

## **Session XXXVI 1872**

(January 1872)

### **1. The Imprest Supply Ordinance 1872**

[5<sup>th</sup> January 1872.]

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

#### **1. £20,000 advanced on Imprest towards service of nine months ending 30th September 1871.**

Out of the revenues of the said Province there may be issued and applied towards defraying the charge of the Government of the said Province for the nine

months ending the Thirtieth day of September One thousand eight hundred and seventy-two any sums of money not exceeding in the whole Twenty Thousand Pounds to be charged in the manner hereinafter to be expressed in any Ordinance to be passed in this present Session of the Provincial Council for appropriating the Revenue of the said Province for the nine months ending the Thirtieth day of September One thousand eight hundred and seventy-two.

**2. Treasurer to pay moneys under warrant of the Superintendent.**

The Provincial Treasurer shall issue and pay from time to time any sum or sums of money not exceeding in the whole the sum above specified to such persons and in such proportions as the Superintendent shall by warrant under his hand direct to the Provincial Treasurer and certified by the Provincial Auditor in terms of the "Provincial Audit Act 1866" and the "Provincial Audit Act Amendment Act 1868" direct and such Treasurer shall be allowed credit for all sums paid by him in pursuance of such warrants.

**3. Title**

This Ordinance shall be intituled and may be cited as the "Imprest Supply Ordinance 1872."

**2. The Diversion of Roads, Special, No 1 Ordinance 1872**

[16<sup>th</sup> January 1872.]

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 exchanged.

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 hereafter should be a public street road highway or thoroughfare.

And whereas it is for the public benefit that the parcels of land described in the first column of the Schedule hereto should become a public highway in lieu of the parcels of land described in the second column of the said Schedule and that the last-mentioned parcels of land should cease to be a public road and should be granted in exchange for the first-mentioned parcel of land in manner hereinafter mentioned.

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

**1. Public road passing over parcels of land described in second column of Schedule shall be stopped up.**

When and so soon as the parcel of land described in the first column of the Schedule hereto shall have been conveyed to the Superintendent and his successors for a public road the same shall be and remain for ever a public highway and a public highway passing over the parcel of land described in the second column of the said Schedule shall be stopped up.

**2. Parcels of land described in the second column of schedule shall be granted to persons conveying parcels of land described in first column.**

When and so soon as the parcels of land described in the first column of the said Schedule has been so conveyed each parcel of land described in the second column of the said Schedule shall be granted in fee to the person or persons severally conveying the parcels of land in the first column in exchange for the land transferred by them.

**3. Title.**

This Ordinance shall be intituled and may be cited as "The Diversion of Roads Special Ordinance No. 1. 1872.

**Schedule.**

<b>First Column</b>	<b>Second Column.</b>
All that piece or parcel of land one chain wide containing by admeasurement one acre and one rood (more or less) being part of section No. 3273 commencing on the south-eastern boundary of the said section at a point situate about eight chains fifty links from the southernmost corner thereof and running in a north-westerly direction a distance of about	All that piece or parcel of land one chain wide containing by admeasurement one acre and one rood (more or less) being that portion of the road within section No. 3273 extending from the southeastern boundary of the said section to the road and railway reserve.

twelve chains fifty links to a point on the south-eastern side of the road and railway reserve being about sixteen chains fifty links from the south-western boundary of section 3273 above mentioned.

All that piece or parcel of land one chain wide containing by admeasurement one acre and eight perches (more or less) being part of section No. 4294 commencing on the north-western boundary of the said section at a point situate about eight chains fifty links from the westernmost corner thereof and running in a south-easterly direction a distance of about ten chains fifty links to the north-western boundary of section No. 5689 crossing that boundary at a point being about five chains fifty links from the westernmost corner of the latter section.

All that piece or parcel of land one chain wide containing by admeasurement one acre and thirty-two perches (more or less) being part of section No. 4294 commencing on the south-eastern boundary of the said section at a point situate about ten chains twenty links from the southernmost corner thereof and running in a north-westerly and north-easterly direction a distance of about twelve chains to the north-western boundary of section 5689 crossing that boundary at a point being about fourteen chains fifty links from the westernmost corner of the latter section.

