ORDINANCES

OF THE

PROVINCE OF OTAGO, N.Z.

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

SESSIONS XXVI (SPECIAL) 1869, AND XXVII., 1870.

DUNEDIN: NEW ZEALAND.

PRINTED UNDER THE AUTHORITY OF THE PROVINCIAL GOVERNMENT OF OTAGO, BY MILLS, DICK & CO.,
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OF OTAGO FOR THE TIME BEING.

INDEX TO OTAGO ORDINANCES.

SESSIONS XXVI and XXVII—1869-70.

SESSION XXVI (SPECIAL)—1869.

SESSION XXVII—1870.

* Left to its operation.—See Otago *Gazette* 1870, page 135.

† Assent withheld.—See Otago *Gazette* 1870, page 270.

‡ Assented to.—See Otago *Gazette* 1870, pages 135 and 139.

APPROPRIATION ORDINANCE (No. 2) 1869-70.

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

SESSION XXVI., No. 294.

ANALYSIS.

AN ORDINANCE *to Appropriate certain Sums out of the Ordinary Revenue of the Province of Otago and other Moneys for the Service of the Twelve Months commencing on the first day of April one thousand eight hundred and sixty-nine and ending on the thirty-first day of March one thousand eight hundred and seventy.* [23rd DECEMBER, 1869.] Title.

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

I. This Ordinance shall be termed and may be cited and referred to as the "Appropriation Ordinance (No. 2) 1869-70." Short Title.

II. Out of the Revenues of the Province of Otago subject to the appropriation of the Provincial Council there may be issued and applied the sum of twenty-three thousand four hundred and eighty-seven pounds ten shillings or any sum or sums not exceeding the several sums for the several purposes hereafter particularly specified that is to say:— Certain sums to be applied out of Provincial Revenues.

No.		Salaries.	Contingencies.	Totals.
		£ s. d.	£ s. d.	£ s. d.
	PROVINCIAL COUNCIL.			
	Honorarium		500 0 0	
	Select Committees		25 0 0	
	Printing		600 0 0	
	Incidental Expenses		100 0 0	
				1,225 0 0
	GOLD FIELDS OFFICERS.			
4	Wardens at £550 per annum, 7 months ...	1,283 6 8		
7	Receivers of Revenue at £350 per annum, 7 months	1,429 3 4		
2	Receivers of Revenue at £300 per annum 7 months	350 0 0		
				3,062 10 0
	Mining Surveyor		500 0 0	
				500 0 0
	ROADS.			
	Repairing Main South Road		18,700 0 0	
				18,700 0 0
				23,487 10 0

Treasurer, &c., to pay moneys under warrant of the Superintendent, and to be allowed credit for all moneys so paid.

III. The Provincial Treasurer or other person having the custody or control of the Public Funds of the Province shall issue and pay from time to time any sum or sums of money for the purposes hereinbefore mentioned not exceeding in the whole the sums respectively above specified to such persons and in such proportions as the Superintendent for the time being shall by warrants under his hand directed to the Provincial Treasurer or such other person as aforesaid and certified by the Auditor or Deputy-Auditor in terms of the "Provincial Audit Act 1866" from time to time direct and such Treasurer or other person having the custody or control of the Public Funds of the Province shall in his accounts be allowed credit for all sums paid by him in pursuance of such warrants and the receipts of the persons to whom such sums shall have been paid shall be to him a full and valid discharge for the sum or sums for which such receipts shall have been given and the amount thereof shall be passed to his credit in account accordingly.

Saving of Section V. of Appropriation Ordinance 1869-70.

IV. Notwithstanding the present session of the Provincial Council has been convened prior to the thirty-first day of March one thousand eight hundred and seventy payments may still be continued and made up to the thirty-first day of May one thousand eight hundred and seventy under the provisions of the fifth section of the "Appropriation Ordinance 1869-70" as if this present session had not been so convened.

DUNEDIN, NEW ZEALAND,

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CATTLE TRESPASS ORDINANCES AMENDMENT ORDINANCE 1869.

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

SESSION XXVI., No. 295.

ANALYSIS.

AN ORDINANCE *to Amend the "Cattle Trespass Ordinance* 1858" *and the "Cattle Trespass Ordinance* 1858 *Amendment Ordinance* 1868." Title.

[23rd DECEMBER, 1869.]

WHEREAS it is expedient to extend the operation of the "Cattle Trespass Ordinance 1858" and the "Cattle Trespass Ordinance 1858 Amendment Ordinance 1868" to the Incorporated Town of Lawrence: Preamble.

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

I. The short title of this Ordinance shall be the "Cattle Trespass Ordinances Amendment Ordinance 1869." Short Title.

II. The provisions of the said recited Ordinances shall extend to the incorporated town of Lawrence as the boundaries of the said town are defined by the proclamation of the Superintendent extending the provisions of the "Otago Municipal Corporations Ordinance 1865" to the said town. Provisions of Cattle Trespass Ordinances extended to Town of Lawrence.

III. If any owner of cattle shall suffer such cattle to stray or shall turn out keep or depasture such cattle anywhere within the said boundaries of the said town every such owner shall forfeit and pay for every such offence any sum not exceeding five pounds for each head of cattle so suffered to stray turned out kept or depastured. Penalty for allowing cattle to stray &c.

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UNIVERSITY OF OTAGO ORDINANCE AMENDMENT ORDINANCE 1869.

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

SESSION XXVI. No. 296.

ANALYSIS.

AN ORDINANCE *to amend an Ordinance of the Superintendent and Provincial Council of the Province of Otago passed in the Twenty-fifth Session thereof (No. 280) intituled "An Ordinauce to Incorporate the University of Otago.* [23RD DECEMBER, 1869.] Title.

WHEREAS by the Fifth Section of the Ordinance of the Superintendent and Provincial Council of the Province of Otago intituled 'An Ordinance to Incorporate the University of Otago' it is provided that no question shall be decided at any meeting of the Council of the University thereby established unless nine members thereof be present: And whereas it has been found inconvenient to obtain the attendance of nine members at meetings of the said Council and it is therefore expedient to reduce the number of members necessary to constitute a meeting of the said Council to six members: Preamble.

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

I. This Ordinance may be cited and referred to as the "University of Otago Ordinance Amendment Ordinance 1869." Short Title.

II. Six members of the said Council shall constitute a meeting of the Council and a meeting of the said Council at which six members are present may decide any question which the Council would be competent to decide and Section V of the said recited Ordinance shall be read and construed as if the words "six members" had been inserted after the words "meeting of the said Council unless" in lieu of the words "nine members." Quorum of Council to be six members instead of nine.

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MOERAKI LANDS SALE ORDINANCE 1869.

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

SESSION XXVI., No. 297.

ANALYSIS.

AN ORDINANCE *to authorise the Sale of certain Lands in the Moeraki District in the Province of Otago.* [23rd DECEMBER, 1869.] Title.

WHEREAS by Deed bearing date the tenth day of November A D 1869 and made between Francis Dillon Bell of Dunedin in the Province of Otago in the Colony of New Zealand Esquire of the one part and the Superintendent of the Province of Otago of the other part the said Francis Dillon Bell for the considerations therein mentioned did convey and assure unto the Superintendent of the Province of Otago his successors and assigns the seven several pieces or parcels of land particularly described in the Schedule hereto with the appurtenances thereunto respectively belonging: And whereas it is expedient that the Superintendent should be empowered to sell or otherwise dispose of the said lands comprised in the said Deed and described in the said Schedule hereto: Preamble.

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:—

I. This Ordinance may be cited and referred to as the "Moeraki Lands Sale Ordinance 1869." Short Title.

II. It shall be lawful for the Superintendent of the Province of Otago at any time and from time to time after the passing of this Ordinance to offer for sale and to sell and dispose of the lands described or referred to in the Schedule hereto or any part or parts thereof respectively either altogether or in lots and either by public auction or by private contract and subject to such conditions (if any) as the said Superintendent may think fit. Superintendent authorised to sell.

III. Upon payment of the purchase money for the said lands or any part thereof the Superintendent may from time to time execute and do all necessary conveyances assurances and things for conveying and assuring every portion of the said lands which may be so sold as aforesaid to the purchaser or purchasers thereof his or their heirs and assigns for ever. And to convey.

Moneys arising from sale to be paid to the Provincial Treasurer.

IV. All moneys arising from the sale of the said lands and every or any part thereof respectively shall be paid to the Provincial Treasurer of the Province of Otago or other the person for the then time being having the custody or control of the public funds of the Province and shall form part of the ordinary revenue of the said Province and shall be appropriated in the same manner as the revenues of the said Province subject to the appropriation of the Provincial Council may now by law be appropriated but no purchaser of the said lands or any part or parts thereof shall be concerned to see to the application of his her or their purchase money or be answerable for the misapplication or non-application thereof or of any part thereof.

SCHEDULE.

All that piece or parcel of land containing by admeasurement twenty (20) acres three (3) roods and thirty-one (31) poles more or less situate in the Moeraki District in the said Province of Otago and being parts of sections numbered respectively fifteen (15) seventeen (17) and eighteen (18) Block seven (VII) on the map of the said district bounded towards the north by Section No. thirteen (13) one hundred and twenty (120) links and six hundred and thirty (630) links towards the east by a road line two thousand six hundred (2,600) links again towards the north by a road line one thousand two hundred and thirty (1,230) links towards the south by other part of the said section numbered eighteen (18) one thousand and ten (1,010) links and towards the west by other parts of the said sections numbers eighteen (18) seventeen (17) and fifteen (15) one thousand two hundred and forty (1,240) links and two thousand one hundred and sixty (2,160) links Secondly all that parcel of land containing by admeasurement fifty-five (55) acres and one (1) rood more or less situate in the Moeraki District aforesaid and being parts of sections numbered respectively thirty (30) thirty-two (32) thirty-four (34) thirty-six (36) and thirty-seven (37) Block seven (VII) aforesaid bounded towards the east by a road line five thousand four hundred and eighty-four (5,484) links towards the south by section number thirty-nine (39) one thousand nine hundred and forty (1,940) links and towards the west by other parts of the said sections numbers thirty-seven (37) thirty-six (36) thirty-four (34) thirty-two (32) and thirty (30) five thousand five hundred and sixty (5,560) links Thirdly all that parcel of land containing by admeasurement twenty-one (21) acres one (1) rood and twenty-eight (28) poles more or less situate in the Moeraki District aforesaid and being part of section numbered forty-seven (47) Block seven (VII) aforesaid bounded towards the north by a road line two thousand three hundred and twenty (2,320) links towards the east by a road line one thousand eight hundred and thirty-eight (1,838) links towards the south by section numbered forty-nine (49) one thousand six hundred and seventy (1,670) links and seven hundred and fifty (750) links and towards the west by other part of section numbered forty-seven (47) aforesaid three hundred and eighty (380) links Fourthly all that parcel of land containing by admeasurement forty-six (46) acres two (2) roods and thirty-two (32) poles more or less situate in the Moeraki District aforesaid being parts of sections numbered respectively forty-nine (49) and fifty-two (52) Block seven (VII) on the map of the said District bounded towards the north by section numbered forty seven (47) seven hundred and fifty (750) links and one thousand six hundred and seventy (1,670) links towards the south-east by a road line one thousand seven hundred and sixty-six (1,766) links towards the east by a road line one thousand three hundred and eight (1,308) links towards the south by section numbered sixty (60) one hundred and forty (140) links and three hundred and fifty (350) links and towards the south-west by other parts of the said sections numbered respectively forty-nine (49) and fifty-two (52) three thousand two hundred and fifty (3,250) links Fifthly all that parcel of land containing by admeasurement thirteen (13) acres one (1) rood and four (4) poles more or less situate in the Moeraki District aforesaid and being part of section numbered sixty-seven (67) Block seven (VII) aforesaid bounded towards the north by section numbered sixty (60) seven hundred and ninety (790) links towards the east by a road line one thousand nine hundred and twelve (1,912) links towards the south by section numbered seventy (70) two hundred and twenty (220) links andfour hundred and thirty (430) links and towards the south west and west by other part of the said section numbered sixty-seven (67) one thousand eight hundred and eighty (1,880) links Sixthly all that piece or parcel of land containing by admeasurement seven (7) acres two (2) roods and twenty (20) poles more or less situate in the Moeraki District aforesaid being parts of sections numbered respectively seventy (70) and seventy-eight (78) block seven (VII) aforesaid bounded towards the north by section numbered sixty-seven (67) four hundred and forty (440) links and two hundred and twenty (220) links towards the north-east by Reserve five hundred and thirty (530) links towards the east-north-east by a road line two thousand three hundred and sixty (2,360) links and towards the south-west by other parts of the said sections numbered respectively seventy (70) and seventy-eight (78) two thousand seven hundred and twenty (2,720) links also by a Reserve three hundred and seventy (370) links and intersected by three (3) road lines each fifty (50) links wide And Seventhly all that parcel of land containing by admeasurement sixty-six (66) acres three (3) roods and nine (9) poles more or less situate in the Moeraki District aforesaid and being section numbered twenty-seven (27) and parts of sections numbered respectively thirty (30) and thirty-five (35) the last mentioned section having been formerly known as land under application numbered two thousand eight hundred and four (2,804) on Run number eighty (80) block eight (VIII) on the map of the said district bounded towards the north by a tributary of the Waihemo or Shag River one thousand four hundred and fifty (1,450) links and by section nnmbered twenty-five (25) one thousand four hundred and fifty (1,450) links towards the east by a road line three thousand eight hundred (3,800) links towards the south by section numbered thirty-two (32) one thousand four hundred (1,400) links and towards the west by other parts of the said sections numbered thirty (30) and thirty-five (35) three thousand six hundred and twenty (3,620) links and by the Waihemo or Shag River six hundred (600) links.

DUNEDIN, NEW ZEALAND,

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EDUCATION RESERVES MANAGEMENT AND LEASING ORDINANCE (NO. 2.) 1869.

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

SESSION XXVI. No. 298.

ANALYSIS.

AN ORDINANCE *to provide for the management and administration of certain Education Reserves and to empower the Superintendent of the Province Otago to lease the same.* Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 23RD DECEMBER, 1869.]

WHEREAS the lands specified in the Schedule hereto have under and by virtue of the Public Reserves Act 1854 been granted by the Governor of New Zealand in the name and on behalf of Her Majesty to the Superintendent of the Province of Otago and his successors in trust for the establishment and maintenance of a University in Dunedin and of Public Schools in different parts of the Province and whereas it is expedient to make provision for the administration and management of the said lands and to empower the Superintendent to lease the same or any of them for a longer term than three years : Preamble.

