

Session XI. 1859 (September 1859 to January 1860)

1. The Loan Ordinance Amendment Ordinance 1859.

Whereas by an Ordinance of the Province of Canterbury, entitled " The Loan Ordinance, Session VII., No. 3," it was enacted that it should be lawful for the Superintendent of the Province to raise, by way of loan, a sum not exceeding Thirty Thousand Pounds sterling, and to issue Debentures to that amount, and such Debentures when issued were thereby made chargeable upon the public revenue of the Province of Canterbury: And Whereas the said loan has been negotiated by the Union Bank of Australia in London on account of the Province of Canterbury for the full amount authorised by the said Ordinance: And Whereas, by a notice printed at the foot of each Debenture issued by virtue of the said Ordinance, and also published in the Gazette, the Superintendent has appointed the office of the Union Bank of Australia in London, as the place where all payments of principal and interest on the said Debentures are to be made: And Whereas doubts have been entertained whether such appointment as to the payment of the principal moneys in the Debentures mentioned is within the terms of an authorised by the said Ordinance, and it is expedient that such doubts be removed:

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

1. The principal and interest moneys mentioned in Debentures issued by virtue of Loan Ordinance, Sess. VIII., No. 3, made payable at the Union Bank of Australia, in London.

The principal and interest moneys mentioned in the Debentures issued by virtue of the "Loan Ordinance, Session VII., No. 3," shall be payable and paid at the Union Bank of Australia in London, as appointed by the Superintendent and stated at the foot of each Debenture, and such mode and place of payment shall be deemed and taken to be as legal, valid, and binding on the Province as if the same had been expressed and contained in the said Ordinance.

2. Title.

This Ordinance shall be entitled and may be cited as the "Loan Ordinance Amendment Ordinance, Session XI., No. 1."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 13th October 1859, and assented to be the Superintendent, on 4th of November.

2. The Lunatic Asylum And Gravel Pit Reserves Sales Ordinance 1859.

Title.

Preamble.

1. Superintendent to sell Lunatic Asylum and Gravel-pit Reserve by public auction.
2. Condition of sale.
3. Proceeds how to be appropriated.
4. Title.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 13th October 1859, and assented to by the Superintendent on 4th November. It was disallowed by the Governor. See New Zealand Government Gazette, No. 11. 5th April 1860, page 67.

The full text of this Ordinance was not included in the Volume of Ordinances published by Charles Lucas, the Official Printer of the Canterbury Provincial Government.

3. The Diversion of Roads Ordinance 1860.

Whereas by an Act of the Parliament of New Zealand, passed in the Twenty-first and Twenty-second years of the reign of her Majesty Queen Victoria, entitled "The Highways and Watercourses Diversion Act, 1858," it was 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 divert or stop up any river, stream, or creek in such Province, and to build bridges, dams, wharves, and other erections on the banks or in the beds of any such river, stream, or creek, as also to sell, exchange, or otherwise dispose of the land over which any such public street, road, highway, or thoroughfare was laid out or passed, or the bed of any river, stream, or creek so diverted or stopped up: And Whereas certain roads or parts of roads which have been or may hereafter be laid out in various parts of the Province of Canterbury are not or may not be required as public highways: And Whereas it is necessary that new roads should, from time to time, be laid out and constructed, parts whereof may pass through land being the property of private individuals, and it is expedient that some provision should be made for the closing up of such highways as may no longer be required, and for the disposal

of the land occupied thereby, and also for fixing the amount of compensation to which any person may become entitled in respect of any damage done to his property by the construction of any road passing through the same:

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

1. Diversion to be by Special Ordinance.

Except as hereinafter provided, no public road shall be closed up or diverted, and no new line of road shall be laid out or constructed, passing over any private lands, except under the authority of a special Ordinance of the Superintendent and Provincial Council.

2. All such Bills to be published in the “Government Gazette,” and to be served upon all persons interested in the lands over which the road is proposed to be carried.

Every Bill for closing up or diverting any public road, or for carrying any public road through any private lands, shall be published in the Government Gazette of the Province, and a copy of such Gazette shall, not less than thirty days previously to the introduction of any such Bill into the Provincial Council, be served upon every person resident in the Province, having any estate or interest in any lands fronting upon or crossed by any such road proposed to be diverted or closed, or in any lands over which any such new road is proposed to be carried.

3. Service of copies of “Gazette.”

Such copy of the Government Gazette shall be served upon such person either personally, or by leaving the same at his or her last or usual place of abode, if any such can, by diligent enquiry, be found; and in case such person shall be absent from the Province, or cannot, upon diligent enquiry, be found, the Superintendent shall cause a notice to be published in all the Newspapers of the Province, stating that such a copy of the Gazette is left at the Office of the Provincial Secretary, and will be given to such person, or to any Agent or Attorney lawfully acting in his or her behalf, upon application for the same.

4. Superintendent may cause highways to be constructed over private lands on certain conditions.

It shall be lawful for the Superintendent at any time to cause a public highway to be laid out and constructed through any private lands, upon receiving from every person having any estate or interest therein, or from his or her Attorney or Agent lawfully authorised in that behalf, a Deed, duly executed in the form or to the effect set forth in the Schedule hereunto annexed. And every such Deed shall be published in the Government Gazette of the Province.

5. And thenceforth such lands to vest in her Majesty.

From and after the execution of any such Deed, or on a day to be named in any Special Ordinance as aforesaid, the land described in such Deed or Ordinance shall thenceforth vest in her Majesty and her Successors as demesne lands of the Crown, and there shall be a public highway through and over such land.

6. In case public roads passing through private property be closed up, such roads to become part of such property.

If any public road shall be closed up, passing through any private property, the land occupied by such road shall become a part of such property, and shall become vested in the Owner or Owners thereof, in the same manner and subject to the same trust as the remaining part of such property: And if any public road shall be closed up, not passing through any private property, the land occupied by such road shall be deemed to be waste lands of the Crown, and shall be dealt with accordingly.