All that piece or parcel of land one chain wide containing by admeasurement two roods (more or

All that piece or parcel of land one chain wide containing by admeasurement one acre (more or less) being that portion of the road lying between section 4294 and reserve No. 222 (in red)

All that piece or parcel of land one chain wide containing by admeasurement three roods and

<p>less) being part of section No. 5689 commencing on the north-western boundary of the said section at a point situate about five chains fifty links from the westernmost corner thereof and running in a southeasterly and north-easterly direction a distance of about five chains to the north-western boundary of section 5689 aforesaid crossing the same at a point being about ten chains twenty links from the westernmost corner before-mentioned.</p> <p>All that piece or parcel of land one chain wide containing by admeasurement two acres and two roods (more or less) being part of section No. 5689 commencing at a point on the north-western boundary of the said section situate fourteen chain fifty links from the westernmost corner thereof and running south-easterly north-westerly and again south-easterly a distance of about twenty-five chains to the north-western boundary of native reserve No. 902 (in red) crossing that boundary at a point being twenty-seven chains fifty links from the westernmost corner of the said reserve.</p>	<p>seventeen perches (more or less) being that portion of the road lying between section 5689 and reserve No. 222 (in red).</p>
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### 3. Diversion of Roads, Special, No 2 Ordinance 1872

[16<sup>th</sup> January 1872.]

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 exchanged.

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 hereafter should be a public street road highway or thoroughfare.

And whereas it is for the public benefit that the parcels of land mentioned and described in the Schedules A and B to this Ordinance and delineated on the plan hereto annexed should cease to be a public road:

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

**1. Public road passing over parcels of land described in Schedule A shall be closed up.**

From and after the passing of this Ordinance the public road passing over the parcel of land described in the Schedule A hereto and coloured Green on the Plan hereto annexed shall be closed up and shall cease to be a public road.

**2. Public road passing over parcel of land described in Schedule B shall be closed up.**

From and after the passing of this Ordinance the public road passing over the parcel of land described in the Schedule B hereto and coloured Pink on the Plan hereto annexed shall be closed up and shall cease to be a public road.

**3. Title.**

This Ordinance shall be intituled and may be cited as "The Diversion of Roads Special Ordinance No. 2 1872."

**Schedule.**

**Schedule A.**

All that piece or parcel of land containing by admeasurement one acre two roods and eight perches (more or less) being that portion of the road forming the eastern boundary of section 838 and extending northerly from a line in

continuation of the northern boundary of Native Reserve No. 884 to the centre of the Waimataitai Creek and more particularly delineated and described on the Plan hereto annexed and coloured Green thereon.

#### **Schedule B.**

All that piece or parcel of land containing by admeasurement three acres two roods and thirty-two perches (more or less) being that portion of the road forming the eastern boundary of sections Nos. 838 and 8137 and extending northerly from the centre of the Waimataitai Creek to its junction with the Main South Road and more particularly delineated and described on the Plan hereto annexed and coloured Pink thereon.

#### **4. Diversion of Roads, Special, No 3 Ordinance 1872**

[16<sup>th</sup> January 1872.]

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 exchanged.

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 hereafter should be a public street road highway or thoroughfare.

And whereas it is for the public benefit that the parcel of land mentioned and described in the Schedule to this Ordinance and delineated on the Plan hereto annexed and thereon coloured Green should cease to be a public road:

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

**1. Public road passing over parcels of land described in Schedule shall be closed up.**

From and after the passing of this Ordinance the public road passing over the parcel of land described in the Schedule hereto and coloured Green on the Plan hereto annexed shall be closed up and shall cease to be a public road.

**2. Title.**

This Ordinance shall be intituled and may be cited as "The Diversion of Roads Special Ordinance No. 3. 1872.

**Schedule.**

All that piece or parcel of land containing by admeasurement ten acres and eight perches (more or less) being the road leading from the Lower Lincoln road to the Canal Reserve and bounded on the westward by sections 248c 5809 5752 on the eastward by sections 147 220 2280 and 1160 and on the northward and southward respectively by the Lower Lincoln road and the Canal Reserve before mentioned and more particularly delineated and described on the Plan hereto annexed and coloured Green thereon.

**5. The Diversion of Roads Special Ordinance No. 4 1872.**

[16<sup>th</sup> January 1872.]

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 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 that the parcel of land mentioned and described in the Schedule A to this Ordinance should become a Public Highway in lieu of the parcels of land mentioned and described in the Schedule B to this Ordinance and that the said last mentioned parcels of land should cease to be a public road and should be granted in exchange for the first-mentioned parcel of land in manner hereinafter mentioned:

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

**1. Public road passing over parcels of land described in Schedule B shall be stopped up.**

When and so soon as the parcel of land mentioned and described in the Schedule A hereto shall have been conveyed to the Superintendent and his successors for a public road the same shall be and remain for ever a public highway and the public road passing over the parcels of land mentioned and described in the Schedule B hereto shall be stopped up.

**2. Parcels of land described in Schedule B shall be granted to person conveying parcel of land described in Schedule A.**

When and so soon as the parcel of land mentioned and described in the Schedule A hereto has been so conveyed the parcels of land mentioned and described in the Schedule B hereto shall be granted in fee to the person conveying the said first-mentioned parcel of land in exchange for the land conveyed by him.

