

*Left to its operation G. G. Gazette
12th July 62*



THE ROADS ORDINANCE AMENDMENT
ORDINANCE, 1862.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA.

SESSION XV.—No. 79.

ANALYSIS:

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| Title. | |
| Preamble. | |
| 1. Repeal of clauses 2, 3, 4 and 5 of the Roads Ordinance, 1856. | 9. Wilful injury to roads, &c., a misdemeanour. |
| 2. General Road Board constituted. | 10. Penalties for certain acts and omissions under this Ordinance. |
| 3. Property possessed by General Board of Road Trustees to become the property of the Superintendent in trust. | 11. Penalties recoverable summarily. |
| 4. The formation and repairs of main roads to be under the control of the General Road Board. | 12. The Province may be divided into districts Twenty-five constituted. Power to alter them. |
| 5. Monies appropriated for public roads, how to be expended. | 13. Board of Road Trustees to be elected within two months after the passing of this Ordinance. |
| 6. When money is voted in aid of any district road, the amount raised in the district to be paid to the Provincial Treasurer. | 14. Owners and occupiers of land to make a true return of their lands and of its acreage, when required by notice so to do. Penalties for default and false returns. |
| 7. Provision respecting horse and other ways from main road to adjoining land, and penalty for neglect. | 15. Two members of any Board may make contracts by authority of the Board. Trustees not to be personally liable. |
| 8. No stockyard to be erected or re-erected within two chains from the centre of any main road. Penalty for non-removal | 16. Short title. |
| | Schedule. |

AN ORDINANCE to amend the Laws relating to Public Roads within the Province of Otago and to provide for the better Management thereof.

Preamble.

WHEREAS an Ordinance was passed in the nineteenth year of the reign of Her present Majesty intituled "An Ordinance to amend the Laws relating to Public Roads within the Province of Otago and to regulate the Management thereof:" And the said Ordinance has been amended by "The Roads Ordinance Amendment Ordinance 1856" and by "The Roads Claims Ordinance 1859:" And whereas it is expedient that the said recited Ordinance should be further amended and provision made for the better management of the roads of the Province:

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:—

Repeal of clauses 2, 3, 4 and 5 of the Roads Ordinance, 1856.

1. Clauses 2 3 4 and 5 of the said recited Ordinance and such other clauses thereof as may be inconsistent with or repugnant to this Ordinance shall be and the same are hereby repealed.

General Road Board constituted.

2. For carrying into execution throughout the Province (excepting the Towns of Dunedin and Port Chalmers) the several powers and provisions of the said recited Ordinance the Superintendent and his Executive Council for the time being shall be and the same are hereby constituted a body corporate and they and their successors shall bear the name of the "Otago General Road Board" and shall have and use a common Seal and shall and may in their corporate name or in the name of their Clerk sue and be sued and take and resist all proceedings at law and in equity and in every action or other legal proceedings relating to any property claim or demand it shall be sufficient to state such property to belong and such claim or demand to be due to the "Otago General Road Board" and shall have and exercise all the powers and functions entrusted to and vested in the General Board of Road Trustees in and by the said Ordinance and the proceedings of the said General Road Board shall be conducted in the manner prescribed by the said Ordinance for regulating the proceedings of the said General Board of Road Trustees.

Property possessed by General Board of Road Trustees to become the property of the Superintendent in trust.

3. All property and effects which the said General Board of Road Trustees shall be possessed of or entitled to at the time of the passing of this Ordinance shall on the passing of this Ordinance become the property and effects of the said General Road Board in trust for the purposes of this Ordinance.

4. The formation of new main lines of road and the repairs maintenance and management of all main lines of road already made or under formation or which shall hereafter be made and the construction and repair of all bridges and other works of what kind soever connected with such main roads and bridges shall from and after the passing of this Ordinance be entirely under the control and management of the said General Road Board and of the engineers surveyors and other officers acting under the said General Road Board in the execution of this Ordinance.

The formation and repairs of main roads to be under the control of the General Road Board.

5. All monies that shall be hereafter appropriated by the Superintendent and Provincial Council out of the public revenue of the Province for the making and repairing of any public roads bridges or other works connected therewith shall be expended and applied by the said Board.

Monies appropriated for public roads, how to be expended.

6. Whenever any monies shall be voted out of the public revenue in aid of monies to be raised in any district for the purpose of making or improving any road bridge or other work connected therewith the money to be raised in such district shall be paid to the Provincial Treasurer and thereupon the monies so raised and paid in together with the money appropriated out of the public revenue shall be applied to the intended purpose under the superintendence of the Provincial Engineer of Roads or other person acting in that capacity and other officers acting under him but not otherwise.