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

I. This Ordinance may be cited and referred to as the "Education Reserves Management and Leasing Ordinance (No. 2) 1869." Short Title

II. It shall be lawful for the Superintendent from time to time to demise and grant leases of the said lands specified in the Schedule hereto or of any of them at such annual rents and for such terms of years not exceeding terms of twenty-one years from the making thereof as he may think fit. Superintendent empowered to lease for 21 years.

III. All leases made or granted under this Ordinance shall be by Deed signed by the Superintendent and sealed with the Public Seal of the said Province as by the "Public Reserves Act 1854" is provided. Leases to be by deed under the public seal of the Province of Otago.

IV. The management and administration of the said Lands subject to the provisions of this Ordinance shall be carried on and conducted by the "Otago Education Board" established under and by "The Education Ordinance 1864" or by any Board Committee or Body to which the powers duties and authorities vested in the said Otago Education Board may be transferred by any Ordinance of the Province of Otago. Education Board to have management of the lands.

Superintendent to set apart lands as sites for schools, playgrounds for scholars, and residences for masters, as well as glebe lands for such masters, &c.

V. It shall be lawful for the Superintendent of the said Province to appropriate and set apart any of the said Lands as sites for Public Schools and School Buildings and as play-grounds for the use of scholars attending such schools and as sites for the residences of masters of such schools and as glebe lands in connection with such residences for the use occupation and benefit of such masters and whenever any of the said lands have been actually appropriated to or set apart for any of the said purposes it shall not be lawful for the Superintendent to demise or grant leases of any lands so appropriated or set apart except under the authority of a Special Ordinance of the Provincial Council of Otago passed for that purpose.

Rents and profits of such reserves to be accounted for to the Provincial Treasurer.

VI. All the rents issues profits and proceeds arising from any of the said lands shall after deducting therefrom the expenses of the management and administration thereof be from time to time paid over and accounted for to the Provincial Treasurer of the Province of Otago for the time being or other the person having the custody or control of the Public Funds of the Province and shall be appropriated in such manner as the Superintendent and Provincial Council of the said Province shall by Ordinance direct: Provided that all such rents issues profits proceeds and other moneys received by the Provincial Treasurer or such other person as aforesaid under this Ordinance shall be kept separate from the Ordinary Revenue of the Province.

Education Board to keep accounts of the disbursements in connection with the management.

VII. The said Education Board or such other body as aforesaid shall keep accurate accounts of all costs charges expenses and disbursements in connection with the management and administration of the said lands and also of all sums of money paid or received as rents issues profits or proceeds of or from the said lands and shall cause such accounts to be made up quarterly or otherwise as the Superintendent shall direct and shall prepare a balance sheet of the said accounts and the Superintendent shall cause such accounts and balance sheet to be forwarded for the examination of the Provincial Auditor in manner prescribed by the "Provincial Audit Act 1866" and the said "Provincial Audit Act 1866" shall apply to the rents issues profits and proceeds of or from the said lands and to the management and administration of the said lands to the same extent and in the same manner as if the said rents issues profits and proceeds formed part of the Ordinary Revenue of the said Province.

SCHEDULE.

District.	Section.	Block.	Acreage. a.	r.	p.
Akatore	38	I	10	0	0
Glenkenich ...	28, 30, 36 & 37	XI	228	2	16
,, ...	17	XIII	13	3	24
Wyndham	1 & 2	X	7327	2	17
Kaitangata	3	V	154	0	0
Leaning Rock ...	33	I	14	2	4
,, ...	19	II	24	3	0
,, ...	57	II	23	3	12
,, ...	81	II	7	0	17
Shotover	21	III	9	2	0
,, ...	36	IV	59	3	24
,, ...	3	V	22	2	5
,, ...	2	V	46	3	0
,, ...	34	VI	60	0	29
,, ...	16	VII	29	2	3
Shotover	17	VII	15	0	38
,, ...	7	VIII	11	3	0
,, ...	8	VIII	42	0	0
,, ...	16	VIII	10	0	0
,, ...	22	VIII	34	0	0
,, ...	17	IX	43	0	0
,, ...	8	X	33	3	28

Township.	Section.	Block.	Acreage. a.	r.	p.
Tapanui	8, 9, 10, 11 & 12	V	1	1	0
Alexandra	12,13,14, 15 & 16	VI	1	1	0

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DUNEDIN RESERVES MANAGEMENT ORDINANCE 1869.

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

SESSION XXVI., No. 299.

ANALYSIS.

AN ORDINANCE *to transfer to and vest in the Corporation of the City of Dunedin certain lands now vested in the Superintendent of the Province of Otago in trust for purposes of Public utility for the Town of Dunedin and its Inhabitants.* Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 23RD DECEMBER, 1869.]

WHEREAS the lands tenements and hereditaments described in the Schedule to this Ordinance are vested in the Superintendent of the Province of Otago and his successors subject to the provisions of certain Acts passed by the General Assembly of New Zealand intituled the "Public Reserves Act 1854" and the "Public Reserves Act Amendment Act 1862:" And whereas under the provisions of an Ordinance passed by the Superintendent and Provincial Council of the said Province intituled the "Otago Municipal Corporations Ordinance 1865" the citizens of Dunedin were created a Corporate Body under the style of the "Corporation of the City of Dunedin:" And whereas by the "Public Reserves Act Amendment Act 1862" it is provided that it shall be lawful for the Superintendent and Provincial Council of any Province by any Act or Ordinance to be from time to time duly passed in that behalf to direct and declare that any land vested or which might thereafter be vested in the Superintendent of any Province under the provisions of the said "Public Reserves Act 1854" upon Trust for any public purposes should be transferred to and vested in and held by any Corporation Commission or other person or persons having Corporate succession to be named in such Act or Ordinance in trust for the like or for any other public purpose to be specified and declared in such Act or Ordinance in such manner and with such powers of lease management and disposition over the same and over all rents issues profits and proceeds thereof and other powers provisions and conditions as should in such Act or Ordinance be expressed or declared: And whereas it is expedient that the lands and hereditaments so vested in the Superintendent of the said Province of Otago as aforesaid and described in the said Schedule hereto should be transferred to Preamble.

and vested in the "Corporation of the City of Dunedin" upon the Trusts and with and subject to the powers provisions and conditions hereinafter declared ;

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

Short Title.

I. This Ordinance shall be intituled and may be cited and referred to as the "Dunedin Reserves Management Ordinance 1869."

Lands described in Schedule to be vested in the Corporation of the City of Dunedin.

II. The lands and hereditaments mentioned and described in the Schedule hereto shall be and the same are hereby transferred to and vested in the "Corporation of the City of Dunedin" and its successors as a Corporate Body to be held by the said Corporation and its successors in Trust for purposes of Public Utility for the City of Dunedin and its inhabitants.

Corporation to manage lands described in Schedule under certain provisions.

III. It shall be lawful for the said "Corporation of the City of Dunedin" to manage the said lands and hereditaments in such manner in every respect as to them shall seem fit and with the sanction and consent of the Superintendent for the time being of the Province of Otago to lease the same lands and hereditaments at such rents issues and profits as it may deem expedient so that such leases be for any term not exceeding twenty-one years to take effect from the time of the execution thereof.

Moneys to be applied as provided by the 94th Section of the "Otago Municipal Corporations Ordinance, 1865."

IV. All moneys received by the said "Corporation of the City of Dunedin" for the rents issues and profits of the said lands and hereditaments shall be managed by the said Corporation and shall be applied and disposed of in manner provided by the ninety-fourth section of the "Otago Municipal Corporations Ordinance 1865."

Commencement of Ordinance.

V. This Ordinance shall not come into operation nor have any effect until the time in which by law the same may be disallowed by the Governor of New Zealand shall have expired.

SCHEDULE.

Reserve for Public Wharves and Quays, and other purposes connected therewith, of Public Utility to the Town of Dunedin and its Inhabitants.

All that area in the Province of Otago, containing by admeasurement one (1) acre two (2) roods and thirty-four (34) poles, more or less, situate in the Town of Dunedin, being Reserve for Public Wharves and Quays, and other purposes connected therewith of public utility to the Town of Dunedin and its Inhabitants, and numbered eleven (11) on the Map of the said Town : bounded towards the west-north-west by Princes street, one thousand two hundred and ninety (1290) links ; towards the north north-east by Reserve numbered ten (10), one hundred and eighteen (118) links ; and towards the south and east by area granted for Harbor Reclamation, one thousand four hundred and thirty (1430) links be the same more or less.

DUNEDIN, NEW ZEALAND,

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IV.—Secretary for Lands and Works—*(Continued.)*

NO.		SALARIES. £ s. d.	CONTINGENCIES. £ s. d.	TOTALS. £ s. d.
	Brought forward ...			25,114 3 4
	Division No. 20.			
	ROADS AND WORKS.			
1	Chief Engineer	450 0 0		
3	District Engineers, 2 at £350, 1 at £300 ...	1,000 0 0		
1	Assistant Engineer	300 0 0		
1	Draughtsman	100 0 0		
1	Apprentice	30 0 0		
				1,880 0 0
	Sub-Division No. 21.			
	Travelling Expenses		500 0 0	
	Printing and Stationery		60 0 0	
	Instruments		10 0 0	
	Incidental Expenses		20 0 0	
				590 0 0
	Division No. 21.			
	GENERAL ROAD BOARD.			
1	Inspector of Works	250 0 0		
1	Draughtsman	275 0 0		
1	Do. Assistant	75 0 0		
				600 0 0
	Sub-Division No. 22.			
	Incidental Expenses		20 0 0	
				20 0 0
	Total Secretary for Land and Works ...			28,204 3 4
	Total from Provincial Treasurer ...			81,349 8 4
				£109,553 11 8

V.—PROVINCIAL TREASURER (GENERAL).

		£ s. d.	TOTALS. £ s. d.
	Division No. 22.		
	Sub-Division No. 23.		
	LOANS.		
	Interest on Loan 1861-2	3,300 0 0	
	Do. 1862	8,800 0 0	
	Interest on Harbor Loan	3,700 0 0	
	Do. Public Buildings Loan	3,300 0 0	
	Sinking Fund on do.	1,210 5 0	
	Do. Harbor Loan	1,362 0 0	
	Do. Loan 1862	1,455 0 0	
	Do. „ 1861-2	1,233 0 0	
	Waterworks Guaranteed Interest	2,000 0 0	
	Otago Dock Trust do.	3,000 0 0	
	Floating Dock do.	380 0 0	
	Port Chalmers Railway do.	4,500 0 0	
		34,240 5 0	

V.—Provincial Treasurer General—(*Continued.*)

	£ s. d.	Totals. £ s. d.
Brought forward	34,240 5 0	
LOANS—*Continued.*		
Interest on Converted Debentures	26,700 0 0	
Expenses of Conversion	4,367 18 9	
Interest, Exchange and Commission	2,500 0 0	67,808 3 9
Division No. 23.		
STEAM SERVICE		2,200 0 0
Division No. 24.		
HOME AGENCY		1,000 0 0
Division No. 25.		
IMMIGRATION		12,000 0 0
Sub-Division No. 24.		
IMMIGRATION AGENT		1,000 0 0
Division No. 26.		
GRANTS-IN-AID.		
Benevolent Institution and Country Hospitals at rate of £2 to £1 ...	6,000 0 0	
Supplemented Roads	20,000 0 0	
Municipalities	3,500 0 0	
Dunedin City Corporation	2,000 0 0	
Port Chalmers Corporation	130 0 0	
Hampden Mechanics' Institute, £ for £	100 0 0	
Sludge Channels, at rate of £2 to £1	1,600 0 0	33,330 0 0
Division No. 27.		
Sub-Division No. 25.		
MISCELLANEOUS.		
Volunteers	400 0 0	
Burial of Paupers	100 0 0	
Expenses of Returning Officers	200 0 0	
Advertising	150 0 0	
Printing and Stationery	200 0 0	
Printing Gazette	900 0 0	
Prospecting	500 0 0	
Fuel and Light	150 0 0	
Collecting Dog Tax	250 0 0	
Compensation for Deviation of Roads, Purchase of Land and Runs, and Agricultural Land Blocks	4,000 0 0	
Relief to Destitute	600 0 0	
Acclimatisation Society	500 0 0	
Auctioneers' Expenses	600 0 0	
Introduction of Salmon and Trout	400 0 0	
Botanical Gardens	500 0 0	
Prizes to Pastoral, Agricultural and Horticultural Societies ...	500 0 0	
Encouragement to New Industries	1500 0 0	
Arbitrations and Actions	300 0 0	
Assessors and Collectors under Waste Land Act	400 0 0	
Public Vaccinators	250 0 0	
Cleaning and Repairing Clocks	75 0 0	
General Contingencies	1,000 0 0	
Unforeseen Contingencies	1,000 0 0	
Water and City Rates	150 0 0	
Carry forward	13,725 0 0	117,338 3 9

V.—Provincial Treasurer General—(*Continued.*)

	£ s. d.	TOTAL. £ s. d.
Brought forward		117,338 3 9
MISCELLANEOUS—*Continued.*	13,725 0 0	
Witnesses' Expenses	70 0 0	
Woollen Manufacture, first 5000 yards	1,500 0 0	
Board of Health and Rations	200 0 0	
Premiums on Guarantee Policies...	30 0 0	
Electric Telegraph Messages	300 0 0	
Compensation to Officers on Retirement from the Public Service ...	500 0 0	
Otago Museum	200 0 0	
Lawrence Athenæum	100 0 0	
Milton do.	300 0 0	
Waitahuna do.	100 0 0	
Dunedin do.	500 0 0	
Oamaru do.	50 0 0	
Refund of Rent, University Reserves	1,331 1 0	
Refund of Rent to Walter Miller...	164 16 0	
Preliminary Expenses, Port Chalmers Railway	94 12 4	
Compensation to W. Tulloch	50 0 0	
Do. Mrs. Cameron	200 0 0	
Do. W. Mitchell	100 0 0	
Do. J. Nelson	50 0 0	
Labor Agency Office	200 0 0	
University Chair of Mineralogy and Agricultural Chemistry ...	300 0 0	
Subsidy to Vessels, Martin's Bay	300 0 0	
Whitworth's Pamphlet	50 0 0	
Refund of Expenses incurred by James Reid *re* Traquair Hundreds. .	100 0 0	
Fencing Cemeteries	300 0 0	
Southern Trunk Railway Preliminary Expenses	1,000 0 0	
Civil Service Commission	200 0 0	
		22,015 9 4
Total Provincial Treasurer General		139,353 13 1
Total from Secretary for Land and Works		109,553 11 8
Total carried to Roads and Works		248,907 4 9

ROADS AND WORKS.

