



ROADS DIVERSION ORDINANCE (NO. 2), 1874.

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

SESSION XXXIII. No. 458.

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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.]

WHEREAS 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 (No. 2) 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. Lindhurst Road District.
2. Glenledi " "
3. North East Valley Road District.
4. Greenvale Survey District.

1. Lindhurst Road District.

(1.) All that area in the Province of Otago containing by admeasurement 42a. 1r. 24p. more or less being a road line situate in the Lindhurst Survey District starting from the Mataura River and dividing sections numbered 52 50 48 and 46 from sections 21 15 9 and 4 and ending near Trig. Station Q forty-two thousand four hundred (42,400) links more or less except those portions which are crossed by the new district roads.

(2.) All that area in the Province of Otago containing by admeasurement 68. 1r. 8p. more or less being a road line situate in the Lindhurst Survey District starting from the southern boundary of the Waimumu Sub-division and dividing sections numbered 55 54 21 15 9 and 4 from sections 26 3 and the unsold land in the Lindhurst District and ending at a point near Trig. Station T sixty-eight thousand three hundred (68,300) links more or less except those portions which are crossed by the new district roads.

(3.) All that area in the Province of Otago containing by admeasurement 25a. 3r. 8p. more or less being a road line situate in the Lindhurst Survey District : bounded towards the north by sections numbered 15 and 50 twenty-five thousand eight hundred (25,800) links more or less and towards the south by sections numbered 21 and 52 twenty-five thousand eight hundred (25,800) links more or less except those portions which are crossed by the new district roads.

(4. All that area in the Province of Otago containing by admeasurement 14a. 1r. 16p. more or less being a road line situate in the Lindhurst and Lothian Survey Districts : bounded towards the north-east by sections numbered 26 21 and 22 fourteen thousand three hundred and fifty (14,350) links more or less and towards the south-west by sections numbered 26 15 and 20 fourteen thousand three hundred and fifty (14,350) links more or less.

(5) All that area in the Province of Otago containing by admeasurement 4a. 2r. 32p. more or less being a road line situate in block III. Lothian Survey District : bounded towards the east by section numbered 15 four thousand seven hundred (4700) links more or less and towards the west by sections numbered 16 19 and 20 four thousand seven hundred (4700) links more or less.

(6.) All that area in the Province of Otago containing by admeasurement 5a. Or. 5 p. more or less being a road line situate in Mabel Survey District : bounded towards the east by part of block numbered LIX. five thousand and thirty-one (5031) links more or less and towards the west by part of block numbered XXXVI. five thousand and thirty-three (5033) links more or less.

2. *Glenledi Road District.*

(1.) All that area in the Province of Otago containing by admeasurement 4a. Or. 21p. more or less being a road-line situate in the Akatore Survey District : bounded towards the north-east by parts of sections numbered 18 1 of 20 2 of 20 and 21 block I and 1 block VII eight thousand three hundred (8300) links more or less and towards the south-west by other parts of said sections numbered 18 1 of 20 2 of 20 and 21 Block I and 1 block VII eight thousand two hundred (8200) links more or less except those portions that are crossed by the district road.

(2.) All that area in the Province of Otago containing by admeasurement 5a. 1r. 17p. more or less being a road-line situate in the Akatore Survey District : bounded towards the north-east south-east and south-west by parts of sections numbered 31 block VIII and 28 27 and 29 block IV five thousand one hundred and fifty (5150) links more or less towards north-west north-east and south-west by other parts of sections numbered 28 and 29 block IV and section 30 block VIII five thousand five hundred and sixty (5560) links more or less except that portion which is crossed by the new district road.

(3.) All that area in the Province of Otago containing by admeasurement 0a. 1r. 14p. more or less being a road-line situate in the Akatore Survey District : bounded towards the north by part of section numbered 30 block VIII seven hundred and fifty (750) links more or less towards the south by part of section numbered 28 block IV seven hundred (700) links more or less.

(4.) All that area in the Province of Otago containing by admeasurement 0a. 2r. 27p. more or less being a road-line situate in the Akatore Survey District : bounded on both sides by section numbered 21 block IX six hundred and twelve (612) links more or less.

(5.) All that area in the Province of Otago containing by admeasurement 0a. Or. 24p. more or less being a road-line situate in the Akatore Survey District : bounded towards the north-east by part of section numbered 10 block IX three hundred (300) links more or less and towards the south-west by a road-line three hundred (300) links more or less.

(6.) All that area in the Province of Otago containing by admeasurement 0a. 1r. 8p. more or less being a road-line situate in the Akatore Survey District : bounded towards the north-east by part of section numbered 13 block V six hundred (600) links more or less and towards the south-west by a road-line six hundred (600) links more or less.

3. *North-east Valley Road District.*

(1.) All that area in the Province of Otago, containing by admeasurement 2a. 1r. 12 poles more or less, being a road line situate in block VIII., North Harbor and Blueskin Survey District : bounded towards the north-west by parts of sections numbered 8, 16, and 35, four thousand six hundred and fifty (4,650) links, more or less, and towards the south-east by other parts of said sections, numbered 8, 16, and 35, four thousand six hundred and fifty (4,650) links, more or less.

4. *Greenvale Survey District.*

1. All that area in the Province of Otago containing by admeasurement 2a. Or. 09. poles, more or less, being a road line situate in Block I, Greenvale Survey District, bounded towards the north by sections numbered 36, 46, 41 and 47 Block I, Greenvale, four thousand one hundred and thirteen (4113) links more or less and towards the south by section numbered 11 and part of 10, Block XV, Glenkenich, four thousand one hundred and thirteen (4113) links more or less.

DUNEDIN, NEW ZEALAND :

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