7. Compensation allowed for damage sustained.

Every person who shall suffer any damage in respect of any public road which shall be closed up or diverted, or in respect of any new road which shall by virtue of any such Special Ordinance as aforesaid, be carried through any private lands in which such person shall have any estate or interest, shall be entitled to receive compensation for such damage to an amount to be ascertained by two or more Justices of the Peace in the manner hereinafter provided.

8. Notices of claims for compensation.

If any person shall, at any time within one year after his claim shall have arisen by the passing of any such Special Ordinance, apply to any Justice of the Peace by a notice, in writing, signed by himself or his Agent lawfully authorised in that behalf, setting forth the nature and amount of such claim, such Justice of the Peace shall thereupon issue a Public Notice stating that such claim will be heard before two or more Justice of the Peace, at a meeting to be held at a time and place to be set forth in such Notice, not sooner than fourteen days after the issue thereof, and the Claimant shall, seven days at least before such meeting, send a copy of such Notice to the Superintendent.

9. Justices to determine such claims.

It shall be lawful for any two or more Justices assembled at such meeting, in case such claim shall not exceed Fifty Pounds, and for any three or more Justices, in case such claim shall exceed Fifty Pounds in amount, to hear and determine the said claim, and for that purpose to examine, upon oath, all such Witnesses who may appear to oppose the said claim: And the order of such Justices, or a majority of them, shall be final and conclusive as to the amount of compensation.

10. Claims of above £50 submitted to valuation.

If any such claim shall exceed Fifty Pounds in amount, the Justice to whom the said application shall be made, shall, by writing under his hand and seal appoint a competent person or persons to survey and value the land in question, and to estimate the damage sustained by reason of the proposed closing up, diverting, or making of any road as aforesaid; and such claim shall not be determined by the Justices assembled at any such meeting, unless such person or persons shall appear thereat and be examined, upon oath, touching such value and damage as aforesaid.

11. Surveyor's declaration.

Every such Valuator so appointed, shall, before making such valuation as aforesaid, make and subscribe, in the presence of such Justices of the Peace, the following Declaration at the foot of the said Appointment, that is to say:

I, A.B. do solemnly and sincerely declare that I will faithfully, impartially, and honestly, according to the best of my skill and ability, executed the duty of making the valuation hereby referred to me.

Made and subscribed in the presence of

12. Consideration in determining the amount of compensation.

In determining the amount of such compensation, regard shall be had by such Justices, not only to the value of the land to be occupied by any such new road, and to the damage (if any) arising from the severance of land thereby, and to the damage (if any) arising from the closing up or alteration of any rights of way affording access thereto, but regard shall also be had to the increase (if any) in the value of such land arising from the alteration or closing up of such road, or the laying out of such new road, and also to the value of lands (if any) which shall be added to such property under the 6th Clause of this Ordinance.

13. Costs of enquiry.

The costs of any such enquiry shall be in the direction of such Justices, and they shall adjudge the amount.

14. Compensation to be paid as the Justices direct.

All compensation and costs to be paid under the authority of this Ordinance shall be paid to such persons and in such manner as such Order of the Justices shall direct.

15. To be paid out of the Public Revenues.

It shall be lawful for the Superintendent, and he is hereby required to issue and pay out of any sum set apart by the Council for that purpose, all such sums as shall be awarded by such Justices, to the person or persons and in the manner by them directed, by way of compensation or costs in respect of land taken for a public road under the authority of any such Special Ordinance as aforesaid.

16. Compensation subject to trusts and charges.

All compensation paid under the authority of this Ordinance shall be subject to the same trusts and charges as the land in respect of which such compensation shall have arisen.

17. Compensation may be paid in waste lands.

If any person entitled to compensation under this Ordinance shall accept in satisfaction thereof a Grant of waste lands of the Crown under the 42nd Clause of the "Waste Land Regulations" now in force within the said Province, such Grant shall be a complete discharge of the claim for such compensation to all intents and purposes whatsoever.

18. Interpretation clause.

The word "person" in this Ordinance shall be taken, in the case of a Corporation aggregate, to mean the principal Manager or Director of such Corporation, and in the case of a Lunatic or Idiot, to mean the Committee of such Lunatic or Idiot; and in the case of any cestui qui trusts, to mean the Trustees: And the word "road" shall be taken to include any public street, road, highway, bridlepath, footpath or thoroughfare, and any river, stream, creek, bridge, culvert, embankment, ditch, or other works necessary to the construction or maintenance of the line of such road.

19. Title.

This Ordinance shall be entitled and may be cited as "The Diversion of Roads Ordinance, Session XI., No. 3."

Schedule.

Know all Men by these presents that I (or we) [here insert the name of Owner or other person having an interest in the lands] of [insert place of abode] being [insert nature of interest, eg. seized in fee simple] of that part of rural (or town) section of land numbered _____ on the Map of the Chief Surveyor of the Province of Canterbury [here insert description of the land to be occupied by the new road] and delineated and colored brown in the Plan drawn in the margin hereof, for valuable consideration, to hereby dedicate the said land to the public, to the intent that the same may for ever hereafter be used as and be a public highway (or drain) to all intents and purposes whatsoever.

In Testimony Whereof I have hereunto set my hand and seal this _____ day of 186 .

Signed, sealed, and delivered by the abovenamed
In the presence of us

(Two witnesses)

Notes.

This Ordinance was passed by the Canterbury Provincial Council, and assented to by the Superintendent on 3rd January 1860.

4. The Cathedral Square Amendment Ordinance 1859.

Whereas an Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled "The Cathedral Square Ordinance, Session XI., No. 5 :—" And Whereas it is expedient that the said Ordinance should be amended, and that a certain Section thereof should be repealed and other provision made in lieu thereof:

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

1. Repealing Clause.

Section 4 in the said recited Ordinance is hereby repealed.

