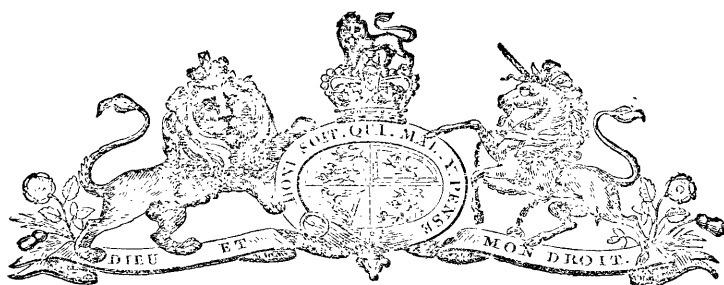


OTAGO, N. Z.



GAOL STREET DIVERSION ORDINANCE, 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXXIV. No. 513.

ANALYSIS.

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| <p>Title.
Preamble.
1. Short Title.
2. Superintendent authorised to stop up certain portion of public street.
3. Sixty days' notice of intention to stop up to be given.</p> | <p>4. After expiration of notice Superintendent to determine whether the portion of the public street shall be stopped up.
5. Superintendent authorised to contract for the sale &c of land over which stopped up portions of public street passed.
6. Superintendent empowered to exchange land.
7. Map of portion of public street to be deposited.
8. Interpretation.
Schedule.</p> |
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An Ordinance to authorise and empower the Superintendent of Otago to stop up a portion of a certain public street in the City of Dunedin in the Province of Otago and to dispose of the Lands over which such portion of such public street passed.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 19TH JUNE, 1875.]

WHEREAS by an Act of the General Assembly of New Zealand intituled *Preamble.* "The Highways and Watercourses Diversion Act, 1858" it is enacted that it shall be lawful for the Superintendent of any Province with the advice and consent of the Provincial Council thereof by any law or Ordinance to be made or ordained for that purpose to authorise and empower the Superintendent to stop up any public street road highway or thoroughfare in any such Province and also to sell exchange or otherwise dispose of the land over which such public street road highway or thoroughfare so stopped up was laid out or passed: And whereas in making a certain street in the City of Dunedin in the said Province of Otago it has been found that a certain portion of the said public street is from its situation or other causes unsuitable for the proper construction of a good public street: And whereas another public street on the map of the said City of Dunedin has been surveyed laid out and opened to the public in lieu of such portion of the said public street so found to be unsuitable: And whereas in consequence of the permanent streetway having been laid out over other lands the portion of the public street so found to be unsuitable for a good public street as aforesaid has become disused as a public street or thoroughfare and it is expedient that such portion of the said public street so disused should be stopped up and should cease to be a public street and thoroughfare and it is also expedient that the Superintendent should be empowered to sell exchange or otherwise dispose of the lands over which such portion of the said public street passed:

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:—

Short Title.

1. This Ordinance may be cited and referred to as the “Gaul Street Diversion Ordinance, 1875.”

Superintendent authorised to stop up certain portion of public street.

2. It shall be lawful for the Superintendent of Otago and he is hereby authorised and empowered to stop up all or any of such portion of the public street as is particularly described with regard to its situation course boundaries and admeasurements in the Schedule to this Ordinance annexed and is delineated on the map of the said City of Dunedin and is therein coloured red.

Sixty days' notice of intention to stop up to be given.

3. Before the said portion of the said public street is stopped up by the Superintendent he shall cause a notice to be inserted in the Government *Gazette* of the Province of Otago or in at least one newspaper published in Dunedin or elsewhere in the said Province referring to the maps and describing in general terms the situation length and course of the said portion of the said public street intended to be stopped up and calling upon all persons objecting to the stopping up of such portion of such public street to state in writing any well grounded objections they may have to the stopping up of such portion of such public street and to leave within sixty days from the first publication of such notice such statement addressed to the Superintendent at his office in Dunedin and on or before the day of publication of the said notice a copy of the maps shall be deposited at one or more of the public schools in the said City of Dunedin and there shall be printed written or lithographed on the said copy a notice intimating the last day for lodging such objections: Provided that if the delineation of the said portion of the said public street intended to be stopped up is not contained in a map of a single sheet but is contained in a map of more sheets than one it shall be sufficient to deposit at such school or schools the sheet or sheets of such map on which is delineated the said portion of the said public street intended to be stopped up or copies thereof respectively.

After expiry of notice Superintendent to determine whether the public street shall be stopped up.

4. At the expiration of the sixty days' notice if no objections have been made or if the Superintendent upon consideration of the objections made shall determine nevertheless that the said portion of the said public street ought to be stopped up the Superintendent shall declare by proclamation in the Government *Gazette* of the said Province that such portion of such public street shall thenceforth cease to be a public street or thoroughfare and shall no longer form part of the streets of the City of Dunedin and the Superintendent may thereupon take such proceedings as he may think fit for stopping up such portion of the said public street.

Superintendent authorised to contract for the sale &c. of land over which stopped up portion of public street passed.

5. It shall be lawful for the said Superintendent and he is hereby authorised and empowered to contract with any person or persons or body or bodies corporate for the sale exchange or disposal in any way he may think fit of the land over which the said portion of the said public street stopped up under the provisions of this Ordinance passed.

Superintendent empowered to exchange land.

6. It shall be lawful for the Superintendent to exchange any of the said lands over which the said portion of the said public street stopped up under the provisions of this Ordinance passed for any other lands and to complete and perform any contracts heretofore entered into for the exchange of such lands for other lands over which a new public street has been made in lieu of the said portion of the said public street stopped up under the provisions of this Ordinance so soon as the lands over which such new public street has been made shall have been conveyed to the Superintendent

in exchange for any lands over which the stopped up portion of the said public street passed and the lands so conveyed in exchange to the Superintendent shall be by the Superintendent dedicated to the public as a public street and thoroughfare and the fee simple shall be vested in Her Majesty her heirs and successors for ever subject to the rights of the public to use the surface thereof as public street or highway.

7. At all times after the passing of this Ordinance maps of the said portion of the said public street referred to in this Ordinance and which is particularly described in the Schedule hereto shall be kept at the office of the Superintendent of Otago for the time being in Dunedin and be at all convenient times open for public inspection and all persons may at all convenient times examine gratis at such office such maps. Map of portion of public street to deposited.

8. The terms hereinafter mentioned shall for the purpose of construing this Ordinance have the force and signification hereby attached to them that is to say: The term "the maps" shall mean the map or maps or plan or plans bearing an inscription signed by the Speaker of the Provincial Council referring to this Ordinance and which map or maps or plan or plans are hereafter to be deposited in the office of the Superintendent of the Province of Otago: The term "the portion of the public street" shall mean the area mentioned in the Schedule to this Ordinance and particularly delineated in the maps certified by the Speaker of the Provincial Council and deposited at the office of the Superintendent of Otago. Interpretation.

SCHEDULE.

All that parcel of land in the Province of Otago in the Colony of New Zealand containing by admeasurement two (2) roods and thirty-six (36) poles more or less situate in the City of Dunedin and marked Gaul Street on the map of the said City: bounded towards the west-north-west by block numbered XV and Crown lands seven hundred and seventy-seven (777) links towards the north-north-east by Stuart Street one hundred (100) links towards the east-south-east by Reserve numbered 3 and Crown lands six hundred and sixty-seven (667) links and towards the south-south-east by High Street one hundred and forty-one and four-tenths (141.4) links.

DUNEDIN, NEW ZEALAND:

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