

# New Zealand.

ANNO VICESIMO NONO

## VICTORIÆ REGINÆ.

[*Local and Personal.*]

No. 1.

### ANALYSIS.

- |                                       |  |
|---------------------------------------|--|
| Title.                                | 5. Lands may be entered.                         |
| Preamble.                             | 6. Compensation to be made.                      |
| 1. Short Title.                       | 7. Fish ladder made.                             |
| 2. Dam may be made and maintained.    | 8. Power of Provincial Legislature not affected. |
| 3. River bed may be scoured.          | 9. Saving rights.                                |
| 4. Saving rights of persons to water. | 10. Limitation of Act.                           |

---

## **AN ACT to enable John Cracroft Wilson** Title. **Esquire C.B. to make and maintain a** **Dam across the River Heathcote at a** **place called Duck's Nest in the Province** **of Canterbury.** [30th October 1865.]

**W**HEREAS John Cracroft Wilson of Christchurch in the Province Preamble.  
of Canterbury C.B. is now seised of or entitled to an Island in the  
River Heathcote called the "Duck's Nest" being numbered eight  
hundred and fifteen on the map of the Chief Surveyor of the said  
Province for an estate of inheritance in fee simple And whereas the  
said John Cracroft Wilson is desirous of having power to make and  
maintain a dam across the said River Heathcote for the purpose of  
obtaining water power to work a mill at the said island and it is  
expedient that authority should be given to the said John Cracroft  
Wilson his heirs and assigns to make and maintain the said dam  
subject to the conditions hereinafter contained

BE IT ENACTED by the General Assembly of New Zealand in Parlia-  
ment assembled and by the authority of the same—

I. The Short Title of this Act shall be "The Duck's Nest Dam Act" Short Title.  
1865."

II. It shall be lawful for the said John Cracroft Wilson his heirs Dam may be made  
and assigns to make and for ever hereafter to maintain a dam across and maintained.  
the River Heathcote at a convenient point on the Island numbered  
eight hundred and fifteen on the map of the Chief Surveyor of the  
said Province for the Heathcote District and to dam up and raise the  
level of the water of the said river at the island aforesaid to the height  
of three feet from the present level of the river such new level to be  
ascertained and determined by a permanent stone mark to be fixed  
and maintained by the said John Cracroft Wilson his heirs and assigns  
upon the bank of the said island to the satisfaction of the Provincial

*Duck's Nest Dam.*

Engineer of the said Province who is hereby required when called upon by the said John Cracroft Wilson his heirs or assigns in writing to superintend the fixing of ~~the same~~.

River bed may be scoured.

III. It shall be lawful for the said John Cracroft Wilson his heirs and assigns to cleanse and scour the said river either above or below the said dam when and so often as occasion may require for better conducting the water of the said river and for the purpose of preventing or diminishing any injury spoil or damage which might otherwise be occasioned by the necessary raising of the level of the said water by the said dam or any other injury spoil or damage which might result from the making of the said dam and for the purpose of such cleansing and scouring to deposit material taken from the banks or bed of such river upon lands abutting thereon.

Saving rights of persons to water.

IV. Nothing herein contained shall be deemed to prejudice the lawful rights of any proprietor or occupier of land intersected by or adjoining the said river to the use of the water of the said river where the same flows through or along the boundary of his land and whether such land be situated above or below the said dam to the same extent and in the same manner as they might have used the same if this Act had not been passed.

Lands may be entered.

V. It shall be lawful for the said John Cracroft Wilson his heirs assigns servants contractors agents and workmen for ever hereafter at all reasonable hours during the day time to enter upon any lands on the banks of the said river for any of the purposes aforesaid Provided always that except when herein otherwise provided the said John Cracroft Wilson his heirs and assigns shall not make any such entry unless with the consent of the occupier until after the expiration of twenty-four hours notice for that purpose given to the owner or occupier.

Compensation to be made.

VI. Provided nevertheless that the said John Cracroft Wilson his heirs and assigns shall make to the owners lessees and occupiers of all land injuriously affected by the exercise of any of the powers conferred by this Act compensation for any such damage sustained by them respectively which shall be ascertained in manner provided by "The Land Clauses Consolidation Act 1863" and for this purpose the said Act shall be incorporated with this Act.

Fish ladder made.

VII. If at any time hereafter it shall be found desirable by any proper authority to make and maintain a fish passage ladder or stair up or over the said dam it shall be lawful for such authority to construct and maintain the same and charge the expense thereof upon and recover the same from the person who shall at the time be in the exercise of the powers conferred by this Act.

Power of Provincial Legislature not affected.

VIII. Nothing herein contained shall interfere with the power of the Superintendent and Provincial Council of the said Province to authorize the making a diversion at any point above the said dam of such portion of the water of the said river as may be required for any public purpose or the use and benefit of the public if such power at present exists.

Saving rights.

IX. Nothing in this Act contained shall be deemed to affect or apply to any right title or interest of Her Majesty or of any body politic or corporate or of any person except such bodies politic or corporate and other persons as are mentioned or referred to in this Act and those claiming by from or under them.

Limitation of Act.

X. Provided always that this Act shall expire at the end of twenty-one years from the passing thereof unless in the meantime the said mill shall have been *bona fide* erected by the said John Cracroft Wilson his heirs or assigns.