	£ s. d.	TOTAL. £ s. d.
Division No. 28.		
ROADS.		
Sub-Division No. 26.		
MAIN NORTH ROAD.		
Dunedin to Waikouaiti	4,300 0 0	
Waikouaiti to Palmerston	2,040 0 0	
Palmerston to Oamaru	1,980 0 0	
Oamaru to Waitaki	150 0 0	8,470 0 0
Sub-Division No. 27.		
MAIN SOUTH ROAD.		
Dunedin to East Taieri Bridge	16,000 0 0	
East Taieri Bridge to Tokomairiro	9,000 0 0	
Tokomairiro to Clutha	3,700 0 0	
Clutha to Mataura	2,700 0 0	31,400 0 0
		39,870 0 0

ROADS AND WORKS—(*Continued.*)

	£ s. d.	TOTAL. £ s. d.
Brought forward		39,870 0 0
ROADS—*Continued.*		
SUB-DIVISION No. 28.		
CENTRAL INTERIOR.		
Saddle Hill to West Taieri Bridge	3,000 0 0	
West Taieri Bridge to Rock and Pillar	600 0 0	
Rock and Pillar to Dunstan	300 0 0	
Dunstan to Cromwell	1,000 0 0	
Cromwell to Queenstown	1,400 0 0	6,300 0 0
SUB-DIVISION No. 29.		
SOUTHERN INTERIOR.		
Tokomairiro to Tuapeka	5,000 0 0	
Tuapeka to Teviot	900 0 0	
Teviot to Alexandra	1,500 0 0	7,400 0 0
SUB-DIVISION No. 30.		
NORTHERN INTERIOR.		
Palmerston to Eweburn	2,700 0 0	
Eweburn to Dunstan	650 0 0	
Oamaru to Lindis	500 0 0	
Lindis to Wanaka	300 0 0	
Cromwell to Wanaka	150 0 0	4,300 0 0
SUB-DIVISION No. 31.		
MAIN BRANCH ROADS.		
Northern Trunk to Port Chalmers	150 0 0	
Do. to Moeraki	150 0 0	
Do. to Oamaru Port...	100 0 0	
Dunedin to North Taieri	600 0 0	
Do. to Portobello	750 0 0	
Naseby to Eden Creek	600 0 0	
Lees Stream to Waipori	200 0 0	
Southern Trunk to Port Molyneux	1,000 0 0	
Do. to Hogg's Bridge	400 0 0	
Tuapeka to Switzers	300 0 0	
Southern Trunk to Kaitangata	900 0 0	
Roads and Bridges Lower Mataura District	1,700 0 0	
Clinton to Waipahi	450 0 0	
Waipahi to Tapanui	70 0 0	
Tapanui to Moa Flat	100 0 0	
Waipahi to Pyramids	100 0 0	
Glenomaru to Catlin's River	400 0 0	
Main North Road Telegraph Line	150 0 0	8,120 0 0
MISCELLANEOUS ROADS.		
Main Road through Dunedin	600 0 0	
Do. through Port Chalmers	77 10 0	
Port Chalmers to Blueskin	150 0 0	
Peninsula Beach Road	150 0 0	
Pine Hill Road...	100 0 0	
Dunedin to Blueskin *viâ* Water of Leith	150 0 0	
Waihemo to Macraes	50 0 0	
Macraes to Hyde	50 0 0	
Hyde to Kyeburn	50 0 0	
Carry forward	1,377 10 0	65,990 0 0

ROADS AND WORKS—*Continued.*

	£	s.	d.	TOTAL. £	s.	d.
Brought forward				65,990	0	0
ROADS—*Continued.*	1,377	10	0			
MISCELLANEOUS ROADS—*Continued.*						
Tapanui to Waikaka	60	0	0			
Round Hill to Waitahuna Township	50	0	0			
Lawrence to Wetherstones	100	0	0			
Beck's to Dunstan Creek	50	0	0			
Hill's Creek to Dunstan Creek	70	0	0			
Lauder Creek to Drybread	40	0	0			
Dunstan to Nevis	50	0	0			
Cromwell to Nevis	50	0	0			
Cromwell to Bendigo Gully	250	0	0			
Albertown to Cardrona	50	0	0			
Arrow to Hayes Lake and Morven Ferry	80	0	0			
Queenstown to Arrow *via* Arthur's Point	500	0	0			
Arrow to Twelve-mile Creek	100	0	0			
Queenstown to Moke Creek	400	0	0			
Do. Maori Point and Skipper's	200	0	0			
Do. Head of Lake Wakatipu	200	0	0			
Newcastle to Head of Wanaka Lake	50	0	0			
Gladstone to Head of Hawea Lake	150	0	0			
Arrow to Cardrona	50	0	0			
Crawford and Rattray streets, Dunedin	100	0	0			
Roads and Bridges on Gold Fields	1,500	0	0			
Lake Wakatipn to Lake M'Kerrow	1,500	0	0			
Pine Hill to Waitati	500	0	0			
Waihola to Taieri Beach	150	0	0			
Waipori to Main South Road	200	0	0			
Catlin's River to Owake Flat	250	0	0			
Lawrence to Blue Spur	250	0	0			
Roxburgh to Campbell's and Pomahaka	150	0	0			
Arrowtown Roads	200	0	0			
Main Road to Government Township, Waikouaiti	25	0	0			
Glenomaru Road to Run No. 122	150	0	0			
Approaches to Puerua Bridge	100	0	0			
Do. Moeraki Jetty	1,700	0	0			
Lindis Road to Ohau Lake	50	0	0	10,702	10	0
DIVISION No. 29.						
MISCELLANEOUS.—WORKS AND BUILDINGS.						
Lunatic Asylum	600	0	0			
Hospital	200	0	0			
Residence for Rector of High School	3,000	0	0			
District Police Stations	500	0	0			
Immigration Barracks	50	0	0			
Gaol, Dunedin	100	0	0			
Repairs to Buildings	200	0	0			
Tools and Materials for Prisoners' Labor	1,400	0	0			
Flood Gates, Anderson's Bay Road	100	0	0			
District Gaols	550	0	0			
Gold Fields Buildings	300	0	0			
Court House, Dunedin	50	0	0			
School Buildings	2,500	0	0			
Works not Provided for	1,500	0	0			
Unforeseen Contingencies	2,000	0	0			
District Court Houses	100	0	0			
Girls' Seminary, High School	1,200	0	0			
Provincial Buildings	400	0	0			
Waitaki Ferry	125	0	0			
Snow Poles and Shelter Sheds	150	0	0			
Carry forward	15,025	0	0	76,692	10	0

Roads and Works—*Continued.*

	£	s.	d.	TOTAL. £	s.	d.
Brought forward				76,692	10	0
	15,025	0	0			
MISCELLANEOUS.—WORKS AND BUILDINGS *Continued.*						
Court House, Cromwell	550	0	0			
Do. Tapanui	100	0	0			
Industrial School	1,200	0	0			
Volunteer Drill Shed	300	0	0			
Repairs to Waikawa Jetty	100	0	0			
Fencing Flagstaff, Port Chalmers	25	0	0			
Ford, Taieri River, near Hamilton's	100	0	0			
Soundings and Borings, Otago Heads	100	0	0			
School House, Kaikorai	350	0	0			
Tokomairiro Grammar School	600	0	0	18,450	0	0
Division No. 30.						
BRIDGES.						
Tokomairiro Gorge	130	0	0			
Shotover	347	4	4			
West Taieri	200	0	0			
Gentle Annie	10	0	0			
Roaring Meg	20	0	0			
Kawarau	200	0	0			
Puerua	440	0	0			
Shotover above Maori Point	50	0	0			
Kaihiku	250	0	0			
Waitaki	20	0	0			
East Taieri	450	0	0			
Tokomairiro, Main North Branch	200	0	0			
Woolshed	50	0	0			
Waipahi	70	0	0			
Waikoikoi	50	0	0			
Balclutha	30	0	0			
Shag River, Main North Road	100	0	0			
Waitahuna	378	13	6			
Paiwata	500	0	0			
Mataura	20	0	0			
Pleasant River	201	16	7			
Salmond's Creek	45	0	0			
Waitati	105	6	6			
Hampden (2)	90	18	9			
Ross Place and Whitehaven street	112	17	5			
Winding Creek...	200	0	0			
Tois Tois Hundred (2)	40	0	0			
Pomahaka Foot Bridge	200	0	0			
Foot Bridge between Switzer's and Welshman's	100	0	0			
Tuapeka Mouth	50	0	0			
Kilmog	1,400	0	0			
Kakaho	500	0	0			
Waikouaiti (temporary)	600	0	0			
Foot Bridge across Creek at Evan's Flat	200	0	0			
Shotover, at Arthur's Point	100	0	0			
West Taieri (timber approaches)...	2,000	0	0	9,461	17	1
Division No. 31.						
JETTIES AND HARBORS.						
Dunedin (4)	1,000	0	0			
Port Chalmers	30	0	0			
Moeraki	2,500	0	0			
Port Molyneux	100	0	0			
Shag Harbor	800	0	0			
Dock, Oamaru	10,100	0	0			
Dredging Harbor	3,000	0	0			
Kakanui Harbor	1,700	0	0	19,230	0	0
				123,834	7	1

Total Road Works	123,834	7	1
Total from Provincial Treasurer General	248,907	4	9
	£372,741	11	10

III. The Superintendent with the advice and consent of his Executive Council is hereby authorised to transfer any sum or sums of money from one item of any subdivision to another item in the same subdivision and to transfer from the vote "Unforeseen Contingencies" any sum or sums of money to any vote or votes requiring to be supplemented by reason of unforeseen emergency or to any new headings in cases of apparent omission or unforeseen expenditure necessary to be incurred provided that a statement of all such transfers together with a statement of the expenditure under the head of unforeseen contingencies be laid by the Provincial Auditor before the Provincial Council at its next Session.

Superintendent authorised to transfer one item to another of the same subdivision.

IV. If the General Assembly shall authorize a loan to be raised for the service of the Province of Otago and if such loan shall be raised accordingly there may be applied out of such loan for the purposes hereinafter mentioned any sum not exceeding the sum of six hundred and fifty thousand pounds for the following purposes:—

Certain sums to be appropriated out of loan if authorised.

Southern Trunk Railway	£400,000
Water Supply on Gold Fields	100,000
Immigration	50,000
Embankment of Rivers	50,000
Oamaru Dock	20,000
Waitaki Bridge (or out of revenue)	10,000
Kakanui Harbor	6,000
Waikouaiti Wharf	8,000
Shag River Bridge	4,000
Lower Mataura Bridge	2,000
	£650,000

V. If in the opinion of the Superintendent the interests of the Public Service of the said Province will be promoted by not convening a Session of the Provincial Council until after the thirty-first day of March one thousand eight hundred and seventy-one there may be issued and applied out of the revenues of the said Province subject to appropriation by the Provincial Council any sum or sums of money for the purpose of defraying the charges of the Government of the said Province during a period of not exceeding two months from the said thirty-first day of March one thousand eight hundred and seventy-one not exceeding in the whole such sum or sums respectively as shall be in proportion for such period of two months to the sum or sums appropriated for the like payments during the twelve months ending on the thirty-first day of March aforesaid.

Provision for continuing payments to 31st May 1871.

VI. The Provincial Treasurer or other person having the custody or control of the Public Funds of the Province shall issue and pay from time to time any sum or sums of money for the purposes herein mentioned not exceeding in the whole the sums respectively hereinbefore specified to such persons and in such proportions as the Superintendent for the time being shall by warrants under his hand directed to the Provincial Treasurer or such other person as aforesaid and certified by the Auditor or Deputy-Auditor in terms of the "Provincial Audit Act 1866" or any other Act for the time being in force regulating the audit of Public Accounts in the Province of Otago from time to time direct and such Treasurer or other person having the custody or control of the Public Funds of the Province shall in his accounts be allowed credit for all sums paid by him in pursuance of such warrants and the receipts of the persons to whom such sums shall have been paid shall be to him a full and valid discharge for the sum or sums for which such receipts shall have been given and the amount thereof shall be passed to his credit in account accordingly.

Treasurer &c. to pay moneys under warrant of the Superintendent and to be allowed credit for all moneys so paid.

DUNEDIN, NEW ZEALAND:
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DUNEDIN AND PORT CHALMERS RAILWAY AGREEMENT VALIDATION ORDINANCE 1870.

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

SESSION XXVII. No. 307.

ANALYSIS.

AN ORDINANCE *to validate a certain agreement made between James Macandrew Esquire Superintendent of the Province of Otago of the one part and David Proudfoot of Dunedin in the said Province Contractor and John Thomas Chaplin of the same place Coach Proprietor of the other part relative to the construction of a Railway between Dunedin and Port Chalmers and other works connected therewith.* Title.

[13TH JUNE 1870].

WHEREAS the Provincial Council of Otago in Session assembled did on the eleventh day of May 1869 adopt the following resolutions that is to say: "1st That in the opinion of this Council the construction of a Railway between Dunedin and Port Chalmers should be proceeded with without delay 2nd That to place the Government in a position to provide for such work being carried out power should be given to the Superintendent with the advice and consent of his Executive to enter into an agreement with a company formed for the purpose to hand over to such company jetty dues to an amount annually not exceeding eight per cent. of the capital required to be employed as a fund to encourage the investment of a sufficient amount of capital 3rd That to place at the disposal of the Government further facilities for enabling the necessary capital to be raised a block of land should be set apart as a reserve to be used if necessary as a security for raising money" And whereas in pursance of the said resolutions His Honor James Macandrew as and being such Superintendent of the Province of Otago as aforesaid entered into the agreement with the said David Proudfoot and John Thomas Chaplin set forth in the Schedule hereunto annexed And whereas doubts are entertained as to the power of the Superintendent to enter into the said agreement And it is expedient to set such doubts at rest and to validate the said agreement: Preamble.

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.

I. The short title of this Ordinance shall be the "Dunedin and Port Chalmers Railway Agreement Validation Ordinance 1870."

Agreement in Schedule Validated.

II. The said agreement so made and entered into by the said James Macandrew as and being such Superintendent as aforesaid and a copy of which agreement is set forth in the schedule to this Ordinance annexed shall be and be deemed to have been from the time of the making thereof as valid and effectual to all intents and purposes as if the said Superintendent had prior to making the said agreement been expressly authorised by an Ordinance of the Superintendent and Provincial Council of the Province of Otago to enter into the said agreement and all the clauses and provisions thereof.

Superintendent may by Proclamation set apart moneys collected at wharves and jetties at Dunedin and Port Chalmers for purposes of agreement.

