



## ROADS DIVERSION ORDINANCE, 1874.

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

SESSION XXXIII. No. 457.

### ANALYSIS.

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An Ordinance to authorise and empower the Superintendent of Otago to stop up certain Roads and Portions of Roads in the Province of Otago and to sell Exchange or otherwise Dispose of the Lands over which such Roads or Portions of Roads passed. Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 15TH JUNE, 1874.]

**W**HEREAS by an Act of the General Assembly of New Zealand intituled "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 the roads in the said Province of Otago it has been found that certain of the roads and certain portions of the roads are either from their situation or other causes unsuitable for the proper construction of good roads: And whereas other roads on the maps hereinafter mentioned have been surveyed laid out and opened to the public in lieu of such roads or portions of roads so found to be unsuitable: And whereas in consequence of the permanent roadway having been laid out over other lands the roads and Preamble.

the portions of the roads so found to be unsuitable for good roads as aforesaid have become disused as public roads or thoroughfares and it is expedient that such roads and portions of roads so disused should be stopped up and should cease to be public roads and thoroughfares and it is also expedient that the Superintendent should be empowered to sell exchange or otherwise dispose of the lands over which such roads or portions of roads 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 “ Roads Diversion Ordinance 1874.”

Superintendent authorised to stop up certain portions of roads.

**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 of the roads and all or any of such portions of the roads as are particularly described with regard to their situation courses boundaries and admeasurements in the Schedule to this Ordinance annexed and are delineated on the maps and are therein coloured red : Provided that such power shall be exercised within twelve months from and after the time when this Ordinance shall receive the Governor’s assent.

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

**3.** Before any of the roads or any portions of the roads are 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 road or portions of road intended to be stopped up and calling upon all persons objecting to the stopping up of such road or portions of road to state in writing any well grounded objections they may have to the stopping up of such road or portions of road 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 road district or road districts in which such road or portions of road intended to be stopped up is or are situated or pass or if there be no public school in such road district or road districts then at any one or more of the public schools in the nearest adjoining road district or road districts in which there shall be established a public school or public schools 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 road intended to be stopped up in any road district 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 are delineated the road or portions of road intended to be stopped up or copies thereof respectively.

After expiration of notice Superintendent to determine whether the road 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 such portions ought to be stopped up the Superintendent shall declare by proclamation in the *Government Gazette* of the said Province that such road or portions of road shall thenceforth cease to be a public road or thoroughfare and shall no longer form part of the roads and the Superintendent may thereupon take such proceedings as he may think fit for stopping up such road or portions of road.

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 any of the roads or portions of the roads stopped up under the provisions of this Ordinance passed.

Superintendent authorised to contract for the sale &c. of land over which stopped-up portions of road passed.

6. It shall be lawful for the Superintendent to exchange any of the said lands over which any of the roads or portions of the roads 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 new roads have been made in lieu of the roads or the portions of the roads stopped up under the provisions of this Ordinance so soon as the lands over which such new roads have been made shall have been conveyed to the Superintendent in exchange for any lands over which the stopped-up roads or portions of roads passed and the lands so conveyed in exchange to the Superintendent shall be by the Superintendent dedicated to the public as a public highway 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 highways.

Superintendent empowered to exchange land.

7. At all times after the passing of this Ordinance maps of the roads referred to in this Ordinance and which are 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 road to be 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 roads" shall mean the roads 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.

- |  |                                   |
|--|-----------------------------------|
| 1. Balmoral Road District                              | 9. Portobello Road District       |
| 2. Blueskin "  | 10. Strath Taieri Survey District |
| 3. Clutha "  | 11. Tokomairiro Road District     |
| 4. Crichton and Matau "                                | 12. Waipahee Survey "             |
| 5. Makarewa "  | 13. Waihola Road "                |
| 6. North-East Valley and<br>Halfway Bush Road District | 14. Kakanui "                     |
| 7. Otepopo Road District                               | 15. Shotover Survey "             |
| 8. Peninsula "   | 16. Aparima Road "                |

1. *Balmoral Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 3a. 1r. 01p. more or less being a road line situate in the Waitahuna West Survey District: bounded towards the north by sections numbered 35 and part 84 block I six thousand five hundred and twenty-three (6523) links more or less and towards the south by sections numbered 1 and part 27 block II six thousand five hundred and twenty-three (6523) links more or less.

