

## **Session XXVIII 1868 (February to April 1868)**

### **1. The Limitation of Patronage Ordinance Amendment Ordinance 1868**

Whereas it is expedient to amend the “Limitation of Patronage Ordinance, Session I., No. 5.

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.**

The said recited Ordinance shall be and the same is hereby repealed so far as it relates to Members of the Provincial Council who shall be appointed to any office under the provisions of “The Executive Council Ordinance, 1864.”

#### **2. Title.**

This Ordinance shall be entitled “The Limitation of Patronage Ordinance Amendment Ordinance, 1868.”

### **2. The Railway and Harbour Works Fund Ordinance 1864 Repeal Ordinance 1868.**

Whereas it is expedient that the “Railway and Harbour Works Fund Ordinance 1864” should be repealed:

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.**

The said recited Ordinance is hereby repealed.

## **2. Title.**

This Ordinance shall be entitled and may be cited as "The Railway and Harbour Work Fund Ordinance 1864 Repeal Ordinance."

## **3. The Diversion of Roads Special Ordinance, No. 1, 1868.**

Notes.

Passed the Provincial Council on the Nineteenth day of March, 1868, but the Superintendent's assent to this Ordinance was withheld, owing to the necessary Conveyances not having been executed.

## **4. The Diversion of Roads, Special No 2 Ordinance 1868.**

[9th April, 1868.]

Analysis.

Preamble.

1. Public Road to be closed.
2. Title.

Whereas by an Ordinance of the Superintendent and Provincial Council of Canterbury entitled " The Diversion of Roads Ordinance Session XI. No. 3 " it is enacted that except as therein provided no Public Road shall be closed up except under the authority of a Special Ordinance of the Superintendent and Provincial Council in that behalf. And whereas it is expedient that certain Public Roads should be closed up:

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. Public Road to be closed.**

The Public Road described in the Schedule to this Ordinance and in the plan hereto annexed shall be closed up and shall henceforth 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. 2, 1868."

## Schedule.

Name of Road.	Description.	Contents.
Road forming the Northern and Eastern boundaries of Section No. 4543.	All that piece or parcel of Land, situate in the Christchurch District, being the Road before mentioned, extending from the North-western to the South-eastern corners of Section 4543, for a distance of 35 chains.	<b>A. R. P.</b> 03 02 00

### 5. The Superintendent's Salary Ordinance Repeal Ordinance 1868.

[9th April, 1868.]

Whereas it is expedient to repeal the "Superintendent's Salary Ordinance" Session XX. No. 5 and to make further provisions 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.

The said recited Ordinance is hereby repealed.

#### 2. What Salary to be payable.

From and after the First day of April one thousand eight hundred and sixty-eight the Annual Salary payable and to be paid to the Superintendent of the said Province for the time being and his successors in office shall be the sum of Six Hundred Pounds.

#### 3. Title.

This Ordinance shall be intituled and may be cited as "The Superintendent's Salary Ordinance Repeal Ordinance 1868."

## **6. The Executive Council Ordinance 1864 Amendment Ordinance 1868**

[18th May 1868.]

Whereas an Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury intituled "The Executive Council Ordinance 1864" and whereas it is expedient to amend such Ordinance and also to make provision for the better carrying on of the Government of the said Province with respect to contracts for the Public Works thereof

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. Repealing Clause.**

Section 4 of the said recited Ordinance shall be and the same is hereby repealed.

### **2. Executive Council, how to consist.**

The Executive Council shall consist of a President and not more than five nor less than three other persons, who shall be appointed by warrant under the hand of the Superintendent and under the Seal of the Province and shall hold office until a vote of want of confidence in such Council shall have been passed by the Provincial Council and all such persons including the President must be members of the Provincial Council for the time being Provided that in the event of the dissolution of any Provincial Council by effluxion of time or otherwise the then members of the Executive Council shall hold office until a new Superintendent and Provincial Council shall be elected Provided also that any member of the Executive Council may by writing under his hand resign his seat in the same And provided also that any vacancy caused by such resignation shall be filled up by the Superintendent.

### **3. Contracts not to be entered into without consent of Executive Council.**

It shall not be lawful for the Superintendent to make or enter into any contracts or engagements whereby the revenue of the Province may become chargeable with the payment of any money unless such contracts or engagements shall have been previously submitted to and approved by the Executive Council Provided always that no such contract or engagement shall be entered into unless the Provincial Council shall have previously appropriated a sum or sums of money for the carrying out of the works or matters the subject of such contract But nothing herein contained shall be deemed taken or construed to deprive the Superintendent of his right to issue warrants for the payment of any sum or sums

of money in accordance with and subject to the provisions of the "Provincial Audit Act 1866."

