



The Ordinances of the Canterbury Provincial Council

1853 to 1875.

Session I. 1853 (September to November 1853)

1. The Advance of Money Ordinance 1853.

An Ordinance for Authorizing an Advance of Money on Account of the Revenue of the Province of Canterbury, New Zealand, for the Service of the said Province.

Whereas it is expedient that provision be made for the temporary Service of the said Province:

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

1. Treasurer may advance Sums of Money, not exceeding in the whole £200, on the order of the Superintendent, for the Service of the Province.

The Provincial Treasurer of the said Province may, and he is hereby authorized out of the Revenues thereof from time to time, to issue any sum or sums of money not exceeding in the whole two hundred pounds sterling, to be applied for the public service of the said Province, in payment to such persons, and in such proportions as the said Superintendent shall, by any order in writing signed by him, from time to time direct.

2. Such Sums to be accounted for and included in the Estimates of Revenue and Expenditure to be laid, before the Provincial Council.

Provided that all such sum or sums of money so issued as aforesaid shall be accounted for and included in the Estimates of Revenue and Expenditure for the

year commencing 1st October, for the said Province, to be laid before the Provincial Council thereof, during this present Session of the same.

3. The Superintendent may issue Bills to make up deficiencies in the Treasury Chest.

And whereas the Revenue of the said Province may not be immediately sufficient for the Public Service of the same, be it enacted it shall be lawful for the said Superintendent to issue any Bill or Bills on account of the said Province, for such sum or sums as may be required to make up any deficiency in the gross amount hereinbefore authorized to be paid by the Provincial Treasurer.

4. Such Bills to be signed by the Superintendent, at three months date with eight per cent. interest.

Such Bills shall be signed by the Superintendent on behalf of the Province, and shall be made payable by the Provincial Treasurer to the person or persons advancing money thereon, on his or their order, at not later than three months' date, with interest not Exceeding eight pounds per centum per annum.

5. Such Bills and, Interest to be charged on the Revenues of the Province.

Such Bills and interest shall be a charge upon the General Revenue of the Province of Canterbury.

6. The Superintendent not to be personally liable for such Bills.

The said Superintendent shall not incur personal liability by reason of his signing or issuing such Bills.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 11th November 1853, and assented to by the Superintendent on 17th November.

2. The Government Gazette Ordinance 1853.

An Ordinance for Establishing a Government Gazette for the Province of Canterbury.

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

1. Government Gazette established.

There shall be a Government Gazette for the Province, for the publication of all public and official acts, instruments and notifications.

2. Superintendent may cause Government Gazette to be printed.

The Superintendent may cause the Government Gazette to be printed and published at such times, by such persons, and generally in such manner as he shall think fit; but nothing shall be printed or published therein Except by direction of the Superintendent.

3. Printed Gazettes to be evidence.

Printed copies of such Gazette, published by and in the name of the authorized Printers thereof for the time being, shall be evidence in all Courts of the due publication of everything therein contained; and such publication shall be considered due notice to all persons affected thereby, and sufficient justification to all persons lawfully Exercising any powers thereby publicly notified to be vested in them.

4. Gazette already published shall be a Government Gazette.

And whereas by an Act passed in the Fifteenth and Sixteenth years of the reign of Her present Majesty, entitled " An Act to Grant a Representative Constitution to the Colony of New Zealand," it is enacted that it shall be lawful for the Superintendent, by Proclamation in the Government Gazette, to fix such place or places within the limits of the Province, and such times for holding the first and every other Session of the Provincial Council as he may think fit; and whereas the Superintendent of this Province of Canterbury did, on the thirteenth day of September in this present year, in pursuance of the powers vested in him by the said recited Act, issue a Government Gazette in the said Province, and did publish therein the place and time of holding the first Provincial Council of the Province, be it therefore enacted and declared that the said Government Gazette, dated the Thirteenth day of September, one thousand eight hundred and fifty-three, shall be taken and deemed to be a Government Gazette for the Prince of Canterbury within the intent and meaning of the above recited Act and of this Ordinance.

5. Title.

This Ordinance shall be entitled "The Government Gazette Ordinance, Session I., No. 2; " and reference thereto by such title shall constitute a sufficient recital of the whole Ordinance.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 11th November 1853, and assented to by the Superintendent on 17th November.

3. The Executive Government Ordinance 1853.

An Ordinance for Establishing an Executive Government in the Province of Canterbury.