**3. Title.**

This Ordinance shall be intituled and may be cited as "The Diversion of Roads Special Ordinance No. 4, 1872."

**Schedules.**

**Schedule A.**

All that piece or parcel of land one chain wide containing by admeasurement three acres and ten perches more or less being part of rural section No.12 bounded on the northward by the road reserved 25 feet wide along the southern bank of the main stream of the Waimairi river on the southward by the northern bank of the stream which forms part of the western boundary of section No. 163

and also by the road reserved along the said stream 50 links wide on the eastward by a straight line about 30 chains 10 links from the north-western corner of the aforesaid section No. 163 to a point on the northern-side of the road reserved 50 links wide along the stream forming part of the western boundary of section No. 163 the said point being distant about 23 chains 70 links from the south-eastern corner of section No. 12 and on the westward by a straight line parallel to and one chain distant from the last described boundary.

### **Schedule B.**

All that piece or parcel of land containing by admeasurement four acres one rood and thirty-seven perches more or less being that portion of the road 25 feet wide situate on the southern bank of the main stream of the Waimairi and forming the northern boundary of rural section No. 12 extending north-westerly from the proposed road through that section a distance of about 118 chains to the western boundary of the said section.

All that piece or parcel of land containing by admeasurement one acre three roods more or less being that portion of the road 50 links wide forming the eastern boundary of rural section No.12 extending in a north-easterly direction from the proposed road through that section a distance of about 35 chains to within 25 feet of the southern bank of the Waimairi river.

## **6. The Section No 7, Township of Kaiapoi Ordinance 1872**

[9<sup>th</sup> March 1872.]

Whereas by a Deed of Conveyance bearing date the 29th day of November One Thousand Eight Hundred and Sixty-four all that parcel of land being part of Rural Section No. 320 on the map of the Chief Surveyor of the Province of Canterbury and being part of Section No. 7 on the plan of the Town of Kaiapoi commencing at the northernmost corner of the said Section No. 7 on the south-western side of Sewell street and running thence south-easterly along Sewell street aforesaid a distance of one chain fifty links and thence south-westerly in a rectangular block to Charles street a distance of five chains as the same is delineated in the plan drawn on the said Deed of Conveyance and therein coloured green was vested in the Superintendent of the Province of Canterbury upon trust for the public service of the said Province: And whereas it is expedient that the said Superintendent should have power to sell, let, or otherwise dispose of the said land comprised in the said recited Deed of Conveyance:

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

**1. Superintendent may sell let or otherwise dispose of parcel of land comprised in deed of conveyance.**

It shall be lawful for the Superintendent of the said Province with the advice and consent of the Executive Council thereof to sell let or otherwise dispose of all or any portion of that parcel of land comprised in the said recited Deed of Conveyance.

**2. Title.**

This Ordinance shall be intituled and may be cited as "Section No. 7 Town of Kaiapoi Ordinance."

**7. Reserve No 262 Ordinance 1872**

*Missing.*

**8. Railway Tolls and Management Ordinance 1872**

[16<sup>th</sup> January 1862.]

Whereas by an Act of the General Assembly of New Zealand entitled "The Canterbury Great Southern Railway Act 1864" it is enacted inter alia:

That tolls fares and charges for passengers animals carriages goods merchandise minerals articles matters and things conveyed on the Great Southern Railway shall be payable to and receivable by the Superintendent at rates not exceeding a maximum to be from time to time fixed by an Ordinance of the Provincial Legislature of Canterbury and shall be deemed to be tolls fares and charges authorised by the said Acts and that the said Acts so far as concerns the management of the said Railway and the exercise of the powers by the said Act or by any Act incorporated therewith vested in the Superintendent and all matters incidental thereto may be altered by any Ordinance of the Superintendent and Provincial Council of the Province of Canterbury And whereas in the said Act certain parts of an Act of the Imperial Parliament entitled "The Railway Clauses Consolidation Act 1845" are incorporated which provide generally for the working and management of the Great Southern Railway And whereas by an Ordinance of the Superintendent and Provincial Council of Canterbury entitled "The Railway Tolls and Management Ordinance

1867” provision was made for working the Railway from Christchurch to Lyttelton and the branch to Ferrymead and Great Southern Railway and for levying Tolls thereon And whereas by an Ordinance of the Superintendent and Provincial Council entitled “Railway Tolls and Management Ordinance 1867 Amendment Ordinance 1868” the Schedule to the Ordinance aforesaid was repealed and an amended Schedule substituted. And whereas it is expedient that the said Ordinances should be repealed and that further provisions should be made for the working and management of the Railway from Christchurch to Lyttelton and the Great Southern Railway and that tolls fares and charges should be fixed to be levied and charged for the use of all the said Railways:

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. Repealing Clause.**

“The Railway Tolls and Management Ordinance 1867” and “Railway Tolls and Management Ordinance 1867 Amendment Ordinance 1868” except as to any lease made or any proceedings commenced or things done thereunder are hereby repealed.