**4. Ordinance not to interfere with certain disqualifications.**

This Ordinance shall not interfere with the disqualifications provided by the Constitution Act or with any Limitation of Patronage Ordinance now in force in this Province.

**5. Title.**

This Ordinance shall be intituled and may be eited as "The Executive Council Ordinance 1864 Amendment Ordinance."

**7. The Reserve No 95a Ordinance 1868**

[9th April, 1868.]

Whereas by Grant from the Crown all that piece or parcel of land in the Province of Canterbury in the Colony of New Zealand situate in the Christchurch District and obtaining by admeasurement ten acres more or less commencing point on the road reserved along the eastern bank of the Waimakariri the said point being the South Western corner of Section No. 465 following the said road southerly a distance of ten chains, thence easterly following a line parallel to the southern boundary of Section No. 465 a distance of eight chains thirty links to the road leading to the old Ferry following that road northerly to the southern boundary of Section 465 before-mentioned and from thence returning westerly along the same a distance of ten chains fifty-five links to the commencing point and numbered 95 A (in red) on the Map the Chief Surveyor of the Province of Canterbury setting out and describing the rural land in the Christchurch District aforesaid Subject nevertheless to the north road and to a road one chain wide cconnecting the said north road with the road leading to the old Ferry was granted unto the Superintendent of the Province of Canterbury and his successors in trust for a Ferry Reserve 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 Grant.

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. Land may be disposed of.**

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 Grant.

### **2. Title.**

This Ordinance shall be intituled and may be cited as "The Reserve No. 95 A Ordinance."

## **8. The Education Rate in Aid Ordinance 1868.**

[9th April, 1868.]

Whereas an Ordinance intituled the "Education Ordinance Session VIII. No. 10 " was passed in the Eighth Session of the Provincial Council by the Superintendent and Provincial Council for the establishment and maintenance of Schools within the Province. And whereas another Ordinance was passed in the Twentieth Session of the said Council intituled the "Board of Education Ordinance 1863 " And whereas another Ordinance was passed in the Twenty-second Session of the said Council intituled "The Education Ordinance 1864 " And whereas another Ordinance was passed in the Twenty-fourth Session of the said Council intituled "The Education Ordinance Amendment Ordinance 1865" And whereas it is expedient to make further provision for the establishment and maintenance of Schools in the said Province and to repeal certain portions of the said "Education Ordinance 1864:"

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. Repealing Clause.**

From and after the date when this Ordinance shall come into operation Sections 29 30 31 and 32 and so much of clauses 21 and 34 as limit the amount of aid payable for the maintenancce of any school of the "Education Ordinance 1864" shall be and the same are hereby repealed.

### **2. Moneys, how to be applied.**

The Superintendent may from time to time by and with the advice and consent of his Executive Council apply any moneys to be raised by virtue of this Ordinance in such manner as may be recommended by the Board of Education as appointed by the "Board of Education Ordinance 1863 " before recited.

### **3. Rates may be levied.**

The Superintendent may for the purposes of this Ordinance with the advice and consent of his Executive Council make and levy rates upon all lands buildings tenements sheep or other property within the Province which shall be liable to be rated for the maintenance or repair of roads or for Municipal purposes within the Province of Canterbury Provided that no such rates shall in any one year exceed the sum of sixpence in the pound on the net annual value of the Property rated.

### **4. Superintendent may make use of Ratepayers' Roll in determining annual value of properties.**

For the purpose of determining the annual value of such lands buildings tenements and property as aforesaid it shall be lawful for the said Superintendent to make use of the Ratepayers' Roll or Assessment which shall have been made by any City Borough or Municipal Council or by any Road Board within the Province whereby any property subject to a rate under the provisions of this Ordinance shall have been previously assessed or rated previous to the first day of January in each year And such Superintendent shall be entitled to call upon the Mayor Chairman Town Clerk or other officer of such City Borough or Municipal Council or of any Road Board to produce for inspection by such officer as such Superintendent shall appoint when and so often as the same shall be required any Ratepayers' Roll or other documents evidencing the fixing or determining the amount of any assessment or rate and it shall be the duty of such Mayor Chairman Town Clerk or other officer to produce such Ratepayers' Roll or other documents as foresaid upon request.