2. Purposes for which Cathedral Square shall be reserved.

The portions of the Sections situate in the City of Christchurch, and known as "Cathedral Square," having respectively a frontage on the highway forming a continuation of Colombo-street, shall be reserved: that portion thereof to the east of the said highway, as a site for the erection of a Cathedral in connection with the Church of England, which site shall be conveyed to the Bishop of Christchurch and his Successors, to be held in trust for the purpose aforesaid; and the said Superintendent, upon the commencement of the building of the said Cathedral, is hereby empowered and required to convey the said site accordingly; that portion thereof to the west of the said highway, as a public square or for plantations.

3. Title.

The Ordinance shall be entitled and may be cited as the "Cathedral Square Ordinance Amendment Ordinance, Session XI., No. 4."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 18th October 1859, and assented to by the Superintendent on 4th November.

5. The Public Hospital Ordinance 1859

Title.

Preamble.

1. A portion of Hagley Park to be set apart for a Public Hospital.
2. Creation of Governing Body.
3. Governors to make Regulations, By-Laws, &c.
4. Appointment and duties of Treasurer.
5. Admission of persons in need of charitable aid.
6. Appointment of new Governors, in case of death, resignation, or otherwise.
7. Title.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 20th October 1859, and assented to by the Superintendent on 4th November. It was repealed by the Christchurch Hospital Ordinance, 1862, passed during Session XIX, which was, in turn, repealed by the Christchurch Hospital Ordinance, 1863, passed during the next Session of the Provincial Council.

The full text of this Ordinance was not included in the Volume of Ordinances published by Charles Lucas, the Official Printer of the Canterbury Provincial Government.

6. The Church Property Trust Amendment Ordinance 1859.

Whereas by an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury, entitled the "Church Property Trust Ordinance, Session II., No. 3," it was enacted that certain persons therein respectively named, and all such other persons

as should be thereafter elected or appointed Trustees and their Successors, should be and they were thereby constituted a Body Politic and Corporate by the name of the " Church Property Trustees," and by that name they should have perpetual succession and a common seal, and be for ever capable in Law to purchase, receive, possess and enjoy to them and their Successors any goods and chattels whatsoever and wheresoever, and any messuages, lands, tenements and hereditaments in the Province of Canterbury; and also to lease,

let, sell, alienate, mortgage, charge, or otherwise dispose of such property, as well real as personal, as they should think proper; and also to act in the concerns of the said Body Politic and Corporate as effectually as any person or persons might or could do in his or their respective concerns, for the purpose and object of establishing and maintaining ecclesiastical and educational institutions within the Province of Canterbury, in connection with the Church in communion with the Church of England and Ireland as by Law established: And Whereas the said Trustees are seised to them and their Successors of (amongst other hereditaments) certain messuages, lands, tenements and hereditaments in the said Province of Canterbury, being special reserves vested in them for ecclesiastical and educational institutions within the said Province, in connection with the said church: And Whereas the said Trustees are desirous of obtaining express powers, enabling them to sell or otherwise dispose of the parcels of land specified in the Schedule A to this Ordinance, and also to lease the parcel of land specified in the Schedule 13 to this Ordinance; such parcels of land respectively being part of the special reserves so held by them as aforesaid; and it is expedient that such powers should be vested in them, and that the said Ordinance should be amended accordingly:

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

1. Church Property trustees may dispose of certain lands specified in Schedule A.

It shall be lawful for the said Church Property Trustees, at any time or times after the passing of this Ordinance, absolutely to sell and dispose of the lands, tenements, and hereditaments specified in the Schedule A to this Ordinance, or any part thereof, either by public auction or private contract, and in such manner as the said Trustees shall think fit, and to convey the fee simple and inheritance of the same premises when sold to the Purchaser or Purchasers thereof.

2. Appropriation of moneys arising from such sales.

The said Trustees shall, out of the money arising from such sale, lay out and invest such a sum of money as shall represent the original purchase money of the land so sold as aforesaid in the absolute purchase of other freehold lands or hereditaments in the Province of Canterbury, to be held by the said Trustees for the purpose and object of establishing and maintaining ecclesiastical and educational institutions within the said Province in connection with the Church in communion with the Church of England and Ireland as by Law established; and the residue of the money to arise by such sale shall be laid out in the erection of parsonage houses in that portion of the said Province comprised within the boundaries of the original Canterbury Settlement, for the use of officiating Clergymen of the said Church.

3. Trustees may lease certain lands described in Schedule B. Conditions of lease, &c.

The said Trustees may, from time to time, lease all or any portion of the parcel of land specified in the Schedule B to this Ordinance, to any person or persons, for any term not exceeding twenty-one years in possession and not in reversion, at such rent and subject to such covenants and provisos as the said Trustees may deem reasonable, and shall apply the rents of the premises so leased for the purpose and object of establishing and maintaining ecclesiastical and educational institutions in connection with the said Church.

4. The Receipt of Trustees to be an effectual discharge.

The Receipt of the said Trustees or their Successors for any moneys paid to them upon any sale under the provisions of this Ordinance, or under the provisions of the "Church Property Trust Ordinance, Session II., No. 3," or for any other money which may be paid to them or their Successors by virtue of this or the said recited Ordinance, shall effectually discharge the person or persons paying the same therefrom, and from being bound to see to the application thereof or being answerable for the non-application or misapplication thereof.

