

Session XXIX 1868 (July 1868)

1. The Cattle Rating Ordinance 1868.

[9th July 1868.]

Whereas it is expedient to make further provisions for the Prevention of the Spread of Disease amongst Cattle, and to Provide a Fund for Defraying the Expenses 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. Return of Cattle to be made.

Return of Cattle to be made. Every Owner of Cattle shall, in the month of October in every year, deliver, or cause to be delivered to the Chief Inspector of Sheep, a written Return of the Number of Cattle of each sex over six months old owned by him, or under his charge, on the 30th day of September preceding, specifying in such Return, to the best of his ability, the Brand or permanent marks upon such Cattle.

2. Penalty for Refusal to make Returns.

Every person refusing or neglecting to deliver, or cause to be delivered such Return as aforesaid, or wilfully making a false Return, shall be liable to a Penalty not exceeding Twenty Pounds, nor less than One Pound, for each offence.

3. Rate to be Paid by Owners of Cattle.

Every Owner of Cattle shall, on or before the First day of December in each and every such year as aforesaid, pay to the Provincial Treasurer, or to such other person who may be authorised by the Superintendent to receive the same, such sum, not exceeding the sum of Four Pence sterling for each and every head of Cattle owned by him as aforesaid on the Thirtieth day of September preceding, and specified in the Return furnished by him as hereinbefore provided, as the Superintendent by and with the advice of the Executive Council shall in each year by Proclamation to be published in the Gazette determine.

4. Rate may be sued for.

All and every such yearly sum or sums of money payable as aforesaid shall, in case the same be not paid on or before the First day of December, be a debt owing by the owner of such Cattle to the Superintendent, and may be sued for and recovered in the ordinary course of law.

5. Interpretation.

The word "Cattle," where used in this Ordinance, shall mean all Neat and Horned Cattle of either sex, over Six Months old. The words "Owner of any Cattle" shall mean the person having charge, control, or management of such Cattle. The term "Chief Inspector of Sheep" shall mean the Chief Inspector of Sheep for the time being, appointed under the provisions of "The Sheep Ordinance, 1864." The word "Superintendent" shall mean the Superintendent of the Province of Canterbury for the time being. The term "Gazette" shall mean the Government Gazette for the Province of Canterbury.

6. Title.

The Ordinance shall be intituled and may be cited as "The Cattle Rating Ordinance, 1868."

2. The Diversion of Roads on Great Southern Railway, Special Ordinance 1868.

Whereas by an Act of the General Assembly of New Zealand intituled "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 or ordained for that purpose to authorise and empower the Superintendent to divert or stop up any public street road highway or thoroughfare in any such Province and also to exchange the land over which any such public street road highway or thoroughfare was laid out or passed. And also that it should be lawful for the Governor in the name and on behalf of Her Majesty to make and execute Crown Grants of any land which should be so sold exchanged or disposed of. And whereas by an Act of the General Assembly of New Zealand intituled "The Provincial Council Powers Extension Act 1865" it is enacted that it shall be lawful for the Superintendent and Provincial Council of any Province and notwithstanding the restriction contained in the Tenth Sub-section of the Nineteenth Section of the Constitution Act to ordain or pass any Law or Ordinance which but for such restriction might have been ordained or passed by such Superintendent and Council affecting any part of the Waste Lands of the Crown within the Province which then was or thereafter should be a public street road highway or thoroughfare. And whereas it is for the public benefit and for the purpose of ensuing the safety of Trains running upon the Great Southern Railway that the parcels of land mentioned and described in the Schedule hereto and in the Plans hereunto annexed should be stopped up pursuant to the powers given to the Superintendent with the advice and consent of the Provincial Council by the said recited Act intituled "The Highways and Watercourses Diversion Act 1858."

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

1. Roads to be stopped up.

From and after the passing of this Ordinance the Public Roads passing over the parcels of land described in the Schedule hereto and in the Plans hereunto annexed shall be stopped up.

2. Title.

This Ordinance shall be intituled and may be cited as "The Diversion of Roads on Great Southern Railway Special Ordinance 1868.

Schedule.

No. 1.

All that parcel of land part of the road fifty links wide running through rural section No. 9 containing by admeasurement nine perches more or less the northern boundary being a straight line drawn at an angle of 129(15' with the north.eastern side of the said road from a point on the same situate nine chains eighteen links from the junction of the said road with the LincolnRoad the southern boundary being a line ninety links distant from and parallel to the northern boundary and the eastern and western boundaries respectively being the eastern and western sides of the road first mentioned.