### **5. Who to be liable for rates.**

All rates levied by virtue of this Ordinance shall be payable by all such persons who shall for the time being be liable to pay rates for the maintenance or repair of roads or for municipal purposes.

### **6. Superintendent may remit payment of Rate in certain cases.**

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

### **7. Superintendent to appoint Collectors.**

The Superintendent shall appoint a fit person or persons to collect the rates and shall take security from every collector for the due execution of his office which security shall be to such amount as the Superintendent shall think fit and shall be by bond or otherwise as shall be considered expedient.

### **8. Collectors empowered to recover Rates.**

All rates ordered by the Superintendent to be made and levied under the authority of this Ordinance shall be recoverable at the suit of any Collector of Rates appointed by the Superintendent as hereinbefore provided.

**9. Superintendent to remit first Rate in certain cases.**

The Superintendent shall remit to every person or persons who shall have paid a rate for the year 1868 under the provisions of the said "Education Ordinance 1864" the first rate levied under this Act or such portion of such rate as shall be equal in amount to the sum already paid by such person or persons for the said year.

**10. Road Board to include any Commissioner under Roads Ordinance.**

The words "Road Board" shall include any Commissioner appointed by the Superintendent under the provisions of the "Roads Ordinance" to discharge the duties of a Road Board.

**11. Ordinance when to come into operation.**

This Ordinance shall come into force on such day as shall be appointed by the Superintendent by proclamation in the Government Gazette.

**12. Title.**

This Ordinance shall be intituled and may be cited as "The Education Rate in Aid Ordinance 1868."

**9. The Interpretation Ordinance 1868 D. NZG 1868 p289.**

[9<sup>th</sup> April 1868.]

An Ordinance for the Interpretation of Ordinances of the Provincial Council of the Province of Canterbury.

[9th April, 1868.]

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

**1. Ordinances to be deemed public.**

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

**2. Ordinances, how to be divided.**

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



### **3. Ordinances, when to come into operation.**

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

### **4. Ordinances, how to be dated.**

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

### **5. Ordinances may be altered or repealed in the same session.**

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

### **6. Repealing of Ordinances.**

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

### **7. Title of Ordinances.**

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

### **8. Interpretation.**

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

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

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

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

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

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

The term " Gazette" shall mean the Government Gazette published by or under the authority of the Provincial Government of the Province of Canterbury.  
The words "oath" and "affidavit" shall include affirmation and declaration and the word "swear" shall include affirm and declare in the case of persons allowed by Law to affirm or declare instead of swearing.  
Words importing the singular number only shall include the plural number and words importing the plural number only shall include the singular number.  
Words importing the masculine gender only shall include females.  
The word " month " shall mean calendar month.

**9. This Ordinance, to what to apply.**

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

**10. Title.**

This Ordinance may for all purposes be cited as "The Interpretation Ordinance 1868."

**10. The Educational Reserves Leasing Ordinance 1868.**

Whereas by several Crown Grants bearing the dates respectively as contained in the Schedule hereto all those parcels of land described in the said Crown Grants and delineated in the plans drawn in the margin of the said Crown Grants with all the rights and appurtenances thereto belonging were granted unto the Superintendent of the Province of Canterbury and his successors in trust for Educational purposes.

And whereas it is expedient that the said Superintendent of the said Province of Canterbury and his successors should have power to demise and lease the said parcels of land.

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. What Reserves to be leased.**

It shall be lawful for the Superintendent in Council from time to time to demise and lease for any term or terms, not exceeding twenty-one years All or any part of the Reserves described in the Schedule to this Ordinance upon such terms and conditions and at such rent or rents as to the Superintendent in Council may seem proper.