Whereas it is expedient that the form of the Executive Government of the Province of Canterbury should be determined, and that the several offices of the same should be established by law:

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

1. Executive Council established.

There shall be an Executive Council for the Province of Canterbury, for advising and assisting the Superintendent in the Government of the Province.

2. Numbers and Constitution of Executive Council.

The Executive Council shall consist of a President and not more than four nor less than two other persons, who shall be appointed by warrant under the hand of the Superintendent, and shall hold office during his pleasure: Provided always, that any member of the Executive Council may, by writing under his hand, resign his seat in the same; and provided also, that not more than three Members of the Provincial Council shall at the same time be Members of the Executive Council.

3. President and Quorum of Executive Council.

The Superintendent, and in case of his absence the President of the Executive Council, shall preside at the meetings thereof, and shall have a veto on all its acts and proceedings; and no Act or Resolution of the Executive Council shall have any effect unless two Members besides the Superintendent or President be present.

4. Officers of Government , Secretary, Solicitor, Treasurer, Auditor.

There shall be the following offices of Government in the Province of Canterbury, that is to say:—

(1.) A Provincial Secretary, for assisting the Superintendent in the general management and carrying on of the Government and affairs of the Province.

(2.) A Provincial Solicitor, who shall be the Legal Adviser of the Provincial Government.

(3.) A Provincial Treasurer, for receiving, taking charge of and dispensing the Public Revenue of the Province.

(4.) A Provincial Auditor, for auditing all the Public Accounts of the Province.

5. Superintendent may appoint and remove Officers.

The Superintendent may, by warrant under his hand, appoint fit persons to hold the aforesaid offices respectively; provided that the office of Auditor shall not be held by the Provincial Treasurer; and the Superintendent may, with the advice and consent of the Executive Council, but not otherwise, by warrant under his

hand, remove such persons or any of them, and may appoint others in their stead.

6. And subordinate Officers.

The Superintendent may from time to time appoint subordinate Officers for carrying on the business of the several Departments of Government, and may remove such Officers and appoint others in their stead.

7. Superintendent may make Regulations.

It shall be lawful for the Superintendent, with the advice and consent of the Executive Council, from time to time to make Regulations for the convenient management and carrying on of the business of the Executive Council, and of the offices of Government; and from time to time, with such advice as aforesaid, to alter or rescind such Regulations, or any of them, and to make others in their stead; and all such Regulations, being published in the Provincial "Government Gazette," shall thereupon become binding on all persons whom they may concern.

8. Title.

This Ordinance shall be entitled the " Executive Government Ordinance, Sess. I., No. 3, ' and reference thereto by such title shall constitute a sufficient recital of the whole Ordinance.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 11th November 1853, and assented to by the Superintendent on 17th November.

4. The Provincial Revenue Ordinance 1853.

An Ordinance for Making certain Portions of the Public Revenue of the Colony of New Zealand, collected within the Province of Canterbury, payable to the Provincial Treasurer of the Province for the Public Service thereof.

Whereas by various Laws and Ordinances now in force within the Province of Canterbury, the Public Revenue collected within the Province is payable solely to the Treasurer or SubTreasurers of the Colony of New Zealand, or of certain Provinces or Districts within the same: And Whereas it is Expedient that a certain portion of the said Revenue should be made payable solely to the Treasurer of the Province of Canterbury for the Public Service thereof:

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

1. Certain Revenue made payable to the Provincial Treasurer.

All sums of money (except as hereinafter provided) collected, or which may at any time hereafter be collected within the Province, by any person or persons authorized by Law to collect the same, and which said sums of money are, or may at any time hereafter become by Law payable by such person or persons to any Treasurer, or SubTreasurer, for the Public Service of the Colony of New Zealand, or of any part thereof, shall, from and after the First day of October in the year of our Lord one thousand eight hundred and fifty-three, be payable solely to the Provincial Treasurer of the Province, or to any Provincial Sub-Treasurer duly authorized and appointed by the Superintendent, to the use of her Majesty, her Heirs and Successors, for the public service of the Province.

2. Provincial Treasurer to receive and recover such moneys.

It shall be lawful for the Provincial Treasurer or SubTreasurers receive, and they are hereby empowered to recover and receive all such sums of money as aforesaid, and to give receipts for the same; and such receipts shall be a full and entire discharge to all such persons for all such sums of money as shall, by virtue of this Ordinance, be paid to the Provincial Treasurer or Sub-Treasurers, any Statute, Law or Ordinance, to the contrary notwithstanding.