**2. Application of Sections.**

Sections 3 to 14 inclusive of this Ordinance shall apply exclusively to the Lyttelton and Christchurch Railway and the word Railway in the said sections shall mean the Lyttelton and Christchurch Railway.

**3. Passengers and goods may be carried upon Lyttelton and Christchurch Railway.**

It shall be lawful for the Superintendent by his officers agents and servants to use and employ locomotive engines or other moving power and carriages and waggons to be drawn or propelled thereby and to carry and convey upon the Lyttelton and Christchurch Railway all such passengers and goods as shall be offered to him or them for that purpose and to make such reasonable charges in respect thereof as he may from time to time with the advice of his Executive Council determine upon not exceeding the tolls specified in the Schedule to this Ordinance.

**4. Ordinary liabilities to Superintendent &c., as Carriers.**

Nothing in this Ordinance contained shall extend to charge or make liable the Superintendent his officers agents or servants further or in any other case than where according to the laws of New Zealand stage coach proprietors and common carriers would be liable nor shall extend in any degree to deprive the Superintendent his officers agents or servants of any protection or privilege which common carriers or stage coach proprietors may be entitled to but on the contrary the Superintendent his officers agents and servants shall at all times be entitled to the benefit of every such protection and privilege.

**5. What tolls and charges to be made.**

It shall not be lawful for the Superintendent his officers agents or servants at any time to demand or take a greater amount of toll or make any greater charge for the carriage of passengers or goods or anything done in connection with the said Railway than they are by this Ordinance authorised to demand and upon payment of the tolls and charges from time to time demandable all persons shall be entitled to use the Railway.

**6. Such tolls and charges to be exhibited.**

A list of all the tolls and charges authorised by this Ordinance to be taken and which shall be exacted by the Superintendent shall be published by the same being painted upon one toll board or more in distinct black letters on a white ground or white letters on a black ground or by the same being printed in legible characters on paper affixed to such board and by such board being exhibited in some conspicuous place on the Stations or places where such tolls shall be made payable.

**7. Payment of tolls and charges.**

The tolls and charges shall be paid in such manner and under such regulations as the Superintendent shall by notice to be annexed to the list of tolls appoint.

**8. In case of failure to pay tolls and charges.**

If on demand any person fail to pay the tolls and charges due in respect of any carriage or goods it shall be lawful for the Superintendent his officers agents or servants to detain and sell such carriages or all or any part of such goods or if the same shall have been removed from the premises occupied by or appurtenant to the Railway to detain and sell any other carriages or goods within such premises belonging to the party liable to pay such tolls and charges and out of the moneys arising from such sale to retain the tolls payable as aforesaid and all charges and expenses of such detention and sale rendering the overplus (if any) of the moneys arising by such sale and such of the carriages or goods as shall remain unsold to the person entitled thereto or it shall be lawful for the Superintendent to recover any such tolls as a debt due to him.

**9. Account in writing to be rendered of goods to be carried.**

Every person being the owner or having the care of any carriage or goods passing or being upon the Railway shall on demand give to the Collector of Tolls at the places where he attends for the purpose of receiving goods or of collecting tolls and charges for the part of the Railway on which such carriage or goods may have travelled or be about to travel an account in writing signed by him of the number or quantity of goods conveyed by any such carriage and of the point on the Railway from which such carriage or goods have set out or are about to set out and at what point the same are intended to be unloaded or taken off the Railway.

**10. Penalty for rendering false account.**

If any such owner or other such person give a false account or unload or take off any part of his lading or goods at any place with intent to avoid the payment of any tolls or charges payable in respect thereof he shall for every such offence be liable to a penalty not exceeding ten pounds for every ton of goods or for any parcel not exceeding one hundred weight and so in proportion for any less quantity of goods than one ton or for any parcel exceeding one hundred weight (as the case may be) which shall be upon any such carriage and such penalty shall be in addition to the toll and charges to which such goods may be liable Provided always that the total penalty in respect of any single offence shall not exceed the sum of one hundred pounds.

**11. Certain goods not to be carried.**

No person shall be entitled to carry or to require the Superintendent his officers agents or servants to carry upon the Railway any aquafortis oil of vitriol gunpowder lucifer matches or any other goods which in the judgment of the Superintendent his officers agents or servants may be of a dangerous nature And if any person send by the Railway any such goods without distinctly marking their nature on the outside of the package containing the same or otherwise giving notice in writing to the book-keeper or other servant of the Superintendent with whom the same are left at the time of so sending he shall be liable to a penalty of Twenty Pounds for every such offence And it shall be lawful for the Superintendent his officers agents or servants to refuse to take any parcel that they may suspect to contain goods of a dangerous nature or require the same to be opened to ascertain the fact.