When money is voted in aid of any district road, the amount raised in the district to be paid to the Provincial Treasurer.

7. Where any cart-way horse-way or foot-way shall lead from a main road to any adjoining land the owner or occupier of such land shall make and construct to the satisfaction of the Provincial Engineer of Roads or other person acting in that capacity a sufficient tunnel or bridge over any ditch drain or water-course lying between such land and main road and shall likewise metal and keep metalled to the satisfaction of the Provincial Engineer of Roads or other person acting in that capacity such cart-way horse-way or footway from the metalled part of such main road to such adjoining land: and in case he shall fail or omit so to do within ten days after notice given him by the Provincial Engineer of Roads or other person acting in that capacity he shall forfeit and pay for every day thereafter he shall fail or omit so to do the sum of Ten shillings: Provided that no penalty to be recovered under this clause shall exceed the sum of One hundred pounds.

Provisions respecting horse and other ways from main road to adjoining land, and penalty for neglect.

8. If any person shall hereafter erect or re-erect any stockyard within two chains from the centre of any main or district road and shall not remove the same within ten days after notice given him by the Provincial Engineer of Roads or other person acting in that capacity or by any district Board of Road Trustees for that purpose he shall for every day that the same shall be suffered to remain after the expiration of such notice forfeit and pay the sum of Twenty shillings: Provided that no penalty to be recovered under this clause shall exceed the sum of One hundred pounds.

No stockyard to be erected or re-erected within two chains from the centre of any main road. Penalty for non-removal after notice.

Wilful injury to roads, &c., a misdemeanour.

9. If any person shall wilfully damage or destroy any main or district road or any work connected therewith or any footpath belonging thereto he shall be guilty of a misdemeanour and liable to fine and imprisonment.

Penalties for certain acts and omissions under this Ordinance

10. The following acts and omissions shall be offences under this Ordinance and all persons convicted thereof shall be liable to the penalties severally attached thereto:—

1. Any person riding driving or leading any horse ass mule or cattle or wheeled carriage wholly or partly upon any footpath at the side of any main road or district road or dragging any sledge log or other thing without being supported on wheels on any metalled road or dragging any log or other thing save a sledge on any un-metalled road or leaving on any main or district road any timber stones cart waggon plough or other implement of husbandry or any other thing whereby the safety of passengers may be endangered or suffering any offensive liquid to flow thereon or throwing any rubbish into the same or leaving any carriage on any such road unattended or suffering any child under thirteen years of age to be in charge of any cart or carriage with beast of draught attached thereto: Penalty for each of such acts not less than One pound nor more than Five pounds.
2. Any person suffering any horse neat cattle sheep or swine to be at large on any main or district road: Penalty not exceeding Ten shillings nor less than Five shillings per head.
3. The person in charge of any cart or carriage riding on the same or on the shafts without holding the reins or any person riding or driving so furiously as to endanger the limbs or lives of passengers or any person who shall not keep his cart or carriage on the left or near side of the road or if any person shall in any manner wilfully prevent any other person from passing him or any cart or carriage under his care upon any such road: Penalty Forty shillings.

Penalties recoverable summarily.

11. All penalties imposed by this Ordinance shall be recovered summarily before any Justice of the Peace.

The Province may be divided into districts. Twenty-five constituted. Power to alter them.

12. For the purposes of this Ordinance the said Province (except the Towns of Dunedin and Port Chalmers) may from time to time be divided into districts and until otherwise provided pursuant to the provisions of the said recited Ordinance there shall be twenty-five districts which shall be named and bounded as in the Schedule to this Ordinance annexed: Provided always that it shall be lawful for the Superintendent with the advice and consent of the General Road Board from time to time by proclamation in the *Government Gazette* to alter vary diminish or enlarge the boundaries of any

or all of such districts and to increase the number of districts by forming and naming new districts or by dividing any district into two or more districts and when any road district shall be divided into two or more districts the powers and functions of the Board of Trustees for such divided district shall wholly cease and a Board of Trustees shall be elected for each of the districts formed out of the districts so divided in manner in the said recited Ordinance provided for the election of Boards of Trustees for new districts.

13. A Board of Road Trustees shall be elected for each of the said districts within two months after the passing of this Ordinance in manner prescribed by the said recited Ordinance.