III. It shall be lawful for the Superintendent of the Province of Otago and he is hereby authorised to set apart by proclamation in the Government *Gazette* of the said Province as soon as the railway works in the said agreement mentioned shall have been commenced the whole of the moneys thenceforth to be collected or received at or from or by means of the various jetties or wharves in or at the Port of Dunedin in the said Province and in or at the Port of Port Chalmers in the said Province and which were at the date of the said agreement paid or payable to the Provincial Treasurer of the said Province of Otago and formed part of the revenue of the said Province and such proclamation shall notwithstanding the same has not been made prior to the commencement of the present session of the said Council be deemed valid and effectual for the intents and purposes in the said agreement set forth.

SCHEDULE.

THIS DEED made the twenty-fifth day of January one thousand eight hundred and seventy between James Macandrew Esquire Superintendent of the Province of Otago of the one part and David Proudfoot of Dunedin in the Province of Otago and Colony of New Zealand contractor and John Thomas Chaplin of the same place coach proprietor of the other part *Whereas* the making and maintaining a railway from Port Chalmers in the said Province of Otago to the City of Dunedin in the same Province and the construction of wharves jetties and other necessary erections for the purpose of enabling ships and vessels to load and discharge their cargoes and land and take in passengers from and to such railway would be of great public utility and highly beneficial to the said Province of Otago *And whereas* the said David Proudfoot and John Thomas Chaplin have proposed to the Superintendent of the Province of Otago to make and maintain such a railway and to construct wharves jetties and other necessary erections in connection therewith and to provide the necessary capital therefor *And whereas* it has been deemed advisable by the Provincial Government of Otago to encourage the investment of an amount of capital sufficient for the making and maintaining of the said railway and the construction of such wharves jetties and other necessary erections as aforesaid *And whereas* the Provincial Council of Otago in Session assembled did on the eleventh day of May one thousand eight hundred and sixty-nine adopt the following resolutions namely—

1st. "That in the opinion of this Council the construction of a railway between Dunedin and Port Chalmers should be proceeded with without delay."

2nd. "That to place the Government in a position to provide for such work being carried out power should be given to the Superintendent with the advice of his Executive to enter into an agreement with a company formed for the purpose to hand over to such company jetty dues to an amount annually not exceeding eight per cent. of the capital required to be employed as a fund to encourage the investment of a sufficient amount of capital."

3rd. "That to place at the disposal of the Government further facilities for enabling the necessary capital to be raised a block of land should be set apart as a reserve to be used if necessary as a security for raising money."

And whereas the said David Proudfoot and John Thomas Chaplin have applied to the said James Macandrew as such Superintendent as aforesaid to enter into an agreement with them to hand over or secure to them the jetty dues henceforth to be collected at the several jetties in the Ports of Dunedin and Port Chalmers so as to form a fund out of which payment of interest at and after the rate of eight pounds per centum per annum on the amount of the capital required to be employed by the said David Proudfoot and John Thomas Chaplin in carrying out and constructing the said works and in connection therewith may be secured to them the said David Proudfoot and John Thomas Chaplin *And whereas* the said James Macandrew as such Superintendent as aforesaid by and with the advice and consent of his Executive Council (as he the said James Macandrew doth hereby testify and declare) has consented and agreed to enter into such agreement and to execute the covenants on his part hereinafter contained

Now this deed witnesseth that for the purposes aforesaid and in consideration of the premises and of the covenants by and on behalf of the said David Proudfoot and John Thomas Chaplin which are herein contained he the said James Macandrew as such Superintendent of the Province of Otago as aforesaid and so as to bind himself as Superintendent and his successors in office so far as he lawfully may or can do so but not so as to charge himself his heirs executors or administrators or his or their own proper lands tenements goods or chattels with or for the performance of all or any of the covenants conditions or agreements herein contained doth hereby for himself and his successors Superintendents of the Province of Otago (he the said James Macandrew as such Superintendent and his successors being hereinafter called "the said Superintendent") covenant promise and agree with and to the said David Proudfoot and John Thomas Chaplin their executors administrators and assigns in manner following that is to say That he the said Superintendent will so soon as the railway works hereinafter mentioned shall have been commenced set apart by Proclamation in the Government *Gazette* of the said Province of Otago or by such other means as he lawfully may the whole of the moneys thenceforth to be collected or received at or from or by means of the various jetties and wharves in or at the Port of Dunedin in the said Province and in or at the Port of Port Chalmers in the said Province and which are now paid to the Provincial Treasurer of the said Province of Otago and form part of the revenue of the said Province *And* that from and after the publication of such Proclamation in the said Government *Gazette* the moneys so collected or received at from or by means of the said jetties and wharves shall be placed to the credit of a separate account in the books of the Provincial Treasury at Dunedin aforesaid to be called "The Port Chalmers Railway Guarantee Account" and that the moneys so placed to such account shall be applied to the payment of the interest hereinafter mentioned *And* that he the said Superintendent will thereafter on the first day of April and the first day of October in each year until the said railway shall be constructed and in actual working order pay to the said David Proudfoot and John Thomas Chaplin out of the moneys so placed to the credit of "The Port Chalmers Railway Guarantee Account" interest upon the amount of the capital which shall from time to time have been actually expended or employed by the said David Proudfoot and John Thomas Chaplin in the construction of the said railway at and after the rate of eight pounds per centum per annum *Provided always* that the amount upon which interest shall be so paid as aforesaid shall in no case exceed the sum of seventy thousand pounds whatever the actual capital expended or employed by the said David Proudfoot and John Thomas Chaplin in the construction of the said works may amount to *And also* will after the said railway shall have been constructed and shall be in working order and whilst the same shall be regularly worked in accordance with the provisions hereinafter contained for the carriage of goods and passengers pay to the said David Proudfoot and John Thomas Chaplin out of the moneys so placed to the credit of the said Port Chalmers Railway Guarantee Account yearly and every year on the half-yearly days aforesaid for the term of fifteen years to be computed from the date of the completion of the said works interest at such a rate as when added to the nett income derived by the said David Proudfoot and John Thomas Chaplin from the said railway will amount in every year to a sufficient sum to increase the interest upon the entire capital not exceeding the said sum of seventy thousand pounds employed in the construction of the said railway and other works to the rate of eight per cent per annum *And also* that if the said moneys will not suffice to increase the interest to that rate then that the said Superintendent shall from time to time alter and increase the rates and charges payable at such jetties and wharves to a sufficient sum to cover the amount necessary to make up the interest on the said capital to the rate aforesaid or will otherwise provide for the payment of such interest out of the ordinary revenues of the said Province but this proviso is not to be held to interfere with or be held to prejudice or affect the security of the said David Proudfoot and John Thomas Chaplin their executors administrators and assigns in respect of the dues to be received or payable at such jetties and wharves *Provided always* that until the said Superintendent or his successors shall have exercised the power of purchase hereinafter contained the present rates and charges payable at such jetties and wharves shall not be reduced *Provided always and it is hereby expressly agreed* by and between the said parties hereto that until the said Superintendent or his successeors shall have exercised the power of purchase hereinafter contained no toll dues and wharfages shall be levied under the provisions of the "Jetties and Wharves Ordinance 1858" or any other Law or Ordinance now in force or which hereafter during the continuance of these presents may be in force on any goods that may arrive at the Port of Otago whether landed at Port Chalmers or Dunedin or any other intermediate place between Port Chalmers and Dunedin and which shall be carried by over or upon the said railway without the previous consent in writing of the said David Proudfoot and John Thomas Chaplin their executors administrators or assigns first had and obtained *And further* that he the said Superintendent will do or cause to be done all acts matters and things necessary and proper for obtaining and paying the said interest and every part thereof when and so often as the same shall become payable under and by virtue of this deed *And further* that he the said Superintendent will do or cause to be done all acts matters and things necessary to authorise and empower the said David Proudfoot and John Thomas Chaplin to construct a railway wharf at Port Chalmers aforesaid and will use his best endeavours to obtain for the said David Proudfoot and John Thomas Chaplin any authority or permission which may be required for that purpose *And further* that he the said Superintendent will use every endeavour to have passed by the said Provincial Council of Otago at and during the Session of the said Provincial Council which shall be held next after the making of such Proclamation setting apart the said monies so to be collected and received at the said jetties and wharves as aforesaid an Ordinance validating the aforesaid Proclamation and making provision for setting apart and payment of the money collected and received at on or by means of the various jetties and wharves at the Ports of Dunedin and Port Chalmers as hereinbefore covenanted and agreed to be set apart and paid *And further* that if at any time hereafter the said David Proudfoot and John Thomas Chaplin shall for the purposes of the making and construction of the said Railway and other works as aforesaid require any land theretofore granted by the Crown in the said Province and shall signify such desire to the said Superintendent and shall also require him the said Superintendent to cause an Ordinance to be passed by the said Provincial Council of Otago under the authority of "The Provincial Compulsory Land Taking Act 1866" authorizing the compulsory taking of such land then that he the said Superintendent will use every endeavour to procure to be passed at and during the then present or next Session of the said Provincial Council of Otago an Ordinance authorising the said David Proudfoot and John Thomas Chaplin to take compulsorily such land as may be so required as aforesaid *And* will thereafter immediately use every endeavour to obtain to such Ordinance the assent of the Governor of New Zealand for the then time being *And* that he the said Superintendent will so often as the said David Proudfoot and John Thomas Chaplin shall for the purpose of the making and construction of and as a part of the site of the said railway or other works require any lands already vested or which may be hereafter vested in the Superintendent of the Province of Otago (and whether such lands be situate above high water mark or be situate on the shore of the Otago Harbor in the said

Province below high water mark or be altogether covered by the waters of the said Harbor) use his best endeavors to get passed at the then present or next Session of the said Provincial Council of Otago an Ordinance authorising the free grant and conveyance to the said David Proudfoot and John Thomas Chaplin of the said lands so granted and will thereupon immediately use every endeavor to obtain the assent of the said Governor to the said Ordinance and thereupon will convey to the said David Proudfoot and John Thomas Chaplin all such lands the subject of the said Ordinance free of all purchase money costs charges and expenses *And further* that he the said Superintendent will pay to the said David Proudfoot and John Thomas Chaplin their executors administrators or assigns for any term not exceeding three months during which the sum of five thousand pounds shall remain in the hands of the Provincial Treasurer as hereinafter mentioned interest at and after the rate of eight pounds per centum per annum on the said sum of five thousand pounds required to be deposited by the said David Proudfoot and John Thomas Chaplin as hereinafter mentioned *And further* that he the said Superintendent will at all times hereafter at the costs and charges of the said David Proudfoot and John Thomas Chaplin make do and cause to be done every act deed matter and thing necessary and proper for effectuating all and every the ends intents and purposes hereinbefore mentioned or referred to and will use every endeavor to procure all and every such further Ordinance or Ordinances to be passed by the said Provincial Council of Otago at all and every time or times hereafter when occasion shall require and to obtain the assent to such Ordinance or Ordinances of the said Governor (when necessary) and generally to do or cause to be done every other act matter and thing requisite and necessary in and about the premises *And further* that the said Superintendent will not hereafter assist any person or persons company or corporation who may undertake the construction of a line of railway between Dunedin and Port Chalmers to the prejudice of the said David Proudfoot and John Thomas Chaplin their executors administrators or assigns by guaranteeing the payment of interest to such person company or corporation upon the whole or any part of the capital necessary to be employed in the construction of such line *Provided always and it is hereby expressly agreed and declared* between and by the parties hereto that nothing herein contained shall extend to charge the person of the said James Macandrew as such Superintendent as aforesaid or the heirs executors or administrators of the said James Macandrew or any of his or their own proper lands tenements goods or chattels with or for the performance of all or any of the covenants conditions or agreements in these presents contained on the part of the said James Macandrew as such Superintendent as aforesaid or his successors in office to be observed and performed.

And this deed also witnesseth that in consideration of the premises and of the covenants by and on behalf of the said Superintendent which are hereinbefore contained the said David Proudfoot and John Thomas Chaplin for themselves their heirs executors administrators and assigns do and each of them doth hereby covenant promise and agree with and to the said Superintendent as follows (that is to say) The said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns will at their own cost construct complete maintain and work for public traffic a single line of railway from Port Chalmers in the said Province of Otago to the City of Dunedin in the same Province with all works approaches public and occupation roads bridges and crossings sidings stations workshops fixed and rolling stock and all other works and appliances which may be necessary for the construction and convenient and safe working of the said line and also all wharves jetties and other necessary erections for the purpose of enabling ships and vessels to load and discharge their cargoes and land and take in passengers from and to such railway And that the commencing point of the said railway shall be a point in the harbor of Port Chalmers particularised on the plan marked with the letter "A" and signed by the said parties hereto And that the point of termination of the said railway shall be a point in the site reserved for a central railway station at Dunedin aforesaid consisting of two acres and indicated by a red color on the said plan marked "A" and that an engineer to be appointed by the Superintendent shall have and exercise a general supervision and control on behalf of the Province in all matters relating to the construction maintenance and general management and working of the said line of railway and who is hereinafter referred to by the title of "Inspecting Engineer" *And* that the line of the said intended railway shall be within the lines of deviation shewn on the said plan *And* further that the said David Proudfoot and John Thomas Chaplin will forthwith deposit with the Provincial Treasurer for the time being of the Province of Otago aforesaid the sum of five thousand pounds to be held by the said Provincial Treasurer and his successors in office or other the person or persons for the time being having the custody or control of the public funds of the said Province as and by way of security for the due completion by the said David Proudfoot and John Thomas Chaplin of the said railway and other works in accordance with these presents such sum to be returned to the said David Proudfoot and John Thomas Chaplin so soon as the said Inspecting Engineer shall certify to the said Superintendent that the said David Proudfoot and John Thomas Chaplin have performed works upon and constructed the said line to the extent in value of five thousand pounds but to be absolutely forfeited to the said Superintendent unless such works to the extent of five thousand pounds shall not be so constructed within eighteen months from the day of the date hereof *And further* that the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns will commence the works in connection with the construction of the said line of railway within six weeks from the day of the date hereof and will from the time of the commencement of the said works uniformly and regularly carry on the same and will complete the same to the satisfaction of the Inspecting Engineer and will obtain a certificate from him that the whole length of the said railway is completed and provided with rolling stock and is ready and fit to be used for public traffic within one year and six months from the commencement of the said works It being expressly agreed that unless the said works shall be so completed as aforesaid within the said term of one year and six months all payments of guarantee shall cease until the Inspecting Engineer shall have certified that the whole length of the railway is completed and provided with rolling stock and ready and fit to be used for public traffic *And further* that the said David Proudfoot and John Thomas Chaplin their executors administrators and assigns shall and will make construct and finish the said works in accordance in every respect with the specification contained in the Schedule hereto annexed and shall and will for each and every case for which the said specifications do not make provision or for which the provision made is insufficient or improper submit to the Inspecting Engineer working drawings and specifications describing the mode in which the different works are proposed to be constructed and will procure the written approval of the Inspecting Engineer to the same before the commencement of any of the several works to which the drawings and specifications specially relate and that duplicates of all documents submitted for approval shall be forwarded therewith and may be retained by the Inspecting Engineer *And further* that the gauge of the said railway shall be four feet eight and a half inches and no gradient in the said line shall be steeper than one in sixty and no curve sharper than ten chains radius and that