5. Interpretation of words "Proper Ecclesiastical Synod. &c."

And whereas it was provided by the said Ordinance (Section 6) that any By-law, Rule, Order, Regulation or Resolution of the said Church Property Trustees, which should be repugnant to the provisions of the said Ordinance, or to the Laws or Ordinances of the Colony of New Zealand, or of the Province of Canterbury, or to any Canon or Ecclesiastical Law or Regulation then in force, or which might at any time be in force within the Canterbury Settlement, under the authority of any proper Ecclesiastical Synod or other Competent jurisdiction of the Church, should be, and the same was thereby declared to be absolutely null and void; and it was further provided that the said Trustees and every Managing Committee thereof should, in all their Acts and Proceedings, By-laws, Regulations and Resolutions, conform to and obey all Canons and Ecclesiastical Laws or Regulations then or at any time in force within the said Settlement, touching or relating to the administration of the property vested in them for the purposes aforesaid: And Whereas it is desirable that the proper Ecclesiastical Synod or other competent jurisdiction of the Church so referred to should be ascertained and defined: And Whereas, by a Deed of Constitution, agreed to at a General Conference of Bishops, Clergy, and Laity of the Branch of the United Church of England and Ireland in New Zealand, held at Auckland, on the Thirteenth day of June, one thousand eight hundred and fifty-seven, a Representative Governing Body was constituted, to be called the General Synod of such branch of the said Church: And Whereas by a Statute passed by the said General Synod, in its first Session, and entitled " A Statute for Organizing the Diocesan Synods," provision was made for the organization of Diocesan Synods: Be it further enacted that in the interpretation of the said Ordinance the words "proper Ecclesiastical Synod, or other competent jurisdiction of the Church," shall be taken and deemed to mean the Synod of the Diocese of Christchurch,

organized according to the provisions of the said Statute, or of any other Statute to be made by the General Synod in that behalf.

6. Title.

And be it enacted that this Ordinance shall be entitled and may be cited as the " Church Property Trust Amendment Ordinance, Session XI., No. 6."

Schedule A.

All that parcel or quarter-acre section of land, situate in and fronting upon Tuam Street, in the city of Christchurch, being part of the Reserve No. 6 and No. 1037 on the Map of the Chief Surveyor setting out and describing the said city of Christchurch.

Also, all that parcel of land containing one acre one rood, or thereabouts, situate in and fronting upon Canterbury Street and Ripon Street, in the town of Lyttelton, being Reserve No. 27 on the Map of the said Chief Surveyor, setting out and describing the said town of Lyttelton.

And also that parcel of land situate near the Heathcote Ferry, containing one acre three roods twenty-six perches, or thereabouts, being Reserve No. 50 on the Map of the said Chief Surveyor, setting out and describing the rural land in the Christchurch district.

Schedule B.

All that parcel of land containing two roods fifteen perches, or thereabouts, situate in and fronting upon Oxford Terrace West, Lichfield Street and Durham Street, in the said city of Christchurch, being Reserve No. 8 on the aforesaid Map of the said Chief Surveyor.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 3rd November 1859, and assented to by the Superintendent on 4th November.

7. The Racecourse Lease Ordinance 1859.

Whereas by an Act of the General Assembly of New Zealand, passed in the first Session thereof, entitled "The Public Reserves Act, 1854," it was, amongst other things enacted, that it should be lawful for the Governor of New Zealand, with the advice and consent of his Executive Council, at any time and from time to time after the passing of the said Act, in the name and on behalf of her Majesty, to grant to the Superintendent of each Province in New Zealand and his Successors, all such estate and interest as her Majesty then had or might have in all or any of the lands within such Province forming part of the demesne lands of the Crown, which had been at any time theretofore and then were or might thereafter be reserved or set apart for purposes of public utility within such Province, except as therein mentioned:

And Whereas all that allotment or section of rural land situate within the Christchurch district of the Province of Canterbury, forming part of the demesne lands of the Crown, consisting of three hundred acres statute measure or thereabouts, be the same more or less, commencing at a point on the Harewood Road, by Riccarton, five miles forty-eight chains and sixty links from the Market Place of the town of Christchurch (measured along the road), thence running southerly at a right angle to the extent of forty-six chains, thence westerly at a right angle to the extent of fifty-nine chains and twenty links or thereabouts, to the north-western boundary line of section 209, following along the said boundary line six chains ninety links, and thence along the northern boundary line of section 209, five chains and seventy-five links, to the south-western corner of section 389, thence following along the north-western road to the commencing point, subject nevertheless to a road one chain wide reserved along the easter and south-eastern boundaries of the said allotment or section, which said section is more particularly delineated and shown in the Chief Surveyor's Map of the said Province:

And Whereas the said section of land hath been reserved for purposes of public utility within the Province of Canterbury, and in pursuance of the powers conferred by the above-recited Act of the General Assembly hath been granted by his Excellency the Governor to James Edward FitzGerald, Esquire, the Superintendent of the said Province, and his Successors, Superintendents, upon the several trusts following, that is to say: upon trust for a public racecourse for the said Province, but subject nevertheless to the provisions in that behalf contained in the said Act of the General Assembly for changing the said trusts and appropriating the said land to other and different purposes of public utility: Provided always that no land so granted shall be alienated by way of sale or mortgage, or by lease for any longer term than three years, and no such change or new appropriation shall be made without the authority of an Act or Ordinance of the Provincial Council of such Province to be passed in that behalf: And Whereas it is expedient to make arrangements for the management, improvement, and regulation of the said section of land:

Be it therefore enacted by the Superintendent of the Province of Canterbury, by and with the advice and consent of the Provincial Council thereof.

1. Term and condition of lease.

It shall be lawful for the Superintendent, with the advice of the Executive Council, to lease the aforesaid section of land described in the Preamble to this Ordinance to Isaac Thomas Cookson, President of the Canterbury Jockey Club, or the President for the time being of such Club, for any term not exceeding twenty-eight years' at a rental of not less than Fifteen Pounds per annum for the said term, which rental shall, from time to time, be paid to the Provincial Treasurer of the said Province, and appropriated in manner hereinafter provided.