3. Revenue collected through certain offices excepted.

Provided always, that nothing herein contained shall apply to any sum or sums of money collected, or which may at any time hereafter be collected, by, through, or on account of any of the public Departments named in the Schedule to this Ordinance, or by any public Officer of the same.

4. Title.

This Ordinance shall be entitled the "Provincial Revenue Ordinance, Session 1., No. 4;" and reference thereto by such title shall constitute a sufficient recital of the whole Ordinance.

Schedule to this Ordinance.

The Department of Customs.

The Supreme Court.

The Post Office.

The Land Department.

The Harbour Department.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 11th November 1853, and assented to by the Superintendent on 22nd November.

5. The Limitation Of Patronage Ordinance 1853.

An Ordinance to Restrain Members of the Provincial Council of the Province of Canterbury holding Offices of Trust and Emolument under the Government thereof, without the consent of the Electors.

Whereas it is expedient that Members of the Provincial Council of the Province of Canterbury should not hold or enjoy Offices of Trust and Emolument under the Government without the consent of the Electors first obtained:

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

1. Superintendent may not appoint Members of the Provincial Council to Offices.

From and after the passing of this Ordinance, it shall not be lawful for the Superintendent to appoint any person, being a Member of the Provincial Council, to any Place or Office under the Government, to which shall be attached any salary or emolument payable out of the Public Revenue, unless such person shall first, by writing under his hand, have resigned his seat in the Provincial Council.

2. Superintendent may not make contracts with Members of Provincial Council.

It shall not be lawful for the Superintendent, on the part of the Government, to enter, or to authorize any one on his behalf to enter into any Contract or Agreement with any person, being, at the date thereof, a Member of the Provincial Council, by which such person shall become entitled to receive, directly or indirectly, any sum or sums of money of the Public Revenue, unless such person shall first, by writing under his hand, have resigned his seat in the Provincial Council; and such Appointment, Contract or Agreement shall be absolutely null and void, and such person shall not be entitled to Sue or recover thereupon in any Court of Law or Equity. Provided always, that nothing herein contained shall be construed to Extend to any Contract or Agreement entered into as aforesaid for any goods to be supplied, or for any service to be performed by any Member of the Provincial Council, whereby he may become entitled to receive any sum from the Public Revenue not exceeding in amount twenty pounds sterling durin any one year.

3. Not to apply to Shareholders in Companies.

Provided always, that nothing herein contained shall be applied to prevent the Superintendent from entering, or from authorizing any one on his behalf to enter

into any such Contract or Agreement with the Agent or Agents of any Company in which any Member of the Provincial Council may be a Shareholder.

4. Persons holding Offices, &c., may be elected to the Provincial Council.

Provided always, that nothing herein contained shall prevent any person who shall have been appointed to any such Place or Office as aforesaid, or who shall have entered into any such Contract or Agreement as aforesaid, from being elected to be a Member of the Provincial Council at any time thereafter.

5. Title.

This Ordinance shall be entitled the " Limitation of Patronge Ordinance, Session I., No. 5; " and reference thereto by such title shall constitute a sufficient recital of the whole Ordinance.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 11th November 1853, and assented to by the Superintendent on 22nd November.

6. The Public Seal Ordinance 1853.

An Ordinance to Create a Public Seal for the Province of Canterbury.

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

1. Public Seal for Canterbury created.

There shall be a Public Seal for the Province of Canterbury for sealing all things whatsoever that shall require to be sealed by the Government of the Province.

2. Superintendent may cause Seal to be made, and Device engraven thereon.

It shall be lawful for the Superintendent to cause the Public Seal to be made, and to be engraven with such Device as he shall think fit; and such Device, once made, shall not be altered except by the consent of the Provincial Council.

3. Public Seal to be kept by Keeper of Public Records.

The Public Seal shall be kept in the Office of the Public Records, and shall be in the custody of the Keeper of the Public Records, to be used only by him as hereinafter provided, and not otherwise.

4. Public Seal to be used only under Warrant of Superintendent with consent of Executive Council.

The Public Seal shall be used in pursuance of Warrants, directed to the Keeper thereof, to be issued under the hand of the Superintendent, with the advice and consent of the Executive Council: And it shall be the duty of the Keeper of the Public Records to seal with the Public Seal all things specified in such warrants.