the works on the said railway shall be substantially constructed and the whole of the materials workmanship plant and appliances provided shall be of the best and most approved description and the whole railway shall be completed in the most workmanlike manner and properly provided and equipped with all necessary and contingent works and appliances *And further* that the said David Proudfoot and John Thomas Chaplin their executors administrators or assigns will acquire at their own cost the land required for the said line of railway and also all lands required for sidings stations or other contingent works or purposes other than the lands hereinbefore mentioned or referred to and except the Dunedin terminus of the said railway which they shall be allowed to use and occupy free of charge *And further* that the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns will secure by and permanently enclose and protect throughout with good and substantial fencing constructed and erected so as to form a legal fence for great and small cattle under the provisions of the laws in the Province of Otago aforesaid for the time being in force relating to fencing the whole line of the said railway and works *And further* that the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns will at their own cost provide for the said line a sufficient quantity of rolling stock for the convenient and safe working of the traffic on the said railway *And further* that the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns will at all times during the continuance of the guarantee on the part of the Superintendent hereinbefore contained keep and maintain the said line of railway and all works stations buildings machinery and plant connected therewith in thorough good order and repair and will at all times during the term aforesaid regularly work the said railway for public traffic under such provisions and regulations as shall be approved of by the Superintendent and will run at least six trains each way per day throughout the whole length of the line at a rate of not less than fifteen miles per hour including stoppages *Provided* that if in the opinion of the Inspecting Engineer the traffic upon the said line shall from time to time or at any time not be sufficient to require six trains per day to be run then the said David Proudfoot and John Thomas Chaplin their executors administrators or assigns shall run such lesser number of trains each way per day as shall in the opinion of the Inspecting Engineer be sufficient during such time or times as shall from time to time be fixed by the said Inspecting Engineer by writing under his hand *And further* that the said David Proudfoot and John Thomas Chaplin will charge such rates of fares and charges for passengers and for goods and other things conveyed as the said Superintendent with the advice and consent of his Executive Council may from time to time by Proclamation in the Provincial Government *Gazette* fix and approve of and no other rates whatsoever *Provided* that the charges for general merchandise shall not be reduced below four shillings and sixpence per ton and the rates of fares and charges for passengers below one shilling and sixpence for a single and two shillings and sixpence for a return ticket for first-class passengers and one shilling for a single and one shilling and sixpence for a return ticket for second class passengers without the consent in writing of the said David Proudfoot and John Thomas Chaplin first obtained for that purpose *And further* that the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns will from the time of the due completion of the said line after deducting out of the income arising from the said railway all reasonable expenses payable thereout and the cost of the maintenance of the said line and other works apply the clear surplus of such income if sufficient and if insufficient then so far as the same will extend in payment of interest at the rate of eight pounds per centum per annum on the entire capital not exceeding seventy thousand pounds employed in the construction of the said railway and other works so as to reduce as far as possible the amount payable by the said Superintendent under the guarantee hereinbefore contained *And further* that the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns shall one calendar month at least before each half yearly day of payment of interest as hereinbefore is mentioned make out and submit to the said Superintendent a statement in writing of the receipts and expenditure on account of income for the current half year and shall at the same time notify in writing to the said Superintendent the amount required to be applied out of the said "Port Chalmers Railway Guarantee Account" to pay or make up the deficiency of the surplus income of the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns for payment of the interest then becoming payable and the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns will from time to time when required by the said Superintendent furnish to him proper statements and accounts to enable him to ascertain the position of the affairs of the said David Proudfoot and John Thomas Chaplin their executors administrators or assigns and in verification thereof will at all reasonable times produce their accounts books for inspection by the said Superintendent or any person authorized by him in that behalf and will properly vouch such statements if required so to do *Provided always and it is hereby mutually agreed and declared* that no surplus or deficiency shall be carried from the accounts of one year to those of another but that should the nett income in any one year exceed the amount of the guarantee the surplus income shall belong to the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns but should the nett income in any year be less than the amount of the guarantee the Superintendent shall be liable under these presents for an amount equal to the difference between the amount of the nett income and the amount of the guarantee but should the expenditure in any year be greater than the receipts so as to show a loss the Superintendent shall be liable only to the extent of the guarantee *Provided also and it is hereby also agreed and declared* that should the said David Proudfoot and John Thomas Chaplin their executors administrators or assigns at any time during the continuance of these presents cease to work the said railway for the carriage of goods and passengers according to the provisions herein contained all payments of guarantee under these presents shall cease during any time or times the said railway shall not be worked in accordance with such provisions *And* for the considerations aforesaid the said David Proudfoot and John Thomas Chaplin for themselves their heirs executors administrators and assigns doth hereby further covenant promise and agree with and to the said Superintendent that they the said David Proudfoot and John Thomas Chaplin their executors or administrators will not assign transfer or otherwise part with their interest in the said railway and works or in this agreement without the consent in writing of the said Superintendent first had and obtained for that purpose except upon and subject to the terms of this agreement and more especially to the covenant hereinafter contained *And further* that if the said Superintendent shall at any time after the expiration of five years from the date upon which the said railway and other works shall have been formed and constructed as aforesaid be desirous of purchasing from the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns at the then marketable value the interest of the said David Proudfoot and John Thomas Chaplin their executors administrators and assigns in the said railway and other works and under this agreement and of such desire shall give twelve months notice to the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns either personally or by leaving the same at their usual or last known place

of business or abode in the Province of Otago aforesaid then and in such case the marketable value of the interest of the said David Proudfoot and John Thomas Chaplin their executors administrators and assigns in the said railway and other works and under this agreement shall be ascertained by three competent persons one to be chosen by the said Superintendent and another by the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns and the third by the two arbitrators so chosen And the said arbitrators in making their said valuation shall take into consideration the value of the improvements made by the said David Proudfoot and John Thomas Chaplin their executors administrators and assigns upon all lands which shall have been conveyed to them by the Superintendent or his successors free of charge or which shall at the time of such valuation be held by them or him of the said Superintendent or his successors in office and shall not take into their consideration the value of such lands And the award of the said arbitrators or of any two of them shall be conclusive as to such value and the costs of such valuation shall be borne equally be tweenthe said Superintendent and the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns And the value awarded shall be paid within three calendar months after notice of the award shall be given by the said Superintendent and upon payment of such valuation the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns shall well and effectually convey and assure all the lands hereditaments and premises upon which the line of railway shall be constructed and which shall be held in connection therewith and the inheritance thereof in fee simple together with the said railway and other works and shall assign and transfer all rolling and other stock plant and effects of the said railway or of the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns used in connection therewith unto the said Superintendent or as he shall direct *Provided also and it is hereby further declared and agreed* that in case any question shall at any time arise between the said parties hereto touching the construction of these presents or any clause matter or thing herein contained or any other matter or thing arising out of or under these presents such question difference or dispute shall be referred to the arbitration of two indifferent persons one to be named by the said Superintendent and the other by the said David Poudfoot and John Thomas Chaplin and the award of such arbitrators or in case they disagree of an umpire to be chosen by them before they shall proceed in such reference shall be final conclusive and binding upon them *And* in case either of the parties hereto or their respective representatives shall neglect or refuse to appoint or name an arbitrator in his or their behalf for the space of fourteen days after he or they shall have been required to do so by notice in writing from the other so to do (such notice to be served personally or to be left for him or them or sent by post to his or their usual or last known place of business or abode in the Province of Otago) it shall be lawful for the party so requiring such nomination to appoint an arbitrator on the part of the party so neglecting or refusing and the decision or award of such two arbitrators or of such umpire shall be binding and conclusive on the parties to these presents and their respective representatives *And* it is hereby declared that such submission and reference shall at the instance of either of the said parties be made a Rule of the Supreme Court of New Zealand *In witness* whereof James Macandrew Esquire as such Superintendent of the Province of Otago as aforesaid hath hereunto set his hand and caused the Public Seal of the said Province to be hereunto affixed and the said David Proudfoot and John Thomas Chaplin have hereunto set their hands and seals the day and year first before written.

THE SCHEDULE ABOVE REFERRED TO.

Specification and particulars of the several descriptions of work to be performed in the construction of the Dunedin and Port Chalmers Railway :—

Earthwork.

All the cuttings shall be at least 10 feet in clear width at formation level with slopes in ordinary soil of 1 to 11 but if in rock a less slope may be made.

Embankments shall be at least 12 feet in width at formation level with slopes of 1½ horizontal to 1 vertical excepting in any portion of the line in which the contractor may elect to retain them by walls of masonry when the slope can be reduced to suit the nature of the ground and the foundations to be obtained.

Sidings and portions of the line partly in cutting aud partly in embankment shall be 11 feet in width at formation level the slopes being the same as in the two former clauses.

Culverts.

Culverts shall be of stone brick or iron If in stone of good substantial bluestone rubble masonry set in Oamaru lime mortar above the line of high water spring tides and in Portland cement below that level The lime mortar to be in the proportion of 1 of lime to 2 of clean sharp sand and the cement to be used in the proportion of 1 to 3 of clean sharp sand All the culverts above 2 feet opening to be arched with coursed and radiating stones springing from proper skewbacks.

The inverts shall also be of coursed and radiated stones set and grouted in cement.

If in brickwork they shall be built with the best kiln-burnt hard stock bricks set in mortar or cement of the description and in accordance with the foregoing clause The arches of culverts in brickwork shall be semicircular and the inverts shall be set and grouted with cement.

The ends of culverts shall be faced and wing walls carried out in rubble masonry or brickwork.

The aprons to be rough pitched and grouted.

Bridges, &c.

Bridges and viaducts shall be of timber of the several sizes required for the different spans They shall be in all cases strongly and substantially erected being firmly strapped braced framed and strutted in every part and securely bolted where required.

The timber used shall be either totara black pine or manuka All the ironwork shall be of the best description with clean cut screws and nuts and well forged heads to all bolts.

Wharves, &c.

The wharf at Port Chalmers shall be of sufficient length to give berthing room for six (6) vessels of a carrying capacity of 1000 tons each.

This shall be extended from time to time as the increase of traffic may demand.

The portion of wharf next the shore shall be formed with a strong timber retaining face the area within being reclaimed.

The portion extending into the harbor shall be of timber of the several sizes required and shall be substantially and strongly built in every part.

The timber and iron work shall be the same as described for bridges.

All the piles shall be shod with iron and driven until a firm and solid bottom is obtained.

The timber face of reclamation shall have ground piles driven on shore and to be tied in with iron tie rods. The wharf to be provided with all necessary mooring and fender piles.

Tunnels.

The tunnels shall be lined with stone or brick work in mortar as before described should the nature of the ground require such a course to be adopted either in the entire length or any portion of them The entrances of tunnels shall be faced with stone or brick work.

Stations.

The stations sheds &c. shall be all of timber and iron plainly and substantially built of the necessary sizes to provide for the traffic and provided with passenger and goods platform offices &c.

Rails.

Weight of rails shall not be less than 55lbs. (fifty-five pounds) per lineal yard.

All roads or streets crossed or interferred with by the said David Proudfoot and John Thomas Chaplin shall be restored by them to as good condition as they were in before they commenced operations Any alterations of line or levels thereof and all bridges or other crossings shall be done to the satisfaction of the several Local Boards Corporations or other parties having charge of such roads the said David Proudfoot and John Thomas Chaplin to provide accommodation for the traffic along these roads during the operations and to be responsible for any accident or damage to person or property caused by that accommodation being insufficient.

The cost of the maintenance of the line and works shall not for any purpose connected with this specification or the agreement hereto annexed include the cost of repair of any damage or injury to works arising from insufficient material construction or foundations.

Signed by the said James Macandrew Esquire as such Superintendent of the said Province of Otago and sealed with the public seal of the said Province in the presence of B. C. HAGGITT, Solr., Dunedin.

J. MACANDREW,
Supt.

Signed sealed and delivered by the said David Proudfoot and John Thomas Chaplin the alterations and interlineations opposite to which the said David Proudfoot and John Thomas Chaplin have set their initials in the margin having been previously made in the presence of H. D. MADDOCK, Solr., Dunedin.

DAVID PROUDFOOT.
JOHN THOMAS CHAPLIN.

DUNEDIN, NEW ZEALAND:

Printed under the authority of the Provincial Government of Otago by MILLS, DICK and Co., Stafford-street, Printers to the said Provincial Government for the time being.

DUNEDIN AND PORT CHALMERS RAILWAY LANDS COMPULSORY TAKING ORDINANCE 1870.

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

SESSION XXVII. No. 308.

ANALYSIS.

AN ORDINANCE *for the compulsory taking of certain lands for the purpose of constructing a Railway from Port Chalmers in the Province of Otago to the City of Dunedin in the same Province and of constructing wharves and other works in connection therewith.* Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 13TH JUNE, 1870.]

WHEREAS the making and maintaining a railway from Port Chalmers in the said Province of Otago in the City of Dunedin in the same Province and the construction of wharves jetties and other necessary erections for the purpose of enabling ships and vessels to load and discharge their cargoes and land and take in passengers from and to such railway would be an undertaking of a public nature of great utility and highly beneficial to the said Province of Otago And whereas by the Provincial Compulsory Land Taking Act 1866 it is provided *inter alia* that it shall be lawful for the Superintendent and Provincial Council of every Province then or thereafter Preamble.

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 shall 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 David Proudfoot and John Thomas Chaplin by deed bearing date the twenty-fifth day of January 1870 and made between James Macandrew Esquire Superintendent of the Province of Otago of the one part and the said David Proudfoot and John Thomas Chaplin of the other part agreed with the Superintendent of the Province of Otago to make and maintain such a railway and to construct wharves jetties and other necessary erections in connection therewith in the said agreement more particularly specified and to provide the necessary capital therefor And whereas for the purposes aforesaid it is necessary that the lands specified and described in the Schedule hereto annexed or some part or parts thereof should be taken compulsorily for the purposes aforesaid and that the said David Proudfoot and John Thomas Chaplin their heirs and assigns should be authorised and empowered to make do and perform the several acts matters and things hereafter specified :

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.

I. The short title of this Ordinance shall be the "Dunedin and Port Chalmers Railway Lands Compulsory Taking Ordinance 1870."