**Schedule.**

**Schedule.**

Number of Reserve as delineated in red on Map of the Chief Surveyor of the Province of Canterbury.	District.	Acreage.  A. R. P.	Date of Crown Grant.
686.	Town of Timaru	02 01 20	3rd Sept. 1867
687.	Town of Timaru	02 01 00	3rd Sept. 1867
688.	Town of Timaru	00 01 05	3rd Sept. 1867
689.	Town of Arowhenua	00 01 00	3rd Sept. 1867
690.	Town of Arowhenua	00 01 03	3rd Sept. 1867
691.	Town of Arowhenua	00 01 00	3rd Sept. 1867
692.	Town of Arowhenua	01 00 34	3rd Sept. 1867
693.	Town of Ashburton	01 01 00	3rd Sept. 1867
694.	Town of Ashburton	00 03 00	3rd Sept. 1867
695.	Town of Ashburton	01 00 00	3rd Sept. 1867
696.	Town of Geraldine	00 02 00	3rd Sept. 1867
697.	Town of Geraldine	00 02 33	3rd Sept. 1867
698.	Town of Wai-rewa	01 00 00	3rd Sept. 1867
699.	Timaru District	328 00 00	26 <sup>th</sup> Oct. 1867
700.	Timaru District	263 00 00	26 <sup>th</sup> Oct. 1867
709.	Mandeville	160 00 00	17 <sup>th</sup> Feb. 1868
710.	Mandeville	250 00 00	17 <sup>th</sup> Feb. 1867
711.	Mandeville	100 00 00	3rd Sept. 1867
712.	Oxford	200 00 00	3rd Sept. 1867
713.	Oxford	152 00 00	3rd Sept. 1867
714.	Oxford	150 00 00	17 <sup>th</sup> Feb. 1868
715.	Ellesmere	83 00 00	3rd Sept. 1867
716.	Ellesmere	157 00 00	3rd Sept. 1867
717.	Ellesmere	195 00 00	3rd Sept. 1867

718.	Ellesmere	164 00 00	3rd Sept. 1867
719.	Ellesmere	100 00 00	3rd Sept. 1867
720.	Christchurch	112 00 00	3rd Sept. 1867
721.	Upper Christchurch	102 00 00	26 <sup>th</sup> Oct. 1867
722.	Malvern	143 00 00	26 <sup>th</sup> Oct. 1867
726.	Christchurch	152 00 00	26 <sup>th</sup> Oct. 1867
727.	Upper Christchurch	200 00 00	26 <sup>th</sup> Oct. 1867
728.	Upper		
729.	Christchurch Upper	40 00 00	3rd Sept. 1867
730.	Christchurch Malvern	134 00 00 209 00 00	26 <sup>th</sup> Oct. 1867 26 <sup>th</sup> Oct. 1867
731.	Ellesmere	272 00 00	17 <sup>th</sup> Feb. 1868
737.	Ashburton	900 00 00	27 <sup>th</sup> Feb. 1868
738.	Ashburton	607 00 00	27 <sup>th</sup> Feb. 1868
739.	Ashburton	500 00 00	17 <sup>th</sup> Feb. 1868

## 11. The Appropriation Ordinance 1868.

[9<sup>th</sup> April 1868.]

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

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

Out of the public revenues of the said Province there may be issued and applied for the public service of the said Province and for defraying the charge of the Government thereof up to the 31st day of December 1868 the sum of One Hundred and Thirty-seven Thousand Nine Hundred and Eighty-nine Pounds Seven Shillings in manner set forth in Schedules A B and C to this Ordinance.

### 2. Appropriation of Public Revenues for defraying outstanding liabilities, as per Schedule D.

Out of the Public Revenues of the said Province there may be issued and applied for the public service of the said Province and for defraying certain liabilities under contracts and engagements entered into previously to the passing of this Act the further sum of One Hundred and Sixteen Thousand Five Hundred Pounds Five Shillings and One Penny in manner set forth in Schedule D to this

Ordinance.

**3. Sums to be issued in accordance with Audit Act 1866.**

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

**4. Provincial Treasurer allowed credit for sums issued as per Schedule E.**

And whereas in defraying the charge of the Provincial Government and in the public service of the said Province up to the Thirty-First day of March One Thousand Eight Hundred and Sixty-Eight certain sums of money amounting in the whole to the sum of thirteen thousand one hundred and eighty-nine pounds fifteen shillings and five-pence were issued and paid by the Provincial Treasurer in pursuance of Special Orders given by the Superintendent under Section XII. of “The Provincial Audit Act, 1866,” and such sums were paid in the manner and on account of the services particularly set forth in the Schedule E to this Ordinance but were not included in any Ordinance for the Appropriation of the Public Revenues of the said Province Be it therefore enacted that the Provincial Treasurer shall be allowed credit in his accounts for all sums of money so issued and paid by him on the several accounts set forth in the Schedule E hereunto annexed and the receipts of the persons to whom such sums of money shall have been paid under such warrants shall be a complete discharge for the sum or sums of money for which such receipts shall have been given.

**5. Title.**

This Ordinance shall be intituled and may be cited as “The Appropriation Ordinance, 1868.”