

A BILL INTITULED

AN ACT to validate an Ordinance of the Superintendent and Provincial Council of the Province of Otago intituled "An Ordinance to constitute or reserve a right of Road through Waste Lands of the Crown sold or to be sold and to regulate the Compensation for the same."

Title.

WHEREAS an Ordinance was passed in the twentieth year of the reign of Her Majesty Queen Victoria by the Superintendent and Provincial Council of the Province of Otago intituled "An Ordinance to constitute or reserve a right of Road through Waste Lands of the Crown sold or to be sold, and to regulate the Compensation for the same" And whereas doubts have been expressed concerning the validity of the said Ordinance And whereas it is expedient to set such doubts at rest

Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1. The Short Title of this Act shall be "The Otago Roads Ordinance Amendment Ordinance 1856 Validation Act 1868."

Short Title.

2. The provisions of the Ordinance passed by the Superintendent and Provincial Council of the Province of Otago and of which a copy is set forth in the Schedule to this Act shall be deemed to have had the force of law from and after the date at which the said Ordinance came into operation in the said Province of Otago in like manner as if such provisions had been incorporated in an Act of the General Assembly and shall be deemed to have taken effect and henceforward to take effect accordingly.

Legalizing Otago Roads Ordinance.

2 Otago Roads Ordinance Amendment Ordinance 1856 Validation.

SCHEDULE.

Title.	AN ORDINANCE to constitute or reserve a right of Road through Waste Lands of the Crown sold or to be sold and to regulate the Compensation for the same.
Preamble.	WHEREAS it is expedient to regulate in certain cases the compensation to be allowed for land taken for public roads and to amend "The Roads Ordinance 1856" to the extent and effect hereinafter enacted
A right of road reserved through all lands.	BE IT THEREFORE ENACTED by the Superintendent of the Province of Otago with the advice and consent of the Provincial Council thereof as follows— 1. Through all waste lands of the Crown heretofore sold there shall be a right to open construct and maintain a public road whether a right of road have been expressly reserved or not and in all future sales of any such lands it shall be an expressed and if not expressed an implied condition that a right to open construct and maintain a public road is reserved through such lands Provided with respect to lands heretofore sold that such right shall be exercised by fixing the line of such road and delineating the same upon a Government map within five years from and after the date of the passing of this Ordinance and with respect to lands to be hereafter sold that such right shall be so exercised within five years from and after the date of the purchase of the land through which the road is to be carried.
Rule of compensation if sold under proclamation dated 4th March 1853.	2. The compensation to be given to the owner of any such lands purchased under the Land Regulations contained in the Proclamation of the Governor of New Zealand dated fourth March one thousand eight hundred and fifty-three for any road to be laid out and constructed in the exercise of the reservation of a right of road made by the said Land Regulations shall be the allowance of land which is thereby authorized to be given that is to say according to the annexed scale and no more— Purchasers of five hundred (500) acres or less will receive an allowance of five (5) acres per centum Purchasers of between five hundred (500) and one thousand (1000) acres will receive an allowance of four (4) acres per centum Purchasers of more than one thousand (1000) acres will receive an allowance of three (3) acres per centum.
Rule of compensation if surveyed at date of purchase and purchased after 1st April 1856.	3. In all cases of waste lands of the Crown surveyed at the date of purchase, and purchased subsequent to first April one thousand eight hundred and fifty-six or to be purchased the compensation to be given to the owner of such lands for any part thereof to be taken for a public road through such lands shall be the land if any which the purchaser may have received in excess of the specified number of acres sold to him provided such excess be in the proportion specified in the aforesaid scale and where such excess if any is less than such proportion or where the lands received by the purchaser are by actual measurement only equal to or less than the specified number of acres purchased for any land to be taken for a public road to be made through the same there shall be allowed to the owner when practicable compensation in land according to the aforesaid scale and when such compensation is not practicable there shall be allowed to him a corresponding drawback from the price originally paid for the land owned by him.
Rule of compensation if unsurveyed at date of purchase and purchased after 1st April 1856.	4. In all cases of waste lands of the Crown unsurveyed at the date of purchase and purchased subsequent to first April one thousand eight hundred and fifty-six or to be purchased the compensation to be given for any public road through such lands shall be an allowance of land to the purchaser according to the aforesaid scale and no more.
Road Trustees may enter upon lands for making roads.	5. It shall be lawful for any Board of Road Trustees appointed and to be appointed under "The Roads Ordinance 1856" to cause any public road to be laid off or constructed through any lands heretofore sold or leased under or in virtue of any Land Regulations now or formerly existing or hereafter to be sold or leased under or in virtue of the present or any future Land Regulations And it shall also be lawful for the said Road Trustees and for their surveyor or surveyors and workmen employed by them from time to time to enter for such purpose upon any lands or grounds and to stake out such road and to cut and make any drains ditches or arches through or into such lands and adjoining or contiguous to any part thereof and to make a temporary way or ways through or over any lands not being a garden orchard or other enclosed ground planted for ornament or shelter as the said trustees shall think fit.
Compensation for damages not otherwise provided for.	6. The said trustees shall make satisfaction to the owners and occupiers of such lands and grounds for any damages which shall be occasioned by all or any of the operations aforesaid compensation for which is not otherwise herein provided such damages in case of dispute concerning the same to be ascertained and settled in the same manner as the value of land to be taken and acquired under "The Roads Ordinance 1856" is thereby directed to be ascertained and settled or other competent manner and if any person shall pull up or destroy any of the stakes or other marks used or any part of the fences made in laying out any part of such roads or injure any drain ditch arch or temporary way made as aforesaid every person so offending shall forfeit and pay for every such offence any sum not exceeding five (5) pounds.
Provisions of "The Roads' Ordinance 1856" repugnant hereto repealed &c.	7. The provisions of the before recited "Roads Ordinance 1856" in so far as repugnant to this Ordinance are hereby repealed and in so far as not repealed the same shall extend and apply not only to all existing public roads but to all public roads which may now or at any future period may or shall be lawfully made.
Short Title.	8. This Ordinance shall be termed and may be cited and referred to as "The Roads Ordinance Amendment Ordinance 1856."