Interpretation.

II. The following words and expressions used in this Ordinance and so far as lawfully may be in any Act or Ordinance hereinafter mentioned or referred to shall have the meanings hereby assigned to them unless there be something in the context repugnant to such construction that is to say—

The words "person" or "persons" shall include the Superintendent for the time being of the Province of Otago and a corporation aggregate or sold and any person or body of persons whether incorporated or unincorporated.

The word "railway" shall mean the railway and works connected therewith in the said agreement specified and authorised to be constructed and made by or under the provisions of this Ordinance.

The expression "the undertaking" shall mean the railway and works hereby authorised to be constructed and executed and the right to construct and maintain the same and where not inconsistent with the context all the powers and privileges belonging and appertaining thereto.

Power of promoters of undertaking to construct railway and works.

III. It shall be lawful for the said David Proudfoot and John Thomas Chaplin their heirs and assigns (hereinafter called the Promoters of the Undertaking) to make construct and maintain a railway with wharves jetties approaches and other necessary erections and conveniences connected therewith such railway to commence at a point at or near the junction of High street Crawford street and Rattray street in the City of Dunedin in the Province of Otago (being portion of reclaimed ground known as the Railway Reserve) and passing from in through or over the following city town and territorial divisions of the said Province namely—the City of Dunedin the North Harbor and Blueskin Districts Upper Harbor West District Sawyer's Bay District Town of Port Chalmers and Otago Harbor and terminating at a point situated in Koputai Bay in the Otago Harbor opposite the Harbor Reserve in the Town of Port Chalmers in the said Province as the

line of the said railway is set forth in the plan deposited with the Clerk of the Provincial Council of Otago before the commencement of the present Session of the said Council or within the limits of deviation set forth in the said plan and passing through over or under the several sections streets roads and places enumerated in the Schedule hereto annexed.

Power to take compulsorily lands.

IV. Subject to the provisions of this Ordinance and of the Act of the General Assembly of New Zealand shortly intituled "The Lands Clauses Consolidation Act 1863" the promoters of the undertaking may exercise all or any of the powers conferred by this Ordinance or the said Act for the construction of the said railway and works and may take compulsorily the lands required for the said railway and works set forth in the said plan or within the limits of deviation aforesaid.

Owners and others interested to be compensated.

V. All persons seized in fee or owners of or having any less estate of interest in any lands so taken under authority of this Ordinance and of the said Act or which may be damaged by the construction of the said railway and works shall be entitled to receive compensation for such land or damage the amount whereof shall be ascertained in the manner set forth in "The Lands Clauses Consolidation Act 1863."

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

VI. "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.

Promoters of undertaking not to be prejudiced by error or omission in certain cases.

VII. No advantage shall be taken of or against the promoters of the undertaking or any interruption be given during or after the making of the railway on account of any error or omission in such plan in any case in which it shall appear to the Superintendent for the time being of the Province of Otago to be certified by writing under his hand that such error or omission proceeded from mistake.

Power to deviate.

VIII. The promoters of the undertaking in constructing the railway may deviate from the line laid down in the plan but may not take or use for the purpose of such deviation any land not comprised within the limits of deviation referred to in section III. of this Ordinance or in the Schedule hereto annexed without the consent in writing of the owner of such land except for temporary occupation as hereinafter provided.

Works to be executed.

IX. Subject to the provisions and restrictions in this Ordinance and the said Lands Clauses Consolidation Act 1863 it shall be lawful for the promoters of the undertaking for the purpose of constructing the said railway or the accommodation works connected therewith respectively hereinafter mentioned to execute any of the following works (that is to say)—

Inclined planes, &c.

They may make or construct in upon across under or over any lands or any streets hills valleys roads tramroads rivers brooks streams or other waters within the lands described in the said plan such temporary or permanent inclined planes tunnels embankments aqueducts bridges roads ways passages conduits drains piers arches cuttings and fences as they think proper.

Alteration of course of rivers, &c.

They may alter the course of any rivers brooks streams or watercourses and of any branches of navigable waters within such lands for the purpose of constructing and maintaining tunnels bridges passages or other works over or under the same and divert or alter as well temporarily as permanently the course of any such rivers or streams of water roads streets or ways or raise or sink the level of any such rivers or streams roads streets or ways in order the more conveniently to carry the same over or under or by the side of the railway as they may think proper.

Drains, &c.

They may make drains or conduits into through or under any lands adjoining the railway for the purpose of conveying water from or to the railway.

Warehouses, &c.

They may erect and construct such houses warehouses offices, and other buildings yards stations wharves engines machinery apparatus and other works and conveniences as they think proper.

Alterations and repairs.

They may from time to time alter repair or discontinue the before mentioned works or any of them and substitute others in their stead and

General power.

They may do all other acts necessary for making maintaining altering or repairing and using the railway.

Proviso as to damages

Provided always that in the exercise of the powers by this Ordinance granted the promoters of the undertaking shall do as little damage as can be and shall make full satisfaction in manner herein and in the said Lands Clauses Consolidation Act 1863 provided to all parties interested for all damage by them sustained by reason of the exercise of such powers.

Power to take temporary possession of land without previous payment of price.

X. Subject to the provisions herein and in the Lands Clauses Consolidation Act 1863 contained it shall be lawful for the promoters of the undertaking at any time before the expiration of the period hereinafter limited for the completion of the railway without making any previous payment tender or deposit to enter upon any lands not being more than two hundred yards distant from the centre of the railway and not being a garden orchard or plantation attached or belonging to a house nor a planted walk avenue or ground ornamentally planted and not being nearer to the dwelling-house of the owner of any such lands than fifty yards therefrom and to occupy the said lands so long as may be necessary for the construction or repair of that portion of the railway or of the accommodation works connected therewith hereinafter mentioned and to use the same for any of the following purposes (that is to say)—

For the purpose of taking earth or soil by side cuttings therefrom.

For the purpose of depositing soil thereon.

For the purpose of obtaining materials therefrom for the construction or repair of the railway or such accommodation works as aforesaid or

For the purpose of forming roads thereon to or from or by the side of the railway:

And in exercise of the powers aforesaid it shall be lawful for the promoters of the undertaking to deposit and also to manufacture and work upon such lands materials of every kind used in constructing the railway and also to dig and take from out of any such lands any clay stone gravel sand or other things that may be found therein useful or proper for constructing the railway or any such roads as aforesaid and for the purposes aforesaid to erect thereon workshops sheds and other buildings of a temporary nature Provided always that nothing in this Ordinance contained shall exempt the promoters of the undertaking from an action for nuisance or other injury if any done in the exercise of the powers hereinbefore given to the lands or habitations of any party other than the party whose lands shall be so taken or used for any of the purposes aforesaid Provided also that no stone or slate quarry brick-field or other like place which at the time of the passing of this Ordinance shall be commonly worked or used for getting materials therefrom for the purpose of selling or disposing of the same shall be taken or used by the promoters of the undertaking either wholly or in part for any of the purposes lastly hereinbefore mentioned.

XI. In case any such lands shall be required for spoil banks or for side cuttings or for obtaining materials for the construction or repair of the railway the promoters of the undertaking shall before entering thereon (except in the case of accident to the railway requiring immediate reparation) give three weeks notice in writing to the owners and occupiers of such lands of their intention to enter upon the same for such purposes and in case the said lands are required for any of the other purposes hereinbefore mentioned the promoters of the undertaking shall (except in the cases aforesaid) give ten days like notice thereof and the promoters of the undertaking shall in such notices respectively state the substance of the provisions hereinafter contained respecting the right of such owner or occupier to require the promoters of the undertaking to purchase any such lands or to receive compensation for the temporary occupation thereof as the case may be.

Promoters to give notice previous to such temporary possession.

XII. The said notice shall either be served personally on such owners and occupiers or left at their last usual place of abode if any such can after diligent inquiry be found and in case any such owner shall be absent from the Province of Otago or cannot be found after diligent inquiry shall also be left with the occupier of such lands or if there be no such occupier shall be affixed upon some conspicuous part of such lands.

Service of notices on owners and occupiers of lands.

XIII. In any case in which a notice of three weeks is hereinbefore required to be given it shall be lawful for the owner or occupier of the lands therein referred to within ten days after the service of such notice by notice in writing to the promoters of the undertaking to object to the promoters of the undertaking making use of such lands either on the ground that the lands proposed to be taken for the purposes aforesaid or some part thereof or of the materials contained therein are essential to be retained by such owner in order to the beneficial enjoyment of other neighboring lands belonging to him or on the ground that other lands lying contiguous or near to those proposed to be taken would be more fitting to be used for such purposes by the promoters of the undertaking and upon objection being so made such proceedings may be had as hereinafter mentioned.

Power to owner to object that other lands ought to be taken.

XIV. If the objection so made be on the ground that such lands proposed to be taken or some part thereof or of the materials contained therein are essential to be retained by the owner in order to the beneficial enjoyment of other neighboring lands belonging to him it shall be lawful for the Superintendent on the application of such owner to summon the promoters of the undertaking to appear before him at a time and place to be named in the summons such time not being later than the expiration of the said twenty-one days notice and on the appearance of the promoters of the undertaking or in their absence upon proof of due service of the summons it shall be lawful for the Superintendent to inquire into the truth of such ground of objection and if it appear to him that for some special reason to be stated in the order after mentioned the lands so proposed to be taken or any part thereof or of the materials contained therein are essential to be retained by the owner of such lands in order to the beneficial enjoyment of other neighboring lands belonging to him and ought not therefore to be taken or used by the promoters of the undertaking it shall be lawful for the Superintendent by writing under his hand to order that the lands so proposed to be taken or some part thereof or of the materials contained therein to be specified in such order shall not be taken or used by the promoters of the undertaking and after service of such order on the promoters of the undertaking it shall not be lawful for them to take or use without the previous consent in writing of the owner thereof any of the lands or materials of which by such order they are ordered not to take or use.

Power to Superintendent to order that the lands and materials shall not be taken.

XV. Before entering under the provisions hereinbefore contained upon

The promoters to give sureties if required.

any such lands as shall be required for spoil banks or for side cuttings or for obtaining materials or forming roads as aforesaid the promoters of the undertaking shall if required by the owner or occupier thereof seven days at least before the expiration of the notice to take such lands as hereinbefore mentioned find two sufficient persons to be approved of by the Superintendent in case the parties differ who shall enter into a bond to such owner or occupier in a penalty of such amount as shall be approved of by the Superintendent in case the parties differ conditioned for the payment of such compensation as may become payable in respect of the same in manner herein mentioned.

Promoters to separate the lands before using them.

XVI. Before the promoters of the undertaking shall use any such lands for any of the purposes aforesaid they shall if required to do so by the owner or occupier thereof separate the same by a sufficient fence from the lands adjoining thereto with such gates as may be required by the said owner or occupier for the convenient occupation of such lands and shall also to all private roads used by them as aforesaid put up fences and gates in like manner in all cases where the same may be necessary to prevent the straying of cattle from or upon the lands traversed by such roads and in case of any difference between the owners or occupiers of such roads and lands and the promoters of the undertaking as to the necessity for such fences and gates such fences and gates as the Superintendent shall deem necessary for the purposes aforesaid on application being made to him in like manner as hereinbefore is provided in respect to the use of such roads.

Owners of lands may compel promoters to purchase lands so temporarily occupied.

XVII. In all cases in which the promoters of the undertaking shall in exercise of the powers aforesaid enter upon any lands for the purpose of making spoil banks or side cuttings thereon or for obtaining therefrom materials for the construction or repair of the railway it shall be lawful for the owners or occupiers of such lands or parties having such estates or interests therein as under the provisions in the said Lands Clauses Consolidation Act 1863 are mentioned would enable them to sell or convey lands to the promoters of the undertaking at any time during the possession of any such lands by the promoters of the undertaking and before such owners or occupiers shall have accepted compensation from the promoters of the undertaking in respect of such temporary occupation to serve a notice in writing on the promoters of the undertaking requiring them to purchase the said lands so temporarily occupied or the estates and interests therein capable of being sold and conveyed by them respectively and in such notice such owners or occupiers shall set forth the particulars of such their estate or interest in such lands and the amount of their claim in respect thereof and the promoters of the undertaking shall thereupon be bound to purchase the said lands or the estate and interest therein capable of being sold and conveyed by the parties serving such notice.

Compensation to be made for temporary occupation.

XVIII. In any of the cases aforesaid where the promoters of the undertaking shall not be required to purchase such lands and in all other cases where they shall take temporary possession of lands by virtue of the powers herein granted it shall be incumbent on the promoters of the undertaking within one month after their entry upon such lands upon being required so to do to pay to the occupier of the said lands the value of any crop or dressing that may be thereon as well as full compensation for any other damage of a temporary nature which he may sustain by reason of their so taking possession of his lands and shall also from time to time during their occupation of the said lands pay half-yearly to such occupier or to the owner of the lands as the case may require a rent to be fixed by the Superintendent in case the parties differ and shall also within six months after they shall have ceased to occupy the said lands and not later than six months after the expiration of the time by this Ordinance limited for the completion of the railway pay to such owner and occupier or deposit in the Provincial Treasury for the benefit of all

parties interested as the case may require compensation for all permanent or other loss damage or injury that may have been sustained by them by reason of the exercise as regards the said lands of the powers herein granted including the full value of all clay stone gravel sand and other things taken from such lands.

Compensation to be ascertained under the Lands Clauses Consolidation Act 1863.

XIX. The amount and application of the purchase money and other compensation payable by the promoters of the undertakng in any of the cases aforesaid shall be determined in the manner provided by the said "Lands Clauses Consolidation Act 1863" for determining the amount and application of the compensation to be paid fer lands taken under the provisions thereof.

Provision in cases where roads are crossed on a level.

XX. If the railway cross any public road or highway on a level the promoters of the undertaking shall erect and at all times maintain good and sufficient gates across such road or highway on each side of the railway where the same shall communicate therewith and shall employ proper persons to open and shut such gates and such gates shall be kept constantly closed across such road or highway on both sides of the railway except during the time when horses cattle carts or carriages passing along the same shall have to cross such railway and such gates shall be of such dimensions and so constructed as when closed to fence in the railway and prevent cattle or horses passing along the road or highway from entering upon the railway and the person entrusted with the care of such gates shall cause the same to be closed as soon as such horses cattle carts or carriages shall have passed through the same under a penalty of forty shillings for every default therein Provided always in any case that the gates on any level crossing over any such road may be kept closed across the railway instead of across the road and in such case such gates shall be kept constantly closed across the railway except when engines or carriages passing along the railway shall have occasion to cross such road in the same manner and under the like penalty as above directed with respect to the gates being kept closed across the road.