2. The Lessee may levy certain fees and tolls.

The Lessee of the said course may from time to time fix and receive such fees and payments in respect of admission of persons, horses and vehicles into any portion of such land as he or they may think fit, provided they shall not exceed for every horse two Shillings and Sixpence, for every two-wheeled vehicle drawn by any horse or other beast Ten Shillings, for every additional horse or other beast drawing such vehicle One Shilling, for every four-wheeled vehicle drawn one horse or more, Twenty Shillings: Provided always such fees shall be expended on the permanent improvement of the said public racecourse or the furtherance of the races to be held thereon. No fees shall be taken for the admission of foot passengers to the said reserve.

3. Lessee to make Regulations subject to the approval of the Superintendent.

It shall be lawful for the said Lessee to make all such Regulations as he may think fit for the conduct of all sports and races within the said ground, and to expel therefrom all persons wilfully infringing such Regulations, or otherwise misbehaving. Provided such Regulations shall be submitted for the approval of the Superintendent previous to to coming into force.

4. Lease shall contain reservation for certain purposes, and other conditions.

Any such Lease, granted under this Ordinance, shall contain a reservation of such portion of the said section of land now used or as hereafter may be used as a public racecourse, for the purpose of racing, at all or at any times during the said term, subject to the approval of the Lessee, and a condition that the said section of land shall be given up, at the expiration of such lease, properly laid down with good meadow grass, and fenced in with a sufficient fence, within the meaning of the "Trespass of Cattle Ordinance" now for the time being in force in the said Province, in good repair; and such other reservations, conditions, provisions, and powers as the Superintendent, with such advice as aforesaid, shall require or permit.

5. Appropriation of the rent.

The rent which shall from time to time be paid to the Provincial Treasurer as aforesaid, shall be appropriated in planting with forest trees the external boundaries of the said section or otherwise, as the Superintendent may direct.

6. Title.

This Ordinance shall be entitled and cited as "The Racecourse Reserve Ordinance, Session XI., No. 7."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 3rd November 1859, and assented to by the Superintendent on 4th November.

8. The Ship Building Reserve Loan Ordinance 1859

Title.

Preamble.

1. Terms and conditions of Lease.
2. Title.

Notes.

This Ordinance was passed by the Canterbury Provincial Council, and assented to by the Superintendent on the 4th November 1859.

It was disallowed by the Governor. See New Zealand Government Gazette, No. 11, 5th April 1860, page 67.

The full text of this Ordinance was not included in the Volume of Ordinances published by Charles Lucas, the Official Printer of the Canterbury Provincial Government.

9. The Peacock Jetty Extension Ordinance 1859.

Title.

Preamble.

1. Superintendent may lease land described in Schedule to John Jenkin Peacock.
2. Superintendent may resume possession of land so leased.
3. The Lease not to be entitled to compensation.
4. Interpretation Clause.
5. Title.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 29th November 1859, and reserved for the assent of the Governor who withheld his assent. See New Zealand Government Gazette, No. 11, 5th April 1860, page 69. The full text of this Ordinance was not included in the Volume of Ordinances published by Charles Lucas, the Official Printer of the Canterbury Provincial Government.

10. The Cattle Trespass Amendment Ordinance Amendment Ordinance 1859.

Title.

Preamble

1. Repealing Clause.
2. Cattle trespassing on enclosed lands without the town.
3. Interpretation Clause.
4. Title.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 20th December 1859, and assented to by the Superintendent on 23rd December. The Ordinance was inoperative because there was no Schedule attached to it, and was repealed by "The Trespass of Cattle Ordinance, Session XIV., No. 1, 1860. The full text of this Ordinance was not included in the Volume of Ordinances published by Charles Lucas, the Official Printer of the Canterbury Provincial Government.

11. The Sheep Amendment Ordinance 1859.

Whereas an Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury, entitled " The Sheep Ordinance, Session X., No. 9: " And whereas it is expedient that certain portions of the said Ordinance should be repealed and other provisions made in lieu thereof:

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

1. Repealing Clause.

Sections 2, 5, 11, and 24 of the above recited Ordinance shall be, and they are hereby repealed. All legal proceedings in execution of the said Ordinance, taken before the coming into operation of this Ordinance, shall be as valid to all intents and purposes, and maybe continued, executed and enforced after this Ordinance shall come into operation, in the same manner as if this Ordinance had not been passed.

In lieu of Section 2, above repealed, be it enacted as follows:—

2. All sheep to be branded.

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

And in lieu of Section 5, above repealed, be it enacted as follows:—

3. Registering or using brand of another person.

After any person shall have registered a brand, it shall not be lawful for any other person to register or to brand any sheep with the same brand, or one so nearly similar as in the opinion of the Registrar of Brands to be not readily distinguishable therefrom, or to make or cause to be made any branding-iron bearing the same or nearly similar brand as aforesaid; and any person offending against the provisions of this Section shall be liable to a penalty not exceeding Ten Pounds; and for every day during which, after any person shall have been convicted under the provisions of this Section. his Sheep shall continue to be Branded with the registeled brand of another person, shall be deemed a separate offence against the provisions of this Section: Provided always, that any person having duly registered a brand, may, by writing, addressed to the Registrar of Brands, relinquish his right to the said brand, and upon the due receipt of such

writing by such Registrar, he shall forthwith cause the registry of such brand, in his Register of Brands, to be cancelled; and it shall be lawful for any other person to register such brand in his own name in the office of the Registrar of Brands, and to cause his sheep to be branded therewith as if such brand had not been previously registered.