**12. Regulations may be made by the Superintendent.**

And with respect to the regulating of the use of the Railway be it enacted as follows: -

It shall be lawful for the Superintendent from time to time subject to the provisions and restrictions in this Ordinance contained to make regulations for the following purposes that is to say:

For regulating the mode by which and the speed at which carriages using the Railway are to be moved or propelled.

For regulating the times of the arrival and departure of any such carriages.

For regulating the loading or unloading of such carriages and the weights which they are respectively to carry.

For regulating the receipt and delivery of goods and other things which are to be conveyed upon such carriages.

For preventing the smoking of tobacco and the commission of any other

nuisance in or upon such carriages or in any of the Railway stations or premises.

And generally for regulating the travelling upon or using and working of the Railway.

But no such regulations shall authorise the closing of the Railway or prevent the passage of engines or carriages on the Railway at reasonable times except at any time when in consequence of any of the works being out of repair or from any other sufficient cause it shall be necessary to close the Railway or any part thereof.

### **13. In case of infringement of such Regulations.**

If the infraction or non-observance of any such regulations aforesaid be attended with danger or annoyance to the public or hindrance to the Superintendent his officers agents or servants in the lawful use of the Railway it shall be lawful for the Superintendent his officers agents or servants summarily to interfere to obviate or remove such danger annoyance or hindrance and forcibly to remove any person or persons causing such danger annoyance or hindrance from the premises occupied by or appurtenant to the Railway.

### **14. Power of the Superintendent to vary tolls.**

And whereas it is expedient that the Superintendent should be enabled to vary the tolls upon the Railway so as to accommodate them to the circumstances of the traffic but that such power of varying should not be used for the purpose of prejudicing or favouring particular parties or for the purpose of collusively and unfairly creating a monopoly either in the hands of the Superintendent or of particular parties it shall be lawful therefore for the Superintendent subject to the provisions and limitations herein contained from time to time to alter or vary the tolls hereby authorised to be taken either upon the whole or any particular portions of the Railway as he shall think fit but not to exceed the maximum rates hereby authorised Provided that all such tolls be at all times charged equally to all persons and after the same rate whether per ton per mile or otherwise in respect of all passengers and of all goods or carriages of the same description and conveyed or propelled by a like carriage or engine passing only over the same portion of the line of Railway under the same circumstances and no reduction or advance in any such tolls shall be made either directly or indirectly in favour of or against any particular company or person travelling upon or using the Railway.

### **15. Application of Sections.**

The following sections 16 to 44 both inclusive shall apply as well to the Lyttelton and Christchurch Railway as to the Canterbury Great Southern Railway and the word Railway used in the said sections shall be construed to mean the said Lyttelton and Christchurch or the Canterbury Great Southern Railway or both of them as the case may require.

**16. Penalty for non-payment of fare.**

If any person travel or attempt to travel in any carriage on the Railway without having previously paid his fare and with intent to avoid payment thereof or if any person having paid his fare for a certain distance knowingly and wilfully proceed in any such carriage beyond such distance without previously paying the additional fare for the additional distance and with intent to avoid payment thereof or if any person knowingly and wilfully refuse or neglect on arriving at the point to which he has paid his fare to quit such carriage every such person shall for every such offence be liable to a penalty not exceeding Two Pounds.

**17. Passengers to be furnished with tickets.**

Each passenger on paying his fare will be furnished with a ticket which he is to show whenever required by any Station-master or authorised porter or by the guard in charge of the train and if it be a return ticket, he must allow it to be marked when required and every ticket (whether single, return, or periodical) must be delivered up on the demand of any porter or other servant authorised to collect tickets Single tickets not used on the day of issue or a return ticket not used within the prescribed time shall be deemed to be cancelled Any person offending against the provisions of this section shall be liable to a penalty not exceeding Five Pounds.

**18. Tickets not transferable.**

Tickets are not transferable and any person using or attempting to use a transferred ticket or a ticket the time for the proper use of which has expired shall be liable to a penalty not exceeding Five Pounds.

**19. Penalty for travelling in superior class or altering ticket.**

Any person knowingly and with intent to defraud travelling upon the Railway in a carriage of a superior class to that for which he is provided with a ticket or altering a return or other ticket shall be liable to a penalty not exceeding Ten Pounds.

**20. Penalty for mis-use of tickets.**

Tickets whether single or return shall be used by passengers only to convey them to the station named thereon or to a station short of that destination In no case however shall any "cheap excursion" ticket be used for any other Station than that for which such ticket is issued Any person using or attempting to use a ticket in violation of the provision of this section shall be liable to a penalty not exceeding Two Pounds.