5. Public Seal not to be used unless in presence of Member of Executive Council.

The Public Seal shall not be used except in the presence of a Member of the Executive Council, and everything sealed therewith shall be signed by the Keeper of the Public Records, and by the Member of the Executive Council witnessing the sealing thereof.

6. Superintendent, with consent of Executive Council, may make Regulations for safe custody and use of Seal, and fix Scale of Fees. Regulations to be binding.

It shall be lawful for the Superintendent, with the advice and consent of the Executive Council, to make Regulations, not being contrary to the provisions of this Ordinance for the safe custody and for the convenient using of the Public Seal, and to fix a Scale of Fees, payable for the using thereof; and such Regulations and Scale of Fees, with such advice as aforesaid, to alter and rescind, and to make others in their stead. And such Regulations and Scale of Fees, being published in the "Government Gazette," shall be binding on all those whom they may concern, and shall have the force of Law.

7. Title.

This Ordinance shall be entitled and may be cited as "The Public Seal Ordinance, Session I., No. 6."

Notes.

This Ordinance was passed by the Canterbury Provincial Council, and assented to by the Superintendent on 23rd November 1853.

7. The Public Record Office Ordinance 1853.

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

1. Public Record Office created, and Keeper of Records to be appointed.

There shall be a Public Record Office for the safe custody and registration of all the Public Records of the Province; and there shall be a Keeper of the Public Records, who shall be appointed by the Superintendent, by Warrant under his hand, and shall hold office during good behaviour.

2. What to be filed in Record Office.

The Original of every Law or Ordinance which shall be enacted by the Superintendent and Provincial Council, and of everything which shall be sealed with the Public Seal, or of every Act, Instrument, Notification, Gazette, matter, or thing published by and on behalf of the Government of the Province, shall be deposited in the public Record Office; and all documents so deposited in the Public Record Office shall be final evidence, in all Courts of Law, of the contents of all such Documents

3. Keeper of Records to endorse date of Receipt.

The Keeper of the Public Records shall endorse upon every Document which shall be deposited in the Office, the date upon which he shall have received the same.

4. Documents how removable from Record Office.

No document of any kind which shall have been deposited in the Public Record Office, shall be removed therefrom, except in the custody of the Keeper thereof, nor except in pursuance of a Warrant under the hand of the Superintendent, or under the hand of a Judge of the Supreme Court, or under the hand of the Speaker of the Provincial Council, requiring production of such Documents at certain time and place to be specified in such Warrant.

5. Superintendent may make Regulations.

It shall be lawful for the Superintendent, with the advice and consent of the Executive Council, to make Regulations for the management of the Office of Public Records, and for the safe custody of the Documents deposited therein, and for the convenience of persons consulting the same, and to fix a Scale of Fees to be paid by such persons; and such Regulations and Scale of Fees, with such advice as aforesaid, to alter and rescind, and to make others in their stead. And all such Regulations and Scale of Fees, being published in the Government Gazette, shall be binding on all persons whom they concern.

6. Title.

This Ordinance shall be entitled and may be cited as "The Public Record Office Ordinance, Session I., No. 7."

Notes.

This Ordinance was passed by the Canterbury Provincial Council, and assented to by the Superintendent on 23rd November 1853.

8. The Empowering Ordinance 1853.

An Ordinance to Empower the Superintendent of the Province of Canterbury to Perform certain Acts, heretofore Performed by the Governor, or Lieutenant Governors of New Zealand.

Notes.

Passed by the Provincial Council on 23rd November 1853, and assented by the Superintendent on the same day. Disallowed by the Governor [New Zealand Gazette 1854, 11p.]

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 Scab And Catarrh Ordinance 1853.

Title.

Preamble.

1. Repealing "New Munster Ord., Sess. 1, No. 4."
2. Penalties for driving Scabby Sheep.
3. Separate Informations may be laid by every person whose Run is crossed, &c.
4. Diseased Sheep to be kept further than half-a-mile from boundary of Run.
5. Scabby Sheep to be branded S.
6. After 1st February, 1854, all Sheep to be branded.
7. All Sheep Brands to be Registered.
8. Superintendent may appoint a Registrar of Brands, &c.
9. Penalty for using the Registered Brand of another.
10. Penalty for Branding Sheep without leave.
11. Brand to be prima facie evidence of ownership.
12. Persons having Scabby Sheep after 1st of June, 1854, to be fined.
13. Justices to order Examination of Scabby Sheep.
14. Penalties for resisting Inspection.
15. Justices may order Sheep to be herded and yarded.
16. Saving any other remedies at Law to persons suffering damage.
17. Sheep dying of Catarrh to be burnt or buried.
18. Sheep dying of Catarrh not to be thrown into any stream or other water.