(2.) All that area in the Province of Otago containing by admeasurement 2a. 1r. 24p. more or less being a road line situate in the Waitahuna West Survey District: bounded towards the east by sections numbered 41 and 84 block I two thousand and fifty (2050) links more or less and towards the west by section numbered 35 block I two thousand seven hundred and fifty (2750) links more or less.

(3.) All that area in the Province of Otago containing by admeasurement 6a. 1r. 21p. more or less being a road line situate in the Waitahuna West Survey District: bounded towards the north-east by sections numbered 20 21 22 and part of 23 block I seven thousand two hundred and ten (7210) links more or less and towards the south-west by sections numbered 15 13 11 and part of 9 and a road line five thousand five hundred and eighty-five (5585) links more or less excepting that portion which is crossed by the new District road.

(4.) All that area in the Province of Otago containing by admeasurement 3a. 3r. 17p. more or less being a road line situate in the Waitahuna West Survey District: bounded towards the north-west by section numbered 9 three thousand eight hundred and sixty (3860) links more or less and towards the south-east by sections numbered 10 and 11 block II three thousand eight hundred and sixty (3860) links more or less.

(5.) All that area in the Province of Otago containing by admeasurement 9a. 3r. 16p. more or less being a road line situate in the Waitahuna West Survey District: bounded towards the north-east by parts of sections numbered 2 and 3 block V nine thousand nine hundred (9900) links more or less and towards the north-west by other parts of said sections numbered 2 and 3 block V and 51 block I nine thousand eight hundred (9800) links more or less.

### 2. Blueskin Road District.

(1.) All that area in the Province of Otago containing by admeasurement 2a. 2r. 36p. more or less being a road line situate in block I North Harbour and Blueskin Survey District: bounded towards the north-east by part of section numbered 23 two thousand (2000) links and 25 and part of 24 three thousand five hundred and sixty (3560) links more or less and towards the south-west by sections numbered 28 one thousand seven hundred (1700) links and 26 and part of 27 three thousand six hundred and fifty (3650) links more or less.

(2.) All that area in the Province of Otago containing by admeasurement 3a. 1r. 7p. more or less, being a road line situate in Block I., North Harbour and Blueskin Survey District, bounded towards the north-west by sections numbered 16 and 17, six thousand six hundred (6600) links more or less; and towards the south-east by section numbered 78, six thousand five hundred and eighty (6,580) links more or less.

(3.) All that area in the Province of Otago containing by admeasurement 0a. 1r. 17p. more or less being a road line situate in block I North Harbour and Blueskin Survey District bounded towards the north-east by part of the Sheep Wash Reserve four hundred and fifty (450) links more or less towards the north-west by part of section numbered 26 three hundred and forty (340) links more or less towards the south-east and south-west by other part of said Sheep Wash Reserve one hundred and ninety (190) links and two hundred and twenty-five (225) links more or less.

### 3. Clutha Road District.

(1.) All that area in the Province of Otago containing by admeasurement 3a. 1r. 6p. more or less being a road line situate in the Clutha Survey District: bounded towards the north-east by sections numbered 16 block XXII and 11 block XVI six thousand five hundred and fifty (6550) links more or less and towards the south-west by sections numbered 11 and 12 block XVII six thousand five hundred and fifty (6550) links more or less.

### 4. Crichton and Matau Road Districts.

(1.) All that area in the Province of Otago containing by admeasurement 7a. 0r. 28p. more or less being a road line situate in the Hillend Survey District: bounded towards the south-west by sections numbered 1 2 3 4 5 and 6 block I Hillend eleven thousand nine hundred and sixty-one (11961) links more or less and towards the north-east by sections numbered 4 5 6 7 and 8 block X and 1 2 3 4 5 6 and part 7 block IX South Tuakitoto Survey District eleven thousand nine hundred and sixty-one (11961) links more or less.

(2.) All that area in the Province of Otago containing by admeasurement 2a. 3r. 01p. more or less being a road line situate in the South Tuakitoto Survey District: bounded towards the north-west by section numbered 1 block VIII four thousand six hundred (4600) links more or less and towards the south-east by section numbered 8 block IX four thousand six hundred (4600) links more or less.