No. 2.

All that parcel of land part of the road separating rural sections 1773 and 3058 containing by admeasurement twenty five perches more or less the centre line of which is the continuation of a straight line which crosses the eastern boundary of section 1637 at a point being twelve chains fifty seven links from the northernmost corner thereof and the northwestern boundary of section 3058 at a point being two chains from the northernmost corner of the latter section the northern and southern boundaries being respectively lines parallel to and forty-five links distant from the said centre line and the eastern and western boundaries being respectively the eastern and western sides of the above-mentioned road.

No. 3.

All that parcel of land part of the road dividing rural sections 1637 and 3058 containing by admeasurement sixteen perches more or less the centre line of which crosses the eastern boundary of the former section at a point being twelve chains fifty-seven links from the northernmost corner thereof and the northwestern boundary of the latter section at a point being two chains from its northernmost corner the northern and southern boundaries being respectively lines parallel to and forty-five links distant from the said centre line and the eastern and western boundaries being respectively the eastern and western sides of the above-mentioned road.

No. 4.

All that parcel of land part of the road separating sections 1371 and 1637 containing by admeasurement fifteen perches more or less the centre line of which crosses the eastern boundary of the former section at a point being fifty-seven links from the northernmost corner thereof and the western boundary of the latter section at a point being one chain twenty links from its westernmost

corner the northern and southern boundaries being respectively lines parallel to and forty-five links distant from the said centre line and the eastern and western boundaries being respectively the eastern and western sides of the above-mentioned road.

No. 5.

All that parcel of land part of the road which forms the northwestern boundary of rural section 1791 containing by admeasurement one rood four perches more or less bounded on the westward by a line in continuation of the eastern boundary of section 4453 on the eastward by the northwestern boundary of sections 1791 and 1792 on the northward and southward respectively by the continuation of the northern and southern sides of the Railway Reserves separating sections 3353 and 3354.

No. 6.

All that parcel of land part of the Great South Road containing by admeasurement three acres one rood more or less bounded on the northward by the continuation of the southern boundary of section 5008 on the southward by the continuation of the northern boundary of section 4877 on the eastward by the continuation of the northwestern boundary of sections 4604 and 4881 and on the westward by a line in continuation of the southeastern boundary of section 4962.

3. The Railway Reserves Leasing Ordinance 1868.

Whereas the Parcel of Land described in the Schedule hereto is vested in the Superintendent of the Province of Canterbury and his successors in trust for public purposes. And Whereas it is expedient that the said Superintendent of the said Province of Canterbury and his successors should have power to demise and lease the said Parcel of Land.

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

1. What Land may be Leased.

It shall be lawful for the Superintendent by and with the advice and consent of his Executive Council from time to time to demise and lease for any term or terms not exceeding Twenty-one Years all or any part of the Parcel of Land described in the Schedule to this Ordinance upon such terms and conditions and at such

rent or rents as to the Superintendent by and with such advice and consent as aforesaid may seem proper.

2. Interpretation.

The term "Superintendent" shall mean the Superintendent for the time being in the Province of Canterbury.

3. Title.

This Ordinance may for all purposes be cited as "The Railway Reserves Leasing Ordinance 1868."

Schedule.

All that piece or parcel of land being part of rural section No. 79 containing by admeasurement nine acres one rood more or less commencing at the north-east corner of the said section thence westerly following the southern side of the South Town Belt a distance of thirty-nine chains seventy links and extending southerly a distance of two chains thirty-three links in rectangular block being bounded on the westward by the continuation of the eastern side of Colombo Street.

4. The Kaiapoi Bridge Ordinance 1868.

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

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

1. Bridge may be constructed.

It shall be lawful for the Superintendent to construct bridge and make approaches thereto over the North Branch of the river Waimakariri at Kaiapoi at a part thereof in continuation of Peraki Street and Black Street Provided that such bridge shall be constructed so as not to impede the navigation of the said River.

2. Title.

This Ordinance shall be intituled and may be cited as "The Kaiapoi Bridge Ordinance, 1868."

Notes.

Assented 9th July 1868.

5. The Interpretation Ordinance 1868.

Analysis.

Preamble.

1. Ordinances how to be divided.
2. Date of Ordinances.
3. Ordinances may be Altered or Repealed in the same Session.
4. Ordinances not to be Revived by Repeal of former Ordinances Repealed then.
5. Title of Ordinances.
6. Interpretation.
7. This Ordinance how to apply.
8. Title.