And in lieu of Section 11, above repealed, be it enacted as follows:—

4. Possession of scabby sheep: fines and penalties.

Every Owner of any sheep infected with scab shall be liable to a fine of not less than One Shilling nor more than Five Shillings for every such infected sheep: Provided that if it shall appear to the satisfaction of the Justices before whom any Information under this Clause shall be heard, that the sheep had been clean at any time within six months previously to the day on which they shall be stated in such information to have been infected with scab, such Justices shall certify, upon any conviction to be made on such information, the latest day upon which it shall so appear to their satisfaction that such sheep had been clean, and it shall be lawful for such Justices thereupon to suspend the payment of any penalty by such conviction ordered to be paid; and if at any time within six months subsequently to the date to be certified as above provided, such sheep shall appear, upon the Report of any Inspector of Sheep, deposited with the Clerk of the Court in which such conviction shall have been made, to be again free from scab, such penalty shall be altogether remitted; but if it shall not so appear, then payment of such penalty shall be enforced in the usual way: Provided also, that if at the expiration of such period of six months it shall appear to the satisfaction of any two Justices of the Peace, and upon the Certificate of an Inspector of Sheep, that peculiar and exceptional circumstances, beyond the control of the Owner of such sheep, and such as could not have been met by foresight and exertion on his part, have rendered it impossible effectually to clean such sheep, it shall be lawful for such Justices to extend such period for a further period of four calendar months, but no longer. A separate information under this Section may be laid in regard to every separate flock in the possession of one Owner, and if any one such flock shall exceed 3000 sheep in number, a separate information may be laid for every additional 3000 sheep or fractional part of such number contained in such flock.

5. Six months to elapse between convictions.

No Owner of sheep who shall have been convicted under the last preceding Section shall, until the expiration of six months after the date of such conviction, be liable to any further penalty under the said Section on account of such disease in any sheep which he shall prove, to the satisfaction of the Justices before whom any Information under the said Section may be heard, to be the same sheep in respect of which he had been so convicted as aforesaid.

And in lieu of Section 24, above repealed, be it enacted as follows:—

6. Scabby sheep trespassing and not removed may be destroyed.

If any sheep infected with scab or catarrh shall be found on any land or Run not in the lawful occupation of the Owner of such sheep, and such Owner shall not remove the same within forty-eight hours after he shall have been served in the manner prescribed for the service of notices by Section 26 of the said recited Ordinance, with written notice that they are so trespassing; or if such Owner cannot, after reasonable inquiry, be discovered, it shall be lawful for the Occupier of such land or Run forthwith to destroy such sheep. If, after such Owner shall have been twice served with such notice within the space of fourteen days, the sheep of such Owner, or any of them, infected as aforesaid, shall afterwards, within the space of one week from the service of the last notice, be again found trespassing on the same land or Run, it shall be lawful for the Occupier of such land or run forthwith and without any further notice to destroy such sheep so trespassing, if they shall be less than one hundred in number, but not otherwise: Provided always, that the nature of such reasonable inquiry, together with the number and brands of the sheep so found and destroyed, shall, by the Occupier aforesaid, be certified, in writing, to the Inspector of the district within fourteen days of the destruction of such sheep; and every person offending against the provisions of this Section shall be liable to a penalty of not less than Five Pounds nor more than Twenty-five Pounds.

And be it enacted as follows:—

7. Scabby sheep to be herded in certain cases.

If it shall appear to any Inspector of Sheep, upon his own view, that any sheep are infected with scab or catarrh, and that such sheep may, if suffered to run at large, cause damage to the Owners of neighbouring flocks, it shall be lawful for such Inspector, by Warrant, under his hand, in the form or to the effect set forth in Schedule B to the said recited Ordinance, to order the Owner of such sheep to cause them to be constantly herded by day, and to be kept by night within a sheep-proof enclosure, until it shall appear, upon the Certificate of an Inspector of Sheep, that such sheep are entirely free from the said diseases; and for each day upon which such Owner shall neglect to have such sheep herded as aforesaid, and likewise for each night upon which such Owner shall neglect to have such sheep enclosed as aforesaid, he shall be subject to a penalty not exceeding Twenty-five Pounds. It shall be lawful for such Owner, within fourteen days after the receipt of such Warrant as aforesaid, to appeal against the same to any two Justices of the Peace, who, after ascertaining that due notice of such appeal had been given to the Inspector, and taking such evidence as they may think fit, shall either confirm or reverse the Order given in such Warrant: Provided that any order so appealed against shall, until reversed, continue in full force and effect.

8. Sheep for importation to be branded with Inspector's brand.

When any Inspector of Sheep shall have examined any sheep Inspector's brand. with a view to their importation into the Province of Canterbury, either by sea or

land, and shall be prepared to grant a Certificate in the form of Schedule C to the said recited Ordinance, he shall, before granting such Certificate, cause such sheep to be distinctly wool branded on the back thereof, at the cost and charges of the Owner of such sheep, with a brand which shall have been registered in the office of the Registrar of Brands as the special brand of such Inspector. The absence of any such brand from any sheep so imported shall be prima facie evidence that they have not been certified for importation as provided in the said recited Ordinance, unless it shall be proved that such sheep have been shorn since their importation. If any person shall, without authority, use the brand of any Inspector of Sheep registered as above, or one so similar as not to be readily distinguishable therefrom, he shall be liable, on conviction before any two Justices of the Peace, to a penalty of not less than Twenty-five nor more than One Hundred Pounds.

9. List of scabby flocks to be published monthly.

There shall be published once in every month, in one or more Newspapers within the Province, a List, certified by the Inspector of each district, of all Stations on which there are at that time any sheep infected with the scab or catarrh.

10. If six months after conviction sheep not clean, all rams to be separated from the ewes.

When any Owner of sheep shall have been convicted under the If, six months after provisions of this Ordinance of having in his possession any sheep infected with the scab, and such sheep shall not, within six months from the date of such conviction, have been certified by an Inspector of Sheep to be entirely free from the said disease, the Owner of such sheep shall, immediately on the expiration of such period of six months, cause all rams to be separated from any ewes in his possession which may be so infected, and shall cause such rams to be kept separate from such ewes until they shall be certified by an Inspector of Sheep to be entirely free from scab; and for every day during which such rams shall not be kept separate from such ewes, such Owner shall be liable to a penalty of not less than One Pound nor more than Ten Pounds in respect of each ram which shall not be kept separate as aforesaid.