(3.) All that area in the Province of Otago containing by admeasurement 2a. 2r. 04p. more or less being a road line situate in block VI Hillend Survey District: bounded towards the north-east by section numbered 1 two thousand six hundred and one (1601) links towards the south-east by other part of said section numbered 1 block VIII North Tuakitoto District one thousand five hundred and sixty (1560) links more or less towards the south-west by part of section numbered 23 block VI Hillend two thousand six hundred and sixty-one (2661) links and towards the north-west by section numbered 2 of 39 block VI one thousand six hundred (1600) links more or less.

(4.) All that area in the Province of Otago containing by admeasurement 7a. 0r. 36p. more or less being a road line situate in block VI Hillend Survey District: bounded towards the north-west by sections numbered 5 and 7 block VI fourteen thousand four hundred and sixty (14,460) links more or less and towards the south-east by sections numbered 6 and 15 block VI fourteen thousand four hundred and sixty (14,460) links more or less.

(5.) All that area in the Province of Otago containing by admeasurement 1a. 3r. 32p. more or less being a road line situate in block II Kaitangata Survey District: bounded towards the north-west by section numbered 6 and parts of 5

and 7 block IX North Tuakitoto District three thousand nine hundred (3900) links more or less and towards the south-east by part of section numbered 9 block II Kaitangata District three thousand nine hundred (3900) links more or less.

(6.) All that area in the Province of Otago containing by admeasurement 2 acres more or less being a road line situate in block II Kaitangata Survey District: bounded the north-west by sections numbered 9, 10 and part of 11 block IX North Tuakitoto District and section 3 block II Kaitangata four thousand (4000) links more or less and towards the south-east by sections numbered 4 6 and part of 7 block II Kaitangata four thousand (4000) links more or less.

(7.) All that area in the Province of Otago containing by admeasurement 0a. 1r. 12p. more or less being a road line situate in block II Kaitangata Survey District: bounded toward the north-west by part of section numbered 3 seven hundred (700) links more or less and towards the south-east by other part of said section numbered 3 six hundred (600) links more or less.

#### *Matau Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 1a. 3r. 8p. more or less being a road line situate in the Hillend Survey District: bounded towards the south-west by section numbered 7 block I Hillend three thousand (3000) links more or less and towards the north-east by sections numbered 1 2 and 3 block X South Tuakitoto District three thousand (3000) links more or less.

#### *5. Makarewa Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 5a. 3r. 22p. more or less being a road line situate in block III Winton Hundred: bounded towards the east by section numbered 100 Forest Hill Hundred five thousand eight hundred and eighty-eight (5888) links more or less and towards the west by sections numbered 29 and 33 block III Winton Hundred five thousand eight hundred and eighty-eight (5888) links more or less.

(2.) All that area in the Province of Otago containing by admeasurement 9a. 2r. 24p. more or less being a road line situate in block X New River Hundred: bounded towards the north-west by parts of sections numbered 44 43 42 39 40 69 61 and 62 nineteen thousand three hundred (19300) links more or less and towards the south-east by other parts of said sections numbered 44 43 42 39 40 60 61 and 62 nineteen thousand three hundred (19300) links more or less.

#### *6. North-East Valley and Halfway Bush Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 1a. 0r. 4p. more or less being a road line situate in block XI North Harbour and Blueskin Survey District: bounded towards the north-east by part of section numbered 58 six hundred (600) links more or less and a road line seven hundred (700) links more or less and towards the south-west by part of section numbered 60 one thousand three hundred and fifty (1350) links more or less excepting that portion which is crossed by the deviation.

(2.) All that area in the Province of Otago containing by admeasurement 3a. 0r. 10p. more or less being a road line situate in the North Harbour and Blueskin District: bounded towards the north-east by sections numbered 1 and 2 block X three thousand eight hundred and forty (3840) links more or less and towards the south-west by sections numbered 1 2 3 4 5 and part of 6 block VIII and the Dunedin Town Belt three thousand eight hundred and forty (3840) links more or less.

#### *Halfway Bush Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 2a. 1r. 16p. more or less being a road line situate in the Upper Kaikorai District: bounded towards the north-east by sections numbered 1 2 3 4 5 6 and 7 block VIII three thousand nine hundred and twenty (3920) links more or less and towards the south-west by sections numbered 3 4 5 6 7 8 14 and 13 block II three thousand nine hundred and twenty (3920) links more or less.