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

1. Ordinances how to be divided.

Every Ordinance shall be divided into Sections if there shall be more enactments than one, which Sections shall be deemed to be substantive enactments without any introductory words.

2. Date of Ordinances.

The Clerk of the Executive Council of the Province shall insert in every Ordinance immediately after the title thereof the day month and year when the same shall have been assented to by the Superintendent in the name of the Governor; and when any Ordinance shall have been reserved by the Superintendent for the signification of the Governor's pleasure thereon then the day month and year on which the Superintendent shall signify either by Speech or Message to the Provincial Council or by Proclamation in the Government Gazette that the Governor has assented to such Ordinance and such date shall be taken to be part of the Ordinance.

3. Ordinances may be Altered or Repealed in the same Session.

Every Ordinance may be altered amended or repealed in the same Session of the Provincial Council of the Province of Canterbury in which it may be passed.

4. Ordinances not to be Revived by Repeal of former Ordinances Repealed then.

Whenever any Ordinance repealing wholly or in any part any Ordinance shall be repealed such last repeal shall not revive the Ordinance or provision before repealed unless words be added reviving such Ordinance or provision.

5. Title of Ordinances.

Every Ordinance having a short title may for all purposes be cited by such short title.

6. Interpretation.

In the construction of all Ordinances the words and expressions following shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction that is to say:

The term "Her Majesty" shall include Her Majesty Her Heirs and Successors.

The term "Governor" shall mean the person for the time being administering the Government of New Zealand.

The term "Superintendent in Council" shall mean the Superintendent of the Province of Canterbury by and with the advice and consent of the Executive Council of the Province of Canterbury.

The term "Superintendent" shall mean the Superintendent for the time being of the Province of Canterbury.

The term "Province" shall mean the Province of Canterbury according to the boundaries thereof as at present existing.

The term "Gazette" shall mean the Government Gazette published by or under the authority of the Provincial Government of the Province of Canterbury.

The words "oath" and "affidavit" shall include affirmation and declaration and the word "swear" shall include affirm and declare in the case of persons allowed by Law to affirm or declare instead of swearing.

Words importing the singular number only shall include the plural number and words importing the plural number only shall include the singular number.

Words importing the masculine gender only shall include females.

The word "month" shall mean calendar month.

7. This Ordinance how to apply.

This Ordinance shall be deemed to apply to all Ordinances already or to be hereafter passed by the Superintendent and Provincial Council of the Province of Canterbury except the fourth section hereof which shall apply only to Ordinances to be hereafter passed.

8. Title.

This Ordinance shall be intituled and may be cited as "The Interpretation Ordinance, 1868."

Notes.

This Ordinance was assented to on 9th July 1868. Two sections have been removed, namely sections 1 and 3 as follows:

" 1. Every Ordinance 1.of the Superintendent and Provincial Council of the Province of Canterbury shall be deemed and taken to be a Public Ordinance." and

" 3. Every Ordinance which shall not prescribe the time from which it is intended to take effect and which shall have been assented to in the name of the Governor shall come into operation on the day on which it shall receive the Superintendent's assent."

6. The Appropriation No 2 Ordinance 1868

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

1. Appropriation of Public Revenues for period ending 31st December, 1868.

Out of the public revenues of the said Province there may be issued an applied for the public service of the said Province and for defraying the charge of the Government thereof up to the 31st day of December 1868 the sum of Ninety-four Thousand Four Hundred and Five Pounds Four Shillings in manner set forth in the Schedule to this Ordinance.

2. Sums to be issue in accordance with "Audit Act, 1866."

The said sums hereby appropriated shall be issued and paid in the manner prescribed by "The Provincial Audit Act 1866."

3. Title.

This Ordinance shall be intituled and may be cited as "The Appropriation Ordinance No. 2 1868."

Schedule

	£	s.	d.	£	s.	d.
Agricultural Statistics	500	00	00			
Railway Conractors, Claims and Plant	12,500	00	00			
Expenditure in connection with the suppression						

of Pleuro-pneumonia	1,000 00 00	
Supreme Court-house	2,500 00 00	
Waimakariri Defence Work	3,000 00 00	
Expenses of Session	400 00 00	
Colonial Treasurer, for Timaru and Gladstone		
Board of Works	21,380 00 00	
Kaiapoi Bridge	600 00 00	
Malvern Hills Exploration	75 00 00	
Maintenance of Government Fire Engine	50 00 00	
Charitable Aid	700 00 00	
Bank of New Zealand	51,699 17 00	
		94,405 04 00