**21. Penalty for breaking journey and subsequently proceeding with same ticket.**

No person will be allowed to break his journey by stopping at any intermediate station and thereafter proceeding by subsequent train with the same ticket under a penalty not exceeding Two Pounds.



**22. Penalty for sale of ticket.**

Any person not duly authorised by the Superintendent who shall sell or offer for sale any free pass ticket or portion of a return ticket shall be liable to a penalty not exceeding Two Pounds.

**23. Male passengers not to enter carriage or room set apart for females.**

No male passenger shall be allowed to enter any waiting-room or carriage set apart for the accommodation of females and any person remaining in any such room or carriage after being warned to leave the same shall be liable to a penalty not exceeding Two Pounds.

**24. Penalty for using private key to open carriage doors.**

Any person not being a Railway servant who shall open any carriage for the purpose of entering the same after the tickets have been examined and the carriage doors locked by the person appointed for that purpose or who shall let himself out of any carriage or attempt to do so at any station or at any time during the journey by the use of a private key or other instrument shall be liable to a penalty not exceeding Two Pounds.

**25. Penalty for travelling outside carriage.**

No person shall without the consent of the Superintendent or other authorised officer travel outside a carriage on any Railway under any circumstances or get into or upon or quit any Railway carriage when the train is in motion and any person doing so or attempting to do so shall be liable to a penalty not exceeding Two Pounds.

**26. Smoking prohibited.**

Smoking is strictly prohibited in any of the Railway sheds yards offices or waiting-rooms and any person found so smoking shall be liable to a penalty not exceeding Two Pounds.

**27. Penalty for smoking in carriages not set apart for purpose.**

Smoking is strictly prohibited in any Railway carriage except those set apart for the purpose and any person found smoking in a carriage not set apart for the purpose shall forfeit a penalty not exceeding Two Pounds, and may be removed from the carriage by any Railway servant.

**28. Penalty for taking dog in passenger carriage.**

Dogs will be conveyed and charged for according to printed conditions but will not on any account be allowed to accompany passengers in the carriages Any person persisting in taking a dog into a passenger carriage shall be liable to a penalty not exceeding Two Pounds.

**29. Penalty for giving gratuity.**

No gratuity shall be under any circumstances allowed to be received by a Railway servant on pain of dismissal Any person giving or offering a gratuity to

any such servant shall be liable to a penalty not exceeding Two Pounds.

**30. Penalty for use of insulting or abusive language.**

Any person making use of insulting or abusive language to any Railway officer or servant while in the execution of his duty or making use of indecent or blasphemous language in any carriage or upon any Railway platform or premises shall be liable to a penalty not exceeding Five Pounds.

**31. Penalty for intoxication or committing nuisance.**

Any person in or upon any Railway carriage or station being in a state of intoxication or committing any nuisance or gambling or wilfully interfering with the comfort of any passenger shall be liable to a penalty not exceeding Five Pounds and to removal from such carriage or station as soon as shall be practicable.

**32. Penalty for driving animals across Railway when train approaching.**

Any person driving or attempting to drive sheep horses cattle or other animals across the Railway either at an authorised crossing-place or elsewhere when an approaching train is in sight shall be liable to a penalty not exceeding Ten Pounds.

**33. Penalty for plying for hire without license.**

No driver or conductor of any hackney carriage omnibus, or other public vehicle, shall ply for hire within the Railway premises without a license in writing from the Superintendent or other authorized officer; and any person offending contrary to this section shall be liable to a penalty not exceeding Five Pounds.

**34. Penalty for coming upon platform to remove passengers or luggage unless required to do so.**

No person will be allowed to come upon any Railway platform for the purpose of removing any passenger or luggage, unless required by a passenger and engaged by him for such purpose and no person will be allowed to come upon any Railway premises for the purpose of soliciting custom or hire. Any person attempting to evade or being guilty of a breach of this section or not quitting the premises when required by a Station-master or other Railway servant, shall be liable to a penalty not exceeding Two Pounds.

**35. Penalty for sticking placard or bill within premises.**

Any person unless authorized by the Superintendent who shall post or stick any placard or bill within or on any of the Railway property or premises shall be subject to a penalty not exceeding Two Pounds.

**36. Penalty for wilfully injuring carriage.**

Any person who shall wilfully injure, wholly or in part any of the linings or blinds, or break or deface any of the windows or remove or injure any number-plate or advertisement or remove or extinguish any of the lamps or otherwise damage any Railway carriage shall be liable to a penalty not exceeding Five Pounds in

addition to the payment of the amount of damage done.

**37. Penalty for selling on premises without consent of Superintendent.**

No article shall be sold on any Railway premises without the consent of the Superintendent and every person offending against the provisions of this section shall forfeit a sum not exceeding Five Pounds.

