth in the Schedule C (other than the Lyttelton and Christchurch Railway Works) any sum or sum of money not exceeding the sums in such Schedule specified amounting in the whole to the sum of one hundred and seventy-five thousand eight hundred and fifty-seven pounds and twelve shillings and seven pence.

3. Provincial Treasurer to issue upon warrant of the Superintendent.
The Provincial Treasurer shall issue from time to time any sum or sums of money not exceeding the sums in such Schedules 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 sums expended as set forth in Schedule E.

And Whereas, in defraying the charge of the Provincial Government and in the public service of the said Province for the twelve months ending the Thirtieth day of June one thousand eight hundred and sixty-six pounds eight shillings and eleven pence 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 E to this Ordinance but were not included in any Ordinance for the appropriation of the public revenues of the said Province for the said twelve months 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 E 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, 1867."

Schedule A.

Schedule B.

Schedule C.

Schedule D.

Schedule E.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 12th January 1867, and assented to by the Superintendent on the same day.