Construction of bridges over roads and over railways.

XXI. Every bridge to be erected for the purpose of carrying the railway over any road and every bridge erected for carrying any road over the railway shall respectively be built in conformity with such regulations as may be approved of by the Inspecting Engineer in the said agreement mentioned.

Width of bridges need not exceed width of road in certain cases.

XXII. Provided always that in all cases where the average available width for the passing of carriages of any existing roads within fifty yards of the points of crossing the same is less than the width which may be prescribed for bridges under or over the railway the width of such bridges need not be greater than such average available width of such roads but so nevertheless that such bridges be not of less width in the case of a public road or highway than twenty feet Provided also that if at any time after the construction of the railway the average available width of any such road shall be increased beyond the width of such bridge on either side thereof the promoters of the undertaking shall be bound at their own expense to increase the width of the said bridge to such extent as they may be required by the Superintendent not exceeding the width of such road as so widened or the maximum width which may be prescribed as aforesaid for a bridge in the like case over or under the railway.

Existing inclinations of roads crossed or diverted need not be improved.

XXIII. Provided also that if the mesne inclination of any road within two hundred and fifty yards of the point of crossing the same or the inclination of such portion of any road as may require to be altered or for which another road shall be substituted shall be steeper than the inclination which may be so required to be preserved by the promoters of the undertaking then the promoters of the undertaking may carry any such road over or under the

railway or may construct such altered or substituted road at an inclination not steeper than the said mesne inclination of the road so to be crossed or of the road so requiring to be altered or for which another road shall be substituted.

Before roads interfered with others to be substituted.

XXIV. If in the exercise of the powers by this Ordinance granted it be found necessary to cross cut through raise sink or use any part of any road whether carriage road horse road or tramroad either public or private so as to render it impassable for or dangerous or extraordinarily inconvenient to passengers or carriages or to the persons entitled to the use thereof the promoters of the undertaking shall before the commencement of any such operations cause a sufficient road to be made instead of the road to be interfered with and shall for twelve months from the time of the completion of such substituted road at their own expense maintain the same in a state as convenient for passengers and carriages as the road so interfered with or as nearly so as may be Provided always that in any case in which it shall be made to appear to the Superintendent before the commencement of any such operations as before mentioned to be impossible or extraordinarily inconvenient to cause such substituted road to be made before the commencement of the operations interfering with such existing road it shall be lawful for the Superintendent by writing under his hand to dispense with compliance with the provisions of this clause for such period as shall be named in such writing not exceeding one month from the time of commencement of such operations.

Penalty for not substituting a road.

XXV. If the promoters of the undertaking do not cause another sufficient road to be so made before they interfere with any such existing road as aforesaid or within the time which may be so limited by the Superintendent as aforesaid they shall forfeit twenty pounds for every day during which such substituted road shall not be made after the existing road shall have been interrupted.

Period for restoration of roads interfered with.

XXVI. If the road so interfered with can be restored compatibly with the formation and use of the railway the same shall be restored to as good a condition as the same was in at the time when the same was first interfered with by the promoters of the undertaking or as near thereto as may be and if such road cannot be restored compatibly with the formation and use of the railway the promoters of the undertaking shall cause the new or substituted road to be put into a permanently substantial condition equally convenient as the former road or as near thereto as circumstances will allow and the former road shall be restored or the substituted road put into such condition as aforesaid as the case may be within the period of six months after the first operation on the former road shall have been commenced unless the Local Board of the District in which such road is situate shall by writing under the hand of the chairman of the said Board consent to an extension of the period and in such case within such extended period.

Penalty for failing to restore road.

XXVII. If any such road be not restored or the substituted road so completed as aforesaid within the said period of six months or within such extended period as aforesaid the promoters of the undertaking shall forfeit and pay the sum of five pounds for every day after the expiration of such period respectively during which such road shall not be so restored or the substituted road completed.

Promoters to repair roads used by them.

XXVIII. If in the course of making the railway the promoters of the undertaking shall use or interfere with any road they shall from time to time make good all damage done by them to such road under a penalty not exceeding fifty pounds.

XXIX. If the railway shall cross any road or highway on the level the promoters of the undertaking shall at their own expense make and at all times maintain convenient ascents and descents and other convenient approaches with hand-rails or other fences and shall if such road or highway be a bridle-way erect and at all times maintain good and sufficient gates and if the same shall be a foot-way good and sufficient gates or stiles on each side of the railway where the road or highway shall communicate therewith under a penalty of five pounds for every day they fail to do so.

Promoters to make sufficient approaches and fences to bridle-ways and footways crossing on the level.

XXX. If the Corporation of the City of Dunedin or the Corporation of the Town of Port Chalmers or the Local Board of Road Trustees or other the governing body of any Road District through which the railway shall pass shall apprehend danger to the passengers on any street or road in consequence of horses being frightened by the sight of the engines or carriages travelling upon the railway it shall be lawful for such corporation trustees or other governing body respectively after giving fourteen days notice to the promoters of the undertaking to apply to the Superintendent with respect thereto and if it shall appear to the Superintendent that such danger might be obviated or lessened by the construction of any works in the nature of a screen near to or adjoining the side of such road or street it shall be lawful for him if he shall think fit to certify the works necessary or proper to be executed by the promoters of the undertaking for the purpose of obviating or lessening such danger and by writing under his hand to require the promoters of the undertaking to execute such works within a time to be named in such writing.

Screen for roads to be made if required by the Superintendent.

XXXI. Where by any such writing as aforesaid the promoters of the undertaking shall have been required to execute any such work in the nature of a screen they shall execute and complete the same within the period appointed for that purpose in such writing under a penalty of five pounds for every day during which such works shall remain uncompleted beyond the period so appointed for their completion.

Penalty for failing to construct.

XXXII. Where under the provisions of this Ordinance the promoters of the undertaking are required to maintain or keep in repair any bridge fence approach gates or other work executed by them it shall be lawful for the Superintendent on the application of the Corporation Trustees of the Local Road Board or other the governing body of the district where such work may be situate complaining that any such work is out of repair after not less than ten days notice to the promoters of the undertaking to order the promoters of the undertaking to put such work into complete repair within a period to be limited for that purpose by such Superintendent and if the promoters of the undertaking fail to comply with such order they shall forfeit and pay the sum of five pounds for every day that they fail so to do.

Superintendent to have power to order repair of bridges, &c.

XXXIII. In case any difference in regard to the construction alteration or restoration of any road or bridge or other public work of an engineering nature required by the provisions of this Ordinance shall arise between the promoters of the undertaking and the consulting engineer in the said agreement mentioned or any corporation local board of road trustees or other governing body of any city town district or place through which the railway shall pass it shall be lawful for either party after giving fourteen days notice in writing of their intention so to do to the other party to apply to the Superintendent to decide upon the proper manner of constructing altering or restoring such road bridge or other work and it shall be lawful for the Superintendent if he shall think fit to decide the same accordingly and to authorize by certificate in writing any arrangement or mode of construction in regard to any such road bridge or other work which shall appear to him either to be in substantial compliance with the provisions of this Ordinance or the said agreement or to be calculated to afford equal or greater accommodation to the public using such road bridge or other work and after

Superintendent empowered to modify the construction of certain roads, bridges, &c.

any such certificate shall have been given by the Superintendent the road bridge or other work therein mentioned shall be constructed by the promoters of the company in conformity with the terms of such certificate and being so constructed shall be deemed to be constructed in conformity with the provisions of this Ordinance and the said agreement Provided always that no such certificate shall be granted by the Superintendent unless he shall be satisfied that existing private rights or interests will not be injuriously affected thereby.

Accommodation works.

XXXIV. The promoters of the undertaking shall make and at all times thereafter maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway (that is to say)

Gates, Bridges, &c.

Such and so many convenient gates bridges arches culverts and passages over under or by the sides of or leading to or from the railway as shall be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway shall be made and such work shall be made forthwith after the part of the railway passing over such lands shall have been laid out or formed or during the formation thereof:

Fences.

Also sufficient posts rails hedges ditches mounds or other fences for separating the land taken for the use of the railway from the adjoining lands not taken and protecting such lands from trespass or the cattle of the owners or the occupiers thereof from straying thereout by reason of the railway together with all necessary gates made to open towards such adjoining lands and not towards the railway and all necessary stiles and such posts rails and other fences shall be made forthwith after the taking of any such lands if the owners thereof shall so require and the said other works as soon as conveniently may be:

Drains.

Also all necessary arches tunnels culverts drains or other passages either over or under or by the sides of the railway of such dimensions as will be sufficient at all times to convey the water as clearly from the lands lying near or affected by the railway as before the making of the railway or as nearly so as may be and such works shall be made from time to time as the railway works proceed:

Provided always that the promoters of the undertaking shall not be required to make such accommodation works in such a manner as would prevent or obstruct the working or using of the railway nor to make any accommodation works with respect to which the owners and occupiers of the lands shall have agreed to receive and shall have been paid compensation instead of the making them.

Accommodation works not to be required after three months.

XXXV. The promoters of the undertaking shall not be compelled to make any further or additional accommodation works for the use of owners and occupiers of land adjoining the railway after the expiration of three months from the time of the opening of the railway for public traffic.

Owners to be allowed to cross until accommodation works are made.

XXXVI. Until the promoters of the undertaking shall have made the bridges or other proper communications which they shall under the provisions herein or in the said agreement contained have been required to make between lands intersected by the railway and no longer the owners and occupiers of such lands and any other persons whose right of way shall be affected by the want of such communication and their respective servants may at all times freely pass and repass with carriages horses and other animals directly (but not otherwise) across the part of the railway made in or through their respective lands solely for the purpose of occupying the same

lands or for the exercise of such right of way and so as not to obstruct the passage along the railway or to damage the same nevertheless if the owner or occupier of any such lands have in his arrangements with the promoters of the undertaking received or agreed to receive compensation for or on account of any such communications instead of the same being formed such owner or occupier or those claiming under him shall not be entitled so to cross the railway.

Penalty on persons omitting to fasten gates.

XXXVII. If any person omit to shut and fasten any gate set up at either side of the railway for the accommodation of the owners or occupiers of the adjoining lands as soon as he and the carriage cattle or other animals under his care have passed through the same he shall forfeit for every such offence any sum not exceeding forty shillings.

Superintendent may convey certain lands to promoters.

XXXVIII. It shall be lawful for the Superintendent by deed under his hand and under the seal of the Province of Otago to grant and convey to the promoters of the undertaking free of all purchase money costs charges and expenses all lands already vested or which may hereafter be vested in the said Superintendent under the "Public Reserves Act 1854" or the "Public Reserves Act Amendment Act 1862" and which may be required for the purposes of the railway and also with the consent of the Corporation of the City of Dunedin to grant and convey to the promoters of the undertaking all lands now vested or which may hereafter be vested in the said Superintendent in trust for the said corporation at such price or prices as may be agreed on between the promoters of the said undertaking and the said corporation And also with the consent of the Corporation of the Town of Port Chalmers to grant and convey to the promoters of the undertaking all lands now vested or which may hereafter be vested in the said Superintendent in trust for the said Corporation of the Town of Port Chalmers at such price or prices as may be agreed on between the promoters of the undertaking and the said Corporation.

Ordinance to expire if railway not completed in three years.

XXXIX. This Ordinance shall cease to have force and shall expire at the expiration of three years from the time the same shall receive the Governor's assent unless the railway shall be completed within such period of three years.

Interpretation Ordinance 1865 incorporated.

XL. The Ordinance of the Superintendent and Provincial Council of the Province of Otago shortly intituled the "Interpretation Ordinance 1865" so far as the same shall not be varied by or be inconsistent with the provisions of this Ordinance or any Act herein mentioned or referred to shall be and the same is incorporated with this Ordinance and shall save as aforesaid form part of this Ordinance.

Penalties to be recovered in a summary way.

XLI. All proceedings for offences against the provisions of this Ordinance shall be had and taken in a summary way and all penalties hereby imposed shall be recovered in manner provided by the Act of the General Assembly of New Zealand intituled the Justices of the Peace Act 1866.

Maximum penalty.

XLII. No penalty to be imposed on any one conviction under the provisions of this Ordinance shall exceed the sum of one hundred pounds.

SCHEDULE.

City of Dunedin.

Sections 1 2 3 6 7 8 9 10 11 12 13 17 18 19 20 21 22 23 24 25 26 27 28 29 31 32 33 34 35 36 37 38 39 40 and 42 Block I Wharves and Quays Reserves crossings of Castle street Stuart street (crossing on Jetty) Albany street and proposed extensions of Beach street Hanover street and Forth street.

North Harbor and Blueskin District.

Sections 52 and 53 Block IX and crossing of District Road frontage to sections 52 and 53 Block IX.

Upper Harbor West District.

Sections 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32A 32B 33 34 35 36 37 38 39 40 41 42 43 44 and 45 and crossings of District Road frontage to Sections 2 to 45 both inclusive.

Sawyer's Bay District.

Sections 13 14 15 16 17 18 19 20 28 29 31 62 63 64 65 and 66 and crossings of District Road between Sections 29 and 31 and 28 and 30 and frontage to Sections 16 17 18 19 20 and 28.

Town of Port Chalmers.

Portion of Town Belt between Port Chalmers and Dunedin Main Road and high water mark and Sections 20 21 22 23 24 25 26 27 35 36 37 38 39 40 41 42 43 44 45 77 78 79 80 81 82 92 93 and 94 and crossings of Wickliffe terrace (continuation to George street) Grey street and Harbor Reserve.

Otago Harbor below high water mark that is to say:—

Portion between reclamation known as Railway Reserve and Beach street Dunedin portion in front of Sections 1 2 3 6 7 8 10 11 12 13 16 17 18 21 22 23 24 25 28 29 30 31 32 33 and 34 Block I. Wharves and Quays Reserve Dunedin portion between Albany street and Logan's Point being part of Pelichet Bay Dunedin portion in front of Sections 52 and 53 Block IX. North Harbor and Blueskin District portion in front of Sections 1 to 45 Upper Harbor West District portion in front of Sections 13 14 15 16 17 18 19 20 28 62 63 64 65 and 66 Sawyer's Bay District portion in front of Town Belt between Section 62 Sawyer's Bay District and south end of George street Port Chalmers portion in front of Harbor Reserve from Section 77 to 112 Port Chalmers.

DUNEDIN:]

Printed under the authority of the Provincial Government of Otago, by MILLS, DICK and Co., of Stafford street, Printers to the said Provincial Government for the time being.

DISTRICT ROADS COMPULSORY LAND TAKING ORDINANCE 1870.

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

SESSION XXVII.—No. 309.