**38. Wharfage dues.**

All goods landed on or shipped from the wharves or jetties at Lyttelton belonging to or vested in the Superintendent shall be subject to wharfage dues and it shall be lawful for the Superintendent to levy charges and receive toll and wharfage dues in respect of such wharves or jetties at rates not exceeding those specified in the schedule to this p Ordinance.

**39. Warehousing charges.**

It shall be lawful for the Superintendent to charge and recover charges. warehousing charges in respect of the warehouses belonging to or vested in the Superintendent at rates not exceeding those specified in the schedule to this Ordinance.

**40. Rates of carriage.**

The maximum rates of tolls fares dues and charges for passengers animals carriages goods merchandise grain minerals articles matters and things conveyed on the Lyttelton and Christchurch Railway and on the Great Southern Railway shall be those specified in the Schedule to this Ordinance respectively.

**41. Superintendent to exercise powers with advice and consent of Executive Council.**

All powers by this Ordinance given to the Superintendent shall be exercised by him by and with the advice and consent of the Executive Council and not otherwise.

**42. Meaning of “ Lyttelton and Christchurch Railway.”**

The expression “Lyttelton and Christchurch Railway” shall mean the Railway now existing between Christchurch and Lyttelton and the works stations and land appurtenant thereto.

**43. Meaning of “ Great Southern Railway.”**

The expression “Great Southern Railways” shall mean such part of the Canterbury Great Southern Railway as defined by the “Canterbury Great Southern Railway Act 1864” as is now completed and the works stations and land appurtenant thereto.

**44. Penalties &c. recoverable summarily.**

Every penalty or forfeiture imposed by this Ordinance shall and may be recovered in a summary way.

**45. Title.**

This Ordinance shall be entitled and may be cited as "The Railway Tolls and Management Ordinance 1872."

**The Schedule referred to in the Foregoing Ordinance.****Tolls and Charges on the Lyttelton and Christchurch Railway.**

	<b>Tolls for Haulage per mile.</b>	<b>Terminal Charges for Receiving and Delivering.</b>
Merchandise and all Goods not otherwise described by dead weight or measurement.	Sevenpence per ton.	Two shillings and sixpence per ton.
Grain and other Produce (except Hay Straw and Wool)	Sevenpence per ton.	Two shillings per ton.
Sawn Timber (100 Palings or 1000 Shingles to be considered 100 feet of Timber)	Twopence per 100 feet superficial.	Sixpence per 100 feet.
Wool per bale not exceeding 4 cwt.	Twopence per bale.	One shilling per bale.
Wool in bales exceeding 4cwt.	One halfpenny per cwt.	One shilling per bale.
Sheep Pigs or Goats.	Twelvepence per score.	Four shillings per score.
Other Animals on such terms and at such rates as the Superintendent and Executive Council may from time to time determine.		

Passengers .— First Class each two shillings and sixpence Return Ticket available only on the day of issue four shillings Second Class each one shilling

and sixpence Return Ticket available only on the day of issue two shillings and sixpence For any intermediate stations First Class passengers each sixpence a mile or fraction of a mile Return Tickets available only on the day of issue 25 per cent. reduction on Double Fares Second Class fourpence per mile or fraction of a mile Return Tickets 25 per cent. reduction on Double Fares.

### **Tolls on Great South Railway.**

	<b>Tolls for Haulage per mile.</b>	<b>Terminal Charges for Receiving and Delivering.</b>
Merchandise and all Goods not otherwise described by dead weight or measurement.	Fourpence per ton.	Two shillings and sixpence per ton.
Grain and other Produce (except Hay Straw and Wool)	Threepence per ton.	Two shillings per ton.
Sawn Timber (100 Palings or 1000 Shingles to be considered 100 feet of Timber)	One penny per 100 feet superficial.	Sixpence per 100 feet.
Wool per bale not exceeding 4 cwt.	One penny per bale.	One shilling per bale.
Wool in bales exceeding 4cwt.	One farthing per cwt.	One shilling per bale.
Sheep Pigs or Goats.	Sixpence per score.	Two shillings per score.
Other Animals on such terms and at such rates as the Superintendent and Executive Council may from time to time determine.		

Passengers — First Class each fourpence a mile for any distance exceeding three miles Return Ticket 25 per cent. reduction upon Double Fares Second Class each three-pence a mile for any distance exceeding three miles Return

Ticket at similar reduction For any intermediate Station First Class sixpence a mile not exceeding three miles Return Ticket as above Second Class not exceeding three miles fourpence a mile Return Ticket as above.

**On Lyttelton and Christchurch and Great Southern Railways respectively.**

Parcels

Not exceeding 14lbs. weight one shilling each Above 14lbs. and not exceeding 28lbs. one shilling and sixpence Every additional 28lbs. or fraction thereof sixpence

Parcels.