11. What deemed infected sheep.

All sheep shall, for the purposes of this Ordinance, or of the said recited Ordinance, be deemed to be infected with scab or catarrh, which shall, within two months, have been placed within any yard or enclosure in which there shall have been, within one month previously, any sheep so infected, unless such yard or enclosure shall, in the meantime, have been scoured with some reputed exective scab-destroying preparation.

12. Fines and penalties may be levied by distress and sale of goods.

All fines and penalties which shall be ordered to be paid under the authority of this Ordinance, or of the said recited Ordinance, or of " The Scab Prevention Ordinance, Session X., No. 10," in case of non-payment thereof either

immediately or within such period as may be appointed for the payment thereof, may be levied (with the costs of all proceedings rendered necessary by such non-payment), by distress and sale of the goods and chattels of the person liable to pay the same, by Warrant, under the hand of any Justice of the Peace; and if no sufficient goods and chattels as aforesaid can be found whereon to levy such distress, such fines or penalties may, after the expiration of one week from the date of a public notice in one or more Newspapers within the Province that such fines and penalties are due and unpaid, be levied, with costs as aforesaid and by Warrant as aforesaid, by distress and sale of the sheep in respect of which such fines or penalties may have been incurred, or of the sheep under the same charge, control, or management.

13. Persons having advanced money on the security, &c., of any sheep in the Province, may demand repayment within three months after the passing of this Ordinance.

If any person shall, before the passing of this Ordinance, have bona fide made any advance of money upon the security of any bill of sale, mortgage, assignment, or other assurance of or over any sheep within the Province of Canterbury, it shall be lawful for such person, notwithstanding any covenant, proviso, or condition to the contrary, at any time within three months from the passing of this Ordinance, to demand, in writing, from the Owner of such sheep, the repayment of such money so advanced, and if the same shall not be repaid within twelve months from the date of such demand, it shall be competent for such person, at any time thereafter, notwithstanding any such covenant, proviso, or condition, to exercise and put in force such powers and remedies for the recovery of the money so due, and interest, as by such bill of sale, mortgage, assignment, or other assurance, may have been given or reserved in default of payment of such money and interest at the time therein limited.

14. No penalty to exceed One Hundred Pounds

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

15. Interpretation Clause.

This Ordinance shall be interpreted as and considered as part of "The Sheep Ordinance, Session X., No. 9."

16. Title.

This Ordinance shall be entitled and may be cited as "The Sheep Ordinance Amendment Ordinance, Session XI., No. 11."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 20th day of December 1859, and assented to by the Superintendent on 23rd December.

Also, see "The Sheep Ordinance Amendment Ordinance, 1861, passed during Session XVII., No. 6.

12. The Municipal Council Ordinance 1859.

Title.

Preamble.

- 1. What may be constituted Municipal districts.**
- 2. On Petition of one Hundred Householdors, unopposed, &c., Superintendent to declare the district a Municipality and define boundaries.**
- 3. Such Municipality to be governed by a Town Council, &c.**
- 4. To be a Corporation.**
- 5. Public Meetings to be held and advertised—for fixing number of Members, the remuneration and election.**
- 6. Superintendent to appoint Chairman.**
- 7. Election of Assessors.**
- 8. Chairman to have casting vote only.**
- 9. Election of Members of Council. Show of hands. Poll next day.**

Qualifications.

- 10. Objections to vote. Return of votes.**
 - 11. Chairman of Council to be elected.**
 - 12. One-third of Members to retire in rotation, but to be re-eligible.**
 - 13. Meeting to be held for re-election. Place and time of election. Manner of nomination. Manner and time of polling. Declaration of poll.**
 - 14. Ratepayers, how privileged. Manner of objections to vote.**
 - 15. In cases of death, resignation, or absence, what course to be pursued.**
 - 16. List of persons liable to be rated to be made out, such Roll may be amended and added to.**
 - 17. Quorum of three or five. Chairman to preside.**
 - 18. Appointment of Officers. Power to fix salaries and defray expenses out of rates, &c.**
 - 19. Power to make By-laws.**
 - 20. To have care and management of roads, public works, sanitary arrangements.**
 - 21. Expenses of repairs, &c., to be defrayed by general rate.**
 - 22. New works of local nature to be paid for by special rate, inclusive of public funds voted.**
 - 23. Rates, how to be assessed, and their limitation.**
 - 24. Rates, by whom to be paid.**
 - 25. Notice of rate to be given in Court, and List of Persons liable.**
- Objections, how to be heard.**
- 26. Collectors of Rates.**
 - 27. Rates, how recoverable.**
 - 28. By-laws subject to the approval of the Superintendent.**
 - 29. Council to have no power over public works of the Province. Property in certain cases to vest in the Council.**
 - 30. Penalties, how to be imposed and recovered.**
 - 31. Notice to be given of intended works and alterations.**
 - 32. Plans to be prepared.**
 - 33. Consideration.**

34. Power of entry on to private lands for purposes of drainage or sewerage.
35. Alteration of sewers. Causes of want of drainage.
36. Entry upon private lands.
37. Stoppage of streets.
38. Prevention of accidents.
39. Receptacles for filth.
40. Estimates to be prepared.
41. Notice of tenders being called for to be published.
42. Power of compounding.
43. Compensation for injury to drainage and sewerage.
44. Penalty for making branch drains without permission.
45. Penalty for building over sewers without permission.
46. Traps over sewers.
47. Drainage and sewerage beyond limits of a town in connection with Municipal works.
48. Obstructions and encroachments to be removed.
49. No cellar or entrance thereto to be made under any street.
50. Gutter pipes and water troughs to be provided.
51. Buildings in a dangerous state to be removed or protected.
52. Materials to be sold to defray expenses, balance returned to owner.
53. No house to be built on a lower level than will allow of drainage.
- Interpretation of word re-building.
54. Notice of intention to lay out a new street or building houses to be given the Council, with Plans, to shew levels, &c.
55. Within fourteen days after such notice, Council to signify its disapproval of level proposed.
56. In default of sending such notice, course to be pursued by the Council.
57. Proviso in case the Council fail to regard the said notice.
58. Council to enforce the provisions for privies in every house.
59. All drains, privies, cesspools, &c., to be under the control of the Council.
60. Surveyor may inspect drains, privies, &c., and may report upon and open ground.
61. Owner to cleanse such drain, privy, or cesspool to the satisfaction of the Surveyor.
62. Penalty if constructed contrary to the Directions and Regulations of the Council.
63. In cases where any house shall be found not to be drained by a sufficient drain-communication with a sewer, the Council shall require one to be constructed.
64. Removal of noxious matter upon Certificate from the Officer of Health.
65. Cow-houses and pig-styes.
66. Penalties for allowing stagnant water, dung, &c., to accumulate so as to become a nuisance.
67. Dung of stables, &c., to be removed if exceeding a quantity of one ton.