#### *7. Otepopo Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 4a. 1r. 24p. more or less being a road line situate in the Otepopo Survey District: bounded towards the north-east by sections numbered 36 and 37 block V and 13 51 and 14 block VIII eight thousand eight hundred (8800) links more or less and towards the south-west by other parts of said sections numbered 36 and 37 block V and 13 51 and 14 block VIII eight thousand eight hundred (8800) links more or less.

(2.) All that area in the Province of Otago containing by admeasurement 3a. 1r. 16p. more or less being a road line situate in the Otepopo Survey District: bounded towards the north-east by sections numbered 51 and 36 block VIII and 13 and 39 block V six thousand seven hundred (6700) links more or less and towards the south-west by other parts of said sections numbered 51 and 36 block VIII and 13 and 39 block V six thousand seven hundred (6700) links more or less.

#### *8. Peninsula Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 0a. 2r. 15p. more or less being a road line situate in the Otago Peninsula Survey District: bounded towards the north-west and south-west by parts of sections numbered 15 and 39 block I one thousand and ten (1010) links more or less and towards the south-east and north-west by parts of sections numbered 39 block I and 50 block III nine hundred and seventy-five (975) links more or less excepting that portion which is crossed by the new District Road.

(2.) All that area in the Province of Otago containing by admeasurement 3a. 1r. 17p. more or less being a road line situate in the Otago Peninsula Survey District: bounded towards the north-east and north-west by sections numbered 50 and 51 block III and 39 block I five thousand six hundred (5600) links more or less and towards the south-east and south-west by other part of said sections numbered 50 and 51 block III and 39 block I five thousand six hundred (5600) links more or less excepting that portion which is crossed by the new District Road.

(3.) All that area in the Province of Otago containing by admeasurement 0a. 1r. 10p. more or less being a road line situate in the Tomahawk Valley District: bounded towards the north-west by section numbered 40 five hundred (500) links more or less and towards the south-east by section numbered 20 and part of 19 five hundred and fifty (550) links more or less.

#### 9. *Portobello Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 1a. 1r. 22p. more or less being a road line situate in the Portobello Bay Survey District: bounded towards the north-east by section numbered 19 block II Portobello and part of section 1 of 2 block V Otago Peninsula Survey District two thousand three hundred and twenty (2320) links more or less and towards the south-west by sections numbered 25 24 23 22 21 and part of 20 two thousand three hundred and twenty (2320) links more or less excepting that portion which is crossed by the new District Road.

#### 10. *Strath Taieri Survey District.*

(1.) All that area in the Province of Otago containing by admeasurement 1a. 2r. 20p. more or less being a road line situate in block IX Strath Taieri District: bounded towards the north-west by part of section numbered 1 block IX one thousand six hundred and thirty (1630) links more or less and towards the south-east by other part of said section numbered 1 block IX one thousand six hundred and thirty (1630) links more or less.

#### 11. *Tokomairiro Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 0a. 2r. 31p. more or less being a road line situate in the Tokomairiro Survey District: bounded towards the north-west by section numbered 7 block XXXVII one thousand one hundred and thirty (1130) links more or less and towards the south-east by section numbered 6 block XXXVI one thousand two hundred and ten (1210) links more or less excepting that portion which is crossed by the new District Road.

(2.) All that area in the Province of Otago containing by admeasurement 1a. 3r. 8p. more or less being a road line situate in block II Kaitangata Survey District: bounded towards the north-west by part of section numbered 4 one thousand one hundred and fifty (1150) links more or less and towards the south-east by other part of said section numbered 4 and a road line one thousand three hundred and fifty (1350) links more or less excepting that portion which is crossed by the new District Road.

(3.) All that area in the Province of Otago containing by admeasurement 1a. 1r. 0p. more or less being a road line situate in block II Kaitangata Survey District: bounded towards the north-west by part of sections numbered 3 and 4 two thousand five hundred (2500) links more or less and towards the south-east by other part of said section numbered 4 two thousand five hundred (2500) links more or less.

(4.) All that area in the Province of Otago containing by admeasurement 0a. 3r. 15p. more or less being a road line situate in block II Kaitangata Survey District: bounded towards the north-west by part of section numbered 3 one thousand seven hundred (1700) links more or less and towards the south-east by other part of said section numbered 3 one thousand seven hundred (1700) links more or less.