Above the value of ten pounds one per centum upon the value in addition to the above-named rates.

Passengers' Luggage

Not exceeding half a hundred-weight one shilling Every additional half hundred-weight or fraction thereof one shilling.

Packages.

Under quarter ton sent by Goods train to be charged as quarter ton at Goods rates.

Packages.

Packages weighing or measuring more than two tons to be charged by special agreement.

Stoves and other Castings.

Stoves and Castings (not packed) to be charged freight and a half.

Glass China Pictures and other Valuable Hazardous Goods.

On such terms and at such rates as the Superintendent and Executive Council may from time to time determine.

In all Rates calculated under this schedule any fractional part of a mile will be charged as one mile.

**Wharf Dues.**

Merchandise.

Grain and all other goods not otherwise mentioned landed on or shipped from Government wharves one shillings per ton of dead weight or measurement.

Wool.

Landed on or shipped from Government wharves threepence per bale.

Timber.

Landed on or shipped from Government wharves twopence per 100 superficial feet.

Firewood.

Landed on or shipped from Government wharves one shilling per cord.

Half Dues to be charged on all the above-mentioned goods if transhipped into lighters or others from vessels lying alongside the Government Wharves.

Warehousing Charges.

On all Goods not otherwise described not removed from the Railway within twelve working hours and on all goods awaiting order for delivery one shilling per ton per week or fraction of a week.

On Grain, Flour, and other Produce not removed from the Railway within ten working days one shilling per ton per week or fraction of a week.

On Wool not removed from the Railway within ten working days threepence per bale per week or fraction of a week.

On Bonded Goods for Customs examination one shilling per ton.

## **9. The Education Ordinance Amendment Ordinance 1872.**

[16<sup>th</sup> January 1872.]

Whereas it is expedient to amend "The Education Ordinance 1871":

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

### **1. Title.**

The short title of this Ordinance shall be "The Education Ordinance Amendment

Ordinance 1872.”

**2. Meaning of term “ Householder.”**

The term householder in Section 31 of the above-mentioned Ordinance shall mean every person who occupies uses or resides in any dwelling-house warehouse office shop or other building and who in respect thereof shall under the provisions of any Act of the General Assembly of New Zealand or any Ordinance of the Provincial Council of the Province of Canterbury be rated for Municipal or Road Board purposes.

**3. Provisions of Ordinance as to mode and time of election of School Committees not to extend to Christchurch, Timaru, Kaiapoi, or Lyttelton, &c.**

The provisions of Sections 34 and 35 of the said Ordinance with respect to the mode and time of election of School Committees shall not extend to any Educational District any portion of which shall be comprised in the city of Christchurch or the towns of Timaru Kaiapoi or Lyttelton respectively on any other Municipality within the Province and with respect to a School Committee or School Committees for any district comprised within or including any part of the city of Christchurch or the said towns of Timaru Kaiapoi or Lyttelton or any other Municipality the following provisions shall have effect namely for the first election of School Committee under the said Ordinance in any district comprised in or including any part of the said city and town the candidates shall be nominated at the first meeting of the householders convened and held under and in pursuance of the provisions of Sections 32 and 33 of the said Ordinance and for every subsequent and annual election of the School Committee of any such district the candidates shall be nominated at the public meeting convened and held under the provisions of the said Ordinance And any householder may at such meeting nominate any number of persons being such householders as aforesaid not exceeding the number of persons to be elected and if at any such first or annual meeting there be no more candidates proposed than the number of members of the School Committee to be elected the Chairman of the meeting shall publicly declare the candidates then duly proposed to be duly elected and in the event of there being more candidates proposed than the number of members to be elected the Chairman shall call for a show of hands separately in favour of each candidate and after such show shall declare the persons in whose favour the show of hands shall appear to have been and if thereupon a poll be not demanded by one of the candidates or by not less than five electors the Chairman shall declare such persons to be duly elected.

**4. If Poll demanded.**

If a poll be demanded as aforesaid the Chairman shall then declare the day on which the same shall be held such day being a day not sooner than three days and not later than ten days from the day of such meeting and the poll shall thereupon stand appointed for such day and shall be opened and taken at such place in such manner and in accordance with such regulations as the



Superintendent may from time to time by order prescribe and the Board may from time to time by order appoint or direct the appointment of any officers requisite for the purpose of any such election and do all other necessary things preliminary or incidental to any such election.

**5. Ordinance. How to be construed.**

This Ordinance shall be read and construed as part of “The Education Ordinance 1871.”

**10. Appropriation Ordinance 1872**

Title.

Preamble.

1. Sums of money may be issued and applied for the Public Service of the Province in manner set forth in Schedules A, B, and C.

Schedule A.

Schedule B.

Schedule C.

*Copy not in Volume. But is in separate Session record.*