



DISTRICT ROADS COMPULSORY LAND TAKING ORDINANCE 1871.

IN THE THIRTY-FOURTH AND THIRTY-FIFTH YEARS OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXIX. : No. 355.

ANALYSIS :

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| <p>Title.</p> <p>Preamble.</p> <p>1. Short Title.</p> <p>2. Power to take land described in first Schedule.</p> <p>3. Power to take lands described in second Schedule.</p> <p>4. Power to take land described in third Schedule.</p> <p>5. Owners, &c., to be compensated.</p> | <p>6. Provisions of the "Land Clauses Consolidation Act 1863" to apply to this Ordinance.</p> <p>7. Power to take land to cease unless exercised within three years from time of Governor's assent.</p> <p style="padding-left: 20px;">First Schedule.</p> <p style="padding-left: 20px;">Second Schedule.</p> <p style="padding-left: 20px;">Third Schedule.</p> |
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AN ORDINANCE *to authorise the Compulsory Taking of certain Lands in the Sandymount Kurimoto and Port Molyneux Road Districts of the Province of Otago for the purpose of completing certain Roads in the said Districts respectively.* Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 20TH JULY, 1871.]

WHEREAS by the "Provincial Compulsory Land Taking Act 1866" Preamble. it was enacted (*inter alia*) that it should be lawful for the Superintendent and Provincial Council of every Province then or thereafter to be established in New Zealand from time to time to make or ordain any law or Ordinance authorising the compulsory purchase of any land granted by the Crown within such Province for any work or undertaking of a public nature : Provided that no land should be taken compulsorily under any Act or Ordinance of any Provincial Legislature except in conformity with the provisions of an Act of the General Assembly of New Zealand intituled the "Lands Clauses Consolidation Act 1863 : " And whereas the public interests require that the lands specified and described in the Schedules hereto should be taken compulsorily for the several purposes in this Ordinance particularly mentioned with relation thereto respectively :

BE IT THEREFORE ENACTED by the Superintendent of the Province of Otago by and with the advice and consent of the Provincial Council thereof as follows :—

1. This Ordinance may be cited and referred to as the "District Roads Short Title. Compulsory Land Taking Ordinance 1871."

2. It shall be lawful for the Superintendent of the Province of Otago Power to take land described in first Schedule. to take and hold the land specified and described in the first Schedule hereto for the purpose of opening and constructing a public road in the Sandymount Road District of the Province of Otago aforesaid.

Power to take lands described in second Schedule.

3. It shall be lawful for the said Superintendent to take and hold the lands specified and described in the second Schedule hereto for the purpose of opening and constructing a public road in the Kurimoto Road District of the Province of Otago aforesaid.

Power to take land described in third Schedule.

4. It shall be lawful for the said Superintendent to take and hold the land specified and described in the third Schedule hereto for the purpose of opening and constructing a public road in the Port Molyneux Road District of the Province of Otago aforesaid.

Owners, &c., to be compensated.

5. All persons being owners of or having any less estate or interest in the said lands specified and described in the said several schedules hereto or any part or parts thereof respectively shall be entitled to receive compensation for the same the amount of which compensation shall be ascertained in the manner set forth in the Act of the General Assembly of New Zealand intituled the "Lands Clauses Consolidation Act 1863."

Provisions of the "Lands Clauses Consolidation Act 1863" to apply to this Ordinance.

6. The "Lands Clauses Consolidation Act 1863" and all the clauses and provisions thereof shall apply to this Ordinance and the lands compulsorily taken in pursuance hereof and so far as the same shall be applicable shall form part of this Ordinance and be construed herewith.

Power to take land to cease unless exercised within three years from time of Governor's assent.

7. The powers hereby conferred on the Superintendent to take and purchase compulsorily the lands specified in the said Schedules hereto shall not be exercisable after the expiration of three years from the time of the Governor's assent hereto.

SCHEDULES.

FIRST SCHEDULE.

All that parcel of land in the Province of Otago containing by admeasurement one acre one rood and eighteen poles more or less situate in Otago Peninsula District being parts of sections numbered respectively four and five block III on the map of the said District bounded towards the north by other parts of the said sections two thousand seven hundred links towards the east-north-east by a road line one hundred and eighteen links towards the south by other parts of the said sections two thousand seven hundred and fifty links and towards the west by the main road to Portobello fifty-four links.

SECOND SCHEDULE.

1. All that parcel of land in the Province of Otago containing by admeasurement three acres and twenty poles more or less situate in the Waihola District being part of section six block XXX on the map of the said District bounded towards the north by other part of said section six eight hundred and seventy-five links and two thousand four hundred links towards the north-east by a road line one hundred and thirty-six links towards the south-east by other part of said section six two thousand five hundred and thirty links towards the south-west by other part of section six five hundred and thirty links and a road line three hundred and ninety-six links.

2. All that parcel of land in the Province of Otago containing by admeasurement thirty-eight poles more or less situate in the Waihola District being part of section five block XXX on the map of the said district bounded towards the north-east by a road line three hundred and ninety six links towards the south-west by other part of said section five four hundred and seventy-five links and towards the north-west by the Main South Road one hundred and seventeen links.

THIRD SCHEDULE.

All that parcel of land in the Province of Otago containing by admeasurement three acres two roods and eight poles more or less being part of section fifteen block II on the map of the said district bounded towards the north-west by a road line one hundred and fifty links towards the east by other part of section fifteen three thousand one hundred and twenty links towards the south-west by a road line one hundred and two links and towards the west by other part of said section fifteen two thousand nine hundred and eighty links.

DUNEDIN, NEW ZEALAND :

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