(5.) All that area in the Province of Otago containing by admeasurement 4a. 2r. 28p. more or less being a road line situate in block XXVII Tokomairiro District: bounded towards the north-east by sections numbered 219 220 221 222 and part of 223 seven thousand eight hundred (7800) links more or less towards the south-west by the Tokomairiro River seven thousand eight hundred (7800) links more or less.

#### 12. *Waipahee Survey District.*

(1.) All that area in the Province of Otago containing by admeasurement 2a. more or less being a road line situate in block VII Waipahee Survey District: bounded towards the north-east by part of section numbered 12 and a road line two thousand (2000) links more or less and towards the south-west by other part of said section numbered 12 two thousand and fifty (2050) links more or less.

#### 13. *Waiholā Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 4a. 1r. 24 p. more or less, being a road line situate in block I. Clarendon Survey District: bounded towards the north-west by sections numbered 1 2 3 4 5 and 6 block XX, and part of section 1 block XXI. Waiholā District, eight thousand eight hundred and four (8,804) links more or less; and towards the south-east by sections numbered 2 of 2 1 of 2 3 of 2 3 4 5 6 and part of 1 of 7, block I, Clarendon District, eight thousand eight hundred and four (8,804) links more or less.

#### 14. *Kakanui Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 1a. 0r. 38 p. more or less, being a road line situate in block IV. Oamaru Survey District: bounded towards the north by parts of sections numbered 37 and 46, two thousand four hundred and seventy-seven (2,477) links more or less, and towards the south by other parts of said sections numbered 37 and 46, two thousand four hundred and seventy seven (2,477) links, more or less.

15. *Shotover Survey District.*

(1.) All that area in the Province of Otago, containing by admeasurement 1a. 2r. 25 p. more or less, being a road line situate in block II, Shotover District, bounded towards the north-east by part of sections numbered 52 34 35 36 and 30 three thousand three hundred and twenty-five (3,325) links more or less, and towards the south-west by other parts of said sections, numbered 62 34 35 36 33 and 30, three thousand three hundred and fifty (3350) links more or less.

(2.) All that area in the Province of Otago, containing by admeasurement 2a. 3r. 39 p. more or less, being a road line situate in block II, Shotover District, bounded towards the north-east by parts of sections numbered 11 12 13 14 15 16 17 18 and 19, five thousand nine hundred and eighty-seven (5,987) links more or less, and towards the south-west by other parts of said sections, numbered 11 12 13 14 15 16 17 18 and 19, five thousand nine hundred and eighty-seven (5,987) links, more or less.

16. *Aparima Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 2a. 3r. 38p. more or less being a road line situate in block IX Jacob's River Hundred District: bounded towards the north-east by part of section numbered 23 two thousand eight hundred and eighty (2880) links more or less and towards the south-west by other part of said section numbered 23 three thousand one hundred and two (3102) links more or less.

(2.) All that area in the Province of Otago containing by admeasurement 4a. more or less being a road line situate in block IX Jacob's River Hundred District: bounded towards the north by section numbered 32 four thousand (4000) links more or less and towards the south by other part of said section numbered 32 four thousand (4000) links more or less.

(3.) All that area in the Province of Otago containing by admeasurement 4a. 2r. 32p. more or less being a road line situate in block VI Jacob's River Hundred District: bounded towards the north-east by parts of sections numbered 25 and 26 four thousand seven hundred (4700) links more or less and towards the south-west by other parts of said section No. 25 four thousand seven hundred (4700) links more or less.

(4.) All that area in the Province of Otago containing by admeasurement 9a. 2r. 26p. more or less being a road line situate in the Jacob's River Hundred District: bounded towards the north by sections numbered 1 2 and 12 block IV. nine thousand six hundred and thirty-six (9636) links more or less and towards the south by sections numbered 1 and 34 block III, nine thousand six hundred and ninety (9690) links more or less.

(5.) All that area in the Province of Otago containing by admeasurement 2a. 0r. 12p. more or less being a road line situate in block VI. Jacob's River Hundred District: bounded towards the north-west by sections numbered 54 and 59 four thousand one hundred and sixty-one (4161) links more or less and towards the south-east by sections numbered 25 and 26 four thousand one hundred and forty-nine (4149) links more or less.

## DUNEDIN, NEW ZEALAND:

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