68. Houses in a filthy state, how to be dealt with.
69. Council may borrow by way of mortgage.
70. Power to lease or farm-out tolls, &c.
71. Superintendent to have power to inspect any works, &c., carried on by the Council.
72. Council may borrow money upon rates.
73. Form of Mortgage.
74. A Register of Mortgages to be kept, and open for public inspection.
75. Mortgages transferable.
76. Transfer to be produced to the Council within a certain time. Entry thereof to be made.
77. Council may borrow money at a lower rate of interest.
78. In order to discharge the principal money borrowed as aforesaid upon rates, Council how to act.
79. Order of paying off mortgages.
80. Works carried on with money so borrowed as aforesaid, subject to certain Regulations.
81. Notices to Owners and Occupiers, how to be served.
82. In case default be made by any Owner in execution of any work required, Occupier may cause the same to be executed at the expense of Owner.
83. Repayment of expenses incurred by the Council recoverable by a summary proceeding.
84. Council may determine whether expenses shall be defrayed by the Owner or Occupier.
85. In case the Occupier of any premises shall prevent the Owner thereof from carrying into effect any of the provisions of this Ordinance, the Council how to act.
86. Nothing in this Ordinance to affect any agreement previously entered into for erecting or altering any building, &c, Protection from additional expense
87. Nothing in this Ordinance to affect any Lease or Agreement for a Lease, &c.
88. Statement of Accounts, &c., open for inspection.
89. Works proposed to be executed by Funds borrowed, &c., to be the subject of a separate By-law, under direction of the Superintendent.
90. In cases of death or resignation of any Officer of the Council, property belonging to the Council to be given up, &c.
91. Entry upon lands for purpose of this Ordinance, compensation in case of damage done.
92. In cases where such Council desire to purchase lands, &c., value of such to be determined set forth in the "Diversion of Roads Ordinance, Session VII., No. 14."
93. Offences under this Ordinance to be determined in a summary way by two Justices of the Peace.

- 94. If any Council to whom money shall have been advanced out of the public revenue, fail to observe the conditions required by the terms of such loan, the Superintendent may transfer their power to a Board of Commissioners, appointed, &c.**
- 95. Appropriation of penalties.**
- 96. Vesting powers in the Superintendent and Executive, in Non-Corporate Districts except rating powers.**
- 97. Interpretation Clause.**
- 98. Title.**

Notes.

This Ordinance was passed by the Canterbury Provincial Council on the 21st of December 1859, and assented to by the Superintendent on 27th December. It was disallowed by the Governor. See New Zealand Government Gazette, No. 11, 5th April 1860, page 67.

The full text of this Ordinance was not included in the Volume of Ordinances published by Charles Lucas, the Official Printer of the Canterbury Provincial Government.

The Municipal Corporation Ordinance was passed at the end of 1860 during Session XIV, and was amended by the Municipal Council Amendment Ordinance 1865, and the Municipal Council Ordinance Repeal Ordinance 1872.

13. The Lyttelton and Christchurch Railway Ordinance 1859

Title.

1. Railway to be made.
2. Superintendent to construct railway and take lands required.
3. Limits of land to be taken.
4. How compensation to be awarded.
5. Compensation to be paid out of general revenues.
6. Superintendent to execute a Deed Poll.
7. Property of railway to be vested in Superintendent.
8. Contracts made by Commissioners valid.
9. £235,000 granted to make railway.
10. Title.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 21st December 1859, and reserved for the assent of the Governor who withheld his

assent. See *New Zealand Government Gazette*, No. 5, 7th February 1860, page 29.

The full text of this Ordinance was not included in the Volume of Ordinances published by Charles Lucas, the Official Printer of the Canterbury Provincial Government.

14. The Loan Ordinance 1860.

Title.

1. £70,000 to be raised by loan.
2. Form of Debentures.
3. To be issued by Warrant of the Superintendent, at Union Bank of Australia.
4. To bear interest at six per centum, payable half-yearly.
5. Principal to be paid twenty years after issue.
6. Principal and interest to be paid out of general revenue.
7. Loan to be expended solely in making Railways.
8. Title.

Notes.

*This Ordinance was passed by the Canterbury Provincial Council on 21st December 1859, and reserved for the assent of the Governor who withheld his assent. See *New Zealand Government Gazette*, No. 5, 7th February 1860, page 29.*

The full text of this Ordinance was not included in the Volume of Ordinances published by Charles Lucas, the Official Printer of the Canterbury Provincial Government.

15. The Appropriation Ordinance 1860.

Title.

1. Appropriation of Provincial Revenue for Half-year ending 30th September 1858.
2. Provincial Treasurer, etc., shall issue and be allowed credit for the sums appropriated.
3. Provincial Treasurer shall be allowed credit for certain sums expended up to 30th September 1859.
4. Short Title.

Notes

This Ordinance was passed by the Canterbury Provincial Council, and assented to by the Superintendent on 3rd January 1860.

The full text of this Ordinance was not included in the Volume of Ordinances published by Charles Lucas, the Official Printer of the Canterbury Provincial Government.