Board of Road Trustees to be elected within two months after the passing of this Ordinance.

14. It shall be lawful for every District Board of Road Trustees by notice signified by their Clerk and left at the house or place of abode of the owners or occupiers of lands within such district to require every such owner and occupier within twenty-one days after the service of such notice to deliver to the Clerk of the said Trustees or leave at his office or other place within the said district to be named in such notice a true account and particular of all lands which shall belong to and be in the possession or occupation of every such owner or occupier of land specifying the number of acres comprised therein: And every such owner or occupier who shall have been so served with notice as aforesaid and shall neglect to make the return thereby required shall forfeit and pay any sum not exceeding Five pounds and not less than Two pounds to be recovered in a summary way and any owner or occupier who shall knowingly and wilfully make any return which shall be proved to be false in any material particular shall be guilty of a misdemeanour and on conviction be punished by fine or imprisonment or by both.

Owners and occupiers of land to make true return of their lands and of its acreage, when required by notice so to do. Penalties for default and false returns.

15. Any District Board of Road Trustees may enter into vary or discharge any contracts with any person or persons for the execution of any works directed or authorised to be done by such Board and every such contract being duly executed by any two members acting by the direction or on behalf of any such Board and by the other contracting parties shall be effectual in law against the said Board of Road Trustees and their successors and the other contracting parties and their successors and administrators and such actions and suits may be maintained therein and damages and costs recovered as might have been maintained and recovered had the same contracts been made between private persons only: And no member of any District Board of Road Trustees shall be held or adjudged to be personally liable upon any pretext for the payment of any sum or the performance of any obligation for the payment or performance of which he shall not have bound himself personally as an individual independent of his office as a Trustee.

Two members of any Board may make contracts by authority of the Board. Trustees not to be personally liable.

16. The short title of this Ordinance shall be "The Roads Ordinance Amendment Ordinance 1862."

Short title.

Passed the Provincial Council this fifth day of May One thousand eight hundred and sixty-two.

CHARLES SMITH,
Clerk of Council.

ALEX. RENNIE,
Speaker.

Assented to on behalf of the Governor at Dunedin this ninth day of May One thousand eight hundred and sixty-two.

J. L. C. RICHARDSON,
Superintendent of the Province of Otago.

SCHEDULE.

ROAD DISTRICTS.

1. *Blueskin Bay District* comprises all that area bounded on the north by the Ocean; on the east and south by North Harbour and North-East Valley Districts; and on the west by the boundary of the Hundreds.
2. *North Harbour District* comprises all that area bounded on the north by the watershed of the range extending from Mihiwaka to Point Heyward; on the east and south by the Harbour and the Town of Port Chalmers; and on the west by Pelichet Creek; thence by the watershed of the ranges extending over Signal Hill and Mount Cargill to Mihiwaka.
3. *North-East Valley District* comprises all that area bounded on the north by the watershed of the range extending from Station S, Swampy Hill, to Mount Cargill; on the east by North Harbour District; on the south by Dunedin Town; and on the west by the Water of Leith to its source, thence to Station S, Swampy Hill.
4. *Portobello District* comprises all that area bounded on the north by the Harbour; on the east, by the Maori Reserve; on the south by the Ocean; and on the west by Anderson's Bay District.
5. *Anderson's Bay District* comprises all that area bounded on the north by the Harbour; on the east by the watershed of the range running from Grassy Point to Seal Point; on the south by the Ocean; and on the west by the Dunedin Town Belt, and that road running direct from near Hillside to the Ocean Beach.
6. *Wakari District* comprises all that area bounded on the north by the boundary of the Hundreds; on the east by the North-East Valley District and the Town of Dunedin; on the south by Sections 9 and 28, Block IV, Upper Kaikorai, inclusive of them; and Kaikorai Stream, to its southern source; thence by the watershed of the ranges to Station F, Flagstaff Hill.
7. *Kaikorai District* comprises all that area bounded on the north by Wakari District; on the east, by the Town of Dunedin, and by that road, inclusive thereof, leading from Maclaggan-street to Look-out Point; on the south, by the Trunk Road, Abbott's Creek, to its junction, thence by the watershed of the ranges to Station G 2; and on the west, by the watershed of the ranges leading over Abbott's Hill to Wakari District.
8. *Caversham District* comprises all that area bounded on the north by Kaikorai District and the Town of Dunedin; on the east, by the Anderson's Bay District; on the south, by the Ocean; and on the west, by the line of western boundaries of Sections 21 to 32, Ocean Beach District, and a direct continuation of that line from the Ocean to Block VI., Town District, and running along the western boundary of Section 39 of that Block to the Trunk Road.
9. *Green Island District* comprises all that area bounded on the north by Kaikorai District; on the east, by Caversham District; on the south, by the Ocean; and on the west, by Kaikorai and Abbott's Creeks.
10. *Silver Stream District* comprises all that area bounded on the north by the boundary of the Hundreds; on the east and south, by Wakari and Kaikorai Districts; on the south and west, by a direct continuation of the line halving Blocks IV. and IX., Taieri Districts, from the Chain Hills to Culling's Creek; thence by Culling's Creek and its western source to Station L, on Boulder Hill.
11. *North Taieri District* comprises all that area bounded on the north by Boulder Burn, and its middle Branch to Station L, on Boulder Hill; on the east, by Silver Stream District; on the east and south, by a direct continuation of the line halving Blocks XXI., XXII., and XII., extending from the centre of Block IX. to the Taieri River; and on the west by the Taieri River.
12. *East Taieri District* comprises all that area bounded on the north by North Taieri and Silver Stream Districts; on the east and south, by the watershed of the Chain Hill Ranges and the Trunk Road; and on the west, by Scroggs' Creek Village Reserve and the Taieri River.
13. *Saddle Hill District* comprises all that area bounded on the north by East Taieri District; on the East, by Kaikorai and Green Island District; on the south, by the Ocean and the Otakia Creek; and on the west, by Block II., Otakia District.