19. Penalty for slaughtering Diseased Sheep.
20. Penalty for landing Sheep before Inspection.
21. Penalty for landing Diseased Sheep.
22. Landing on Quarantine Ground.
23. Quarantine Ground in lawful occupation of Owner of Sheep thereon.
24. Appointment of Inspectors.
25. All Sheep in a flock infected where one is so.
26. Proceedings to be under "Summary Proceedings Ordinance."
27. Interpretation.
28. Title.

Notes.

This Ordinance was repealed by the "Scab and Catarrh Ordinance," Session III., No. 2. (1855).

The Scab and Catarrh Ordinance was passed by the Provincial Council on 23rd November 1853, and assented by the Superintendent, EA Fitzgerald, the same day. It contained twenty-eight clauses and repealed the Province of New Munster Scab Ordinance 1849., [Sess. I, No. 4.] The Ordinance provided for the registration of sheep brands, empowered Justices of the Peace to order the examination of scabby sheep, imposed certain obligations upon sheep owners, and penalties for breaches of the Ordinance. Section 26. provided that proceedings under this Ordinance were to be under "Summary Proceedings Ordinance." The enforcement of provisions of this Ordinance were made easier by Section 26 which provided all sheep in any flock were deemed to be infected where one was so.

After 1st February, 1854, all sheep were to be branded [Sect 4.] and all Scabby Sheep were to be branded "S" [Sect. 5.]. All Sheep Brands were to be registered [Sect 7.] and for this purpose the Superintendent was empowered to appoint a Registrar of Brands [Sect 8.]. The brand placed upon a sheep was declared to be to be prima facie evidence of ownership [Sect 11.]. Penalties were provided for, firstly, using the Registered Brand of another [Sect 9], and, secondly, for branding sheep without leave.

Section 24 provided for the appointment of Inspectors of Sheep.

Section 2 provided penalties for driving scabby sheep, and separate informations may be laid by every person whose run was crossed [Sect 3.]

The Ordinance empowered Justices of the Peace to order the examination of Scabby Sheep [Sect. 13.], they might order that sheep be herded and yarded, [Sect 15.], and penalties were provided for resisting any such inspection [Sect 14.].

Certain obligations were imposed upon sheep owners. Sect 4. provided that all sheep suffering from scab were to be branded with the letter "S", and diseased Sheep to be kept further than half-a-mile from boundary of the Run on which they were found. Section 12. provided that persons having Scabby Sheep after 1st of June, 1854 were to be fined.

Sheep dying of Catarrh were required to be burnt or buried [Sect 17.], and were prohibited from being thrown into any stream or other water [Sect 18].

Penalties were also provided for slaughtering diseased sheep [Sect 19], landing sheep before Inspection [Sect 20.] and for landing diseased sheep [Sect 21.].

Section 22 provided for the landing of sheep on Quarantine Ground.

23. Quarantine Ground in lawful occupation of Owner of Sheep thereon.

Section 16. provided that any other remedies at law to persons suffering damage were not to be affected by this Ordinance.

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.

Session II. 1854. (February to April 1854)

1. The English Agent's Ordinance 1854.

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

1. English Agent constituted.

The above recited Ordinances are hereby repealed.

2. All Petitions, Addresses &c. to be sent through Agent.

There shall be an Agent in the United Kingdom for the Province of Canterbury, to be from time to time nominated and appointed by the Superintendent and Provincial Council of the said Province.

3. All correspondence to be conducted by the Superintendent, and laid before the Provincial Council.

All Correspondence with the said Agent shall be conducted on the part of the Province by the Superintendent, with the advice and consent of the Executive Council; and all Communications from the Superintendent, or from the said Agent, shall be laid before the Provincial Council within ten days after the receipt or dispatch of the same; or, if the Provincial Council be not then sitting, within ten days after the opening of the next Session thereof.

4. Agent to enter into Contracts &c. under instructions.

It shall be lawful for the said Agent to enter into all such Contracts, and generally to do all such things on behalf of the said Province and of the Government thereof as he shall, from time to time, be authorised to enter into or to do, by