14. *West Taieri District* comprises all that area bounded on the north and west by the boundary of the Hundreds; on the east, by the Taieri River; on the south, by the Waipori branch, lake, and river.
15. *Moeraki Bush District* comprises all that area bounded on the north-west by the Taieri River; on the north-east by Saddle Hill District; on the south-east by the Ocean; and on the south-west by the Maori Reserve.
16. *Waihola District* comprises all that area bounded on the north-east by the West Taieri District; on the south-east by the watershed of the ranges running from the Taieri Ferry to Gorge Hill; on the south-west by the watershed of the ranges running from Gorge Hill, Horse-shoe Bush Hill, to the boundary of the Hundreds; and on the north-west by the boundary of the Hundreds.
17. *Akatore District* comprises all that area bounded on the north and north-east by the Taieri River; on the south-east, by the Ocean; on the west, by East Tokomairiro District; and on the north-west, by Waihola District.
18. *Tokomairiro District* comprises all that area bounded on the north-west by the boundary of the Hundreds; on the north-east by Waihola District; on the east, by the watershed of the ranges from Gorge Hill over stations I and S to the source of Shag Creek, thence by Shag Creek to the Ocean; on the south by the Ocean; and on the south-west by Rocky Valley Creek, and the watershed over Mount Misery and Station H, to the watershed of the ranges leading towards Mount Stuart.
19. *Hill-end District* comprises all that area bounded on the north-east by Tokomairiro District; on the south-east, by Kaitangata District; on the south-west, by the River Clutha; and on the north-west, by the boundary of the Hundreds.
20. *Kaitangata District* comprises all that area bounded on the north-east by Tokomairiro District; on the south-east, by the watershed of the ranges leading from Mount Misery, over Stations I and J to Q, thence by an east and west line to the Matau River; on the south-west, by the Matau and Clutha Rivers; and on the north-west by the Trunk Road.
21. *Wangaloa District* comprises all that area bounded on the north by Tokomairiro District; on the south-east, by the Ocean; and on the west, by the Clutha River and Kaitangata District.
22. *Inch Clutha District* comprises all that area surrounded by the Matau and Koau branches of the Clutha.
23. *Kaihiku District* comprises all that area bounded on the north and east by the Pomahak and Clutha River; on the south, by the Trunk Road; and on the west, by the boundary of the Hundreds.
24. *Warepa District* comprises all that area bounded on the north by the Trunk Road; on the east, by Molyneux District; on the south, by the boundary of the Hundreds; and on the west, by the boundary of the Hundreds.
25. *Molyneux District* comprises all that area bounded on the north by the Trunk Road, the Clutha River and its southern branch; on the east, by the Clutha River and the Ocean; on the south, by the boundary of the Hundreds; and on the west, by the Puerua River and a continuation of that straight line halving Blocks XXXI., XXXII., and XXXIV., stretching from the Puerua River to the Trunk Road.