ANALYSIS:

AN ORDINANCE *to authorise the compulsory taking of certain Lands in the Goodwood Mornington Kurimoto and Pine Hill 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 13TH JUNE 1870.]

WHEREAS by "The Provincial Compulsory Land Taking Act 1866" 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: Preamble.

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:—

I. This Ordinance may be cited and referred to as the "District Roads Compulsory Land Taking Ordinance 1870." Short Title.

Power to take land described in First Schedule.

II. It shall be lawful for the Superintendent of the Province of Otago 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 Goodwood Road District of the Province of Otago aforesaid.

Power to take land described in Second Schedule.

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

Power to take land described in Third Schedule.

IV. 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 Kurimoto Road District of the Province of Otago aforesaid.

Power to take land described in Fourth Schedule.

V. It shall be lawful for the said Superintendent to take and hold the lands specified and described in the Fourth Schedule hereto for the purpose of opening and constructing certain public Roads in the Pine Hill Road District of the Province of Otago aforesaid.

Owners to be compensated.

VI. All persons being owners of or having any less estate or interest in the said lands specified or described in the said 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.

VII. "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 lands to cease unless exercised within 3 years from time of Governor's assent.

VIII. 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.

The First Schedule above referred to.

All that area situate in the Province of Otago containing by admeasurement one (1) rood and twenty-four (24) poles more or less being part of section thirty (30) block one (1) Hawksbury Survey District bounded towards the north-north-east by the remainder of section thirty (30) eight hundred (800) links towards the east-south-east by a road line between sections nineteen (19) and twenty-five (25) of the said block fifty (50) links towards the south-south-west by the remainder of section thirty (30) eight hundred (800) links and towards the west-north west by a main district road line fifty (50) links.

The Second Schedule above referred to.

All that area in the Province of Otago containing by admeasurement thirty-five (35) poles more or less situate in the Town District being parts of sections numbered respectively thirteen (13) and fourteen (14) block seven (VII) on the map of the said district bounded towards the north-west by a road line sixty (60) links towards the north east by other part of the said section numbered thirteen (13) three hundred and seventy (370) links towards the south-east by the Southern Trunk Road sixty (60) links and towards the south-west by other part of the said section numbered fourteen (14) three hundred and sixty (360) links.

The Third Schedule above referred to.

All that area in the Province of Otago containing by admeasurement one (1) acre three (3) roods and twenty-five (25) poles more or less situate in the Waihola District being part of section numbered (4) block twenty-seven (XXVII) on the map of the said district bounded towards the north-west by the road line between sections numbered respectively fifteen (15) and two of sixteen (2 of 16) block five (V) Otokia District fifty (50) links towards the north-east by other part of the said section numbered four (4) three thousand eight hundred and twenty-two (3822) links towards the south-east by a road line fifty (50) links and towards the south-west by other part of the said section numbered four (4) three thousand eight hundred and twenty-two (3822) links.

The Fourth Schedule above referred to.

1. All that area in the Province of Otago containing by admeasurement one (1) acre and twenty-eight (28) poles more or less situate in North Harbor and Blueskin District being part of section numbered sixteen (16) block ten (X) on the map of the said district bounded towards the north-west by other part of the said section numbered sixteen (16) two thousand three hundred and fifty-six (2356) links towards the north-east by section numbered seventeen (17) fifty (50) links towards the south-east by other part of the said section numbered sixteen (16) two thousand three hundred and fifty-six (2356) links and towards the south-west by section numbered thirteen (13) fifty (50) links.

2. All that area in the Province of Otago containing by admeasurement one (1) acre and four (4) poles more or less situate in North Harbor and Blueskin District being part of section numbered seventeen (17) block ten (X) on the map of the said district bounded towards the north-east by section numbered seventy-five (75) fifty-six (56) links towards the east by other part of the said section numbered seventeen (17) two thousand and sixty (2060) links towards the south-west by section numbered sixteen (16) fifty (50) links and towards the west by other part of the said section numbered seventeen (17) two thousand and sixty (2060) links.

3. All that area in the Province of Otago containing by admeasurement two (2) roods and one (1) pole more or less situate in North Harbor and Blueskin District being part of section numbered fifty-three (53) block eleven (XI) on the map of the said district bounded towards the north-west by other part of the said section numbered fifty-three (53) one thousand and ten (1010) links towards the north-east by section numbered fifty-one (51) fifty (50) links towards the south-east by other part of the said section numbered fifty-three (53) one thousand and ten (1010) links and towards the south-west by section numbered fifty-five (55) fifty (50) links.

DUNEDIN, NEW ZEALAND:

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LICENSED THEATRES ORDINANCE 1870.

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

SESSION XXVII. No. 310.

ANALYSIS.

AN ORDINANCE *to amend the "Licensed Theatres Ordinance* 1862." [13TH JUNE 1870.] Title.

WHEREAS it is expedient to extend the provisions of the "Licensed Theatres Ordinance 1862" to places of public exhibition and entertainment other than and besides those mentioned in the said Ordinance and to amend the said Ordinance in other particulars: Preamble.

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

I. This Ordinance may be cited and referred to as the "Licensed Theatres Ordinance 1870." Short Title.

II. Sections one and three of the "Licensed Theatres Ordinance 1862" shall be and the same are hereby respectively repealed. Sections one and three of "Licensed Theatres Ordinance 1862" repealed.

III. If after the passing of this Ordinance any person or persons shall within the City of Dunedin or within any other place or places to which the provisions of the "Licensed Theatres Ordinance 1862" have since the passing of the said Ordinance been or to which the provisions of the said Ordinance as amended by this Ordinance shall hereafter be made applicable by Proclamation of the Superintendent in the Provincial Government *Gazette* (which Proclamation the Superintendent is hereby authorised from time to time to make) act represent or perform or cause to be acted represented or performed for hire gain or reward any stage play or other entertainment of the stage to which admission shall or may be procured by payment of money or by tickets or by the purchase of any article as a condition of admission or by any other means token or consideration as the price hire or rent of admission or if any person or persons shall take or receive or cause to be taken or received any money goods or valuable thing whatsoever Stage and other entertainments prohibited except in licensed Theatres.

by way of rent fee or reward for the use or hire of any house room building land tenement or place wherein any such stage play or other entertainment of the stage as aforesaid shall be acted represented performed made done or exhibited or being the owner thereof shall knowingly permit or suffer the same to be so used or applied every such person shall in case the place wherein such stage play or other entertainment shall be acted represented performed made done or exhibited without the written authority or license of the said Superintendent upon conviction forfeit and pay for every such offence any sum not exceeding £50 to be recovered in a summary way.

Fees for Licenses.

IV. Licenses under this Ordinance may be issued by the Provincial Treasurer on the authority of the Superintendent, either for one year or one month or for a single night only: The fee payable for a yearly license shall be the sum of thirty pounds and for a monthly license shall be sum of five pounds and for a license for a single night the sum of five shillings and all such license fees shall be paid to the Provincial Treasurer for the public service of the Province: Provided always that it shall be lawful for the Superintendent to authorise the issue of single night licenses without payment of any fee whatsoever in cases where it shall be shewn to his satisfaction that the proceeds or a proportion of the proceeds of the stage play or other entertainment of the stage proposed to be acted represented or performed are to be applied for the benefit of any public institution or to any benevolent or charitable purpose.

Licenses may be issued without fee in certain cases.

Interpretation.

V. The words "stage play or other entertainment of the stage" wherever used in this Ordinance or in the said "Licensed Theatres Ordinance 1862" shall extend to and include any interlude tragedy comedy play farce burlesque burletta melodrama pantomime opera musical entertainment singing ballet stage dancing jugglery tumbling horsemanship exhibition of animals or other similar exhibition and also that kind of entertainment known as the drawing room entertainment and every sort or kind of entertainment exhibition or amusement to which admission shall or may be procured by payment of money or by tickets or by the purchase of any article as a condition of admission or by any other means token or consideration as the price hire or rent of admission and this Ordinance shall be taken read and interpreted as part of and incorporated with the said "Licensed Theatres Ordinance 1862."

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THISTLE PREVENTION ORDINANCE 1862 REPEAL ORDINANCE 1870.

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

SESSION XXVII. No. 311.

ANALYSIS.

AN ORDINANCE *to repeal the "Thistle Prevention Ordinance* 1862." Title.

[13TH JUNE 1870.]

WHEREAS it is expedient to repeal an Ordinance of the Superintendent and Provincial Council of Otago intituled the "Thistle Prevention Ordinance 1862:" Preamble.

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

I. This Ordinance may be cited and referred to as the "Thistle Prevention Ordinance 1862 Repeal Ordinance 1870." Short Title.

II. The Ordinance of the Superintendent and Provincial Council of Otago intituled the "Thistle Prevention Ordinance 1862" is hereby repealed. "Thistle Prevention Ordinance 1862" repealed.

DUNEDIN, NEW ZEALAND:

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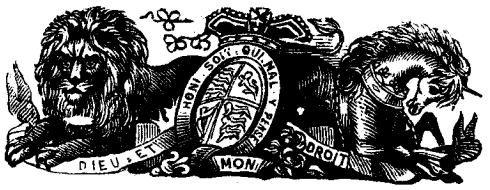

CEMETERIES MANAGEMENT ORDINANCE 1870.

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

SESSION XXVII. No. 312.

ANALYSIS:

AN ORDINANCE *to Provide for the Management of Cemeteries in the Province of Otago.* [13TH JUNE 1870.] Title.

Preamble.

WHEREAS by an Ordinance of the Superintendent and Provincial Council of the Province of Otago passed in the eighteenth Session of the said Council No. 146 and shortly intituled the "Cemetery Reserves Management Ordinance 1864" provision was made for the management of certain Lands specified in the Schedule to the said Ordinance which had theretofore been reserved from sale and set aside and appropriated to be used as Public Cemeteries for the interment of the dead: And whereas it is expedient to make general provisions for the Management of all Lands in the Province of Otago which have since the passing of the said Ordinance been set aside and appropriated to be used as Public Cemeteries and for which Crown Grants have been issued to the Superintendent And also for the Management of all Lands in the said Province which may hereafter be appropriated for such purposes and for which Crown Grants may hereafter be issued to the Superintendent in and for Public Cemeteries for the interment of the dead:

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

I. This Ordinance may be cited and referred to as the "Cemeteries Management Ordinance 1870." Short Title.

II. It shall be lawful for the Superintendent with the advice and consent of his Executive Council from time to time to appoint so many persons as he may think fit to be Managers of any Lands in the Province of Otago which since the passing of the "Cemetery Reserves Management Ordinance 1864" have been set aside and appropriated to be used as Public Cemeteries Superintendent may appoint Managers of Cemeteries set apart and Crown Granted since passing of "Cemetery Reserves Management Ordinance 1864."

for the interment of the dead and for which Crown Grants have been issued to the Superintendent in trust for the purposes of a Public Cemetery or for any similar purpose.

Superintendent may appoint Managers for Cemeteries hereafter to be set apart.

III. When and so often as any Lands shall hereafter be set aside and appropriated to be used as Public Cemeteries for the interment of the dead it shall be lawful for the Superintendent at any time after a Crown Grant shall have been issued to him for any such Lands in trust for the purposes of a Public Cemetery or for any similar purpose with the advice and consent of his Executive Council from time to time to appoint such and so many persons as he may think fit to be Managers of any such Lands.

Power to remove Managers and appoint others.

IV. The Superintendent with the advice and consent of his Executive Council shall have power from time to time to remove from the Management any person so appointed as and when it shall be deemed proper and upon the death resignation or removal of any Manager to appoint another in his stead and every such appointment and removal of a Manager shall be notified in the Provincial Government *Gazette*.

Managers appointed under this Ordinance to have same powers as if appointed under recited Ordinance.

Provisions of recited Ordinance extended to all Cemeteries.

V. The Managers of any Cemetery appointed under the provisions of this Ordinance shall have and exercise the like powers authorities rights and privileges as the Managers of any Cemetery appointed under the provisions of the said "Cemetery Reserves Management Ordinance 1864" and shall perform all duties imposed upon Managers of Cemeteries under the said Ordinance and all the Provisions of the said "Cemetery Reserves Management Ordinance 1864" shall after the appointment of Managers under this Ordinance for any Lands appropriated to be used as a Public Cemetery extend and be applicable to such Lands and to the Managers thereof as if such Lands had been included in the Schedule to the said Ordinance and the Managers appointed therefor had been so appointed under the provisions of the said Ordinance.

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HOSPITALS ORDINANCE 1870.

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

SESSION XXVII. No. 313.

ANALYSIS.

AN ORDINANCE *to amend the "Hospitals Ordinance* 1862." Title.

[13TH JUNE 1870.]

WHEREAS it is expedient to amend the "Hospitals Ordinance 1862" in certain particulars: Preamble.

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

I. This Ordinance shall be termed and may be cited and referred to as the "Hospitals Ordinance 1870." Short Title.

II. Notwithstanding anything in the said "Hospitals Ordinance 1862" to the contrary no contributor to the funds of any Hospital shall be entitled to vote at any meeting of the election of the Committee or other officers of such Hospital unless such contributor shall be of the full age of twenty-one years and shall have paid his annual contribution of one pound at the least or an amount of ten pounds in one sum to the funds of such Hospital at least one month before the date at which such meeting shall be held. Who may vote at election of officers.

III. Section eleven of the said "Hospitals Ordinance 1862" shall be and the same is hereby repealed. Section 11 of "Hospitals Ordinance 1862" repealed.

IV. Every contributor qualified and intending to vote at any meeting for the election of the Committee and other officers and at the annual meetings or any special general meetings for elections or filling up vacancies agreeably to the rules of any Hospital shall deliver to the chairman of the meeting a ticket with the names of the persons written thereon for whom he intends to vote the number of such persons not being greater than the number of persons to be elected otherwise the said vote to be null and void and the said ticket signed by the person presenting it shall be forthwith deposited in a box and shall not be withdrawn therefrom until the same shall be delivered to scrutineers to be appointed by the chairman of the meeting. Conduct of elections of officers.

V. In any case where there shall be an equal number of votes for any two or more candidates for any office the chairman of the meeting shall have a casting vote. Chairman to have casting vote in case of equality.

VI. This Ordinance shall be read and construed with and shall form part of the "Hospitals Ordinance 1862." Interpretation.

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HIGH SCHOOL GROUNDS ORDINANCE 1870.

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

SESSION XXVII. No. 314.

ANALYSIS.

AN ORDINANCE *to enable the Superintendent of the Province of Otago to exchange parts of Sections twelve and thirteen Block XIII Dunedin for part of Smith street and part of Section eleven Block XIII Dunedin in order to complete the High School Grounds.* [13TH JUNE, 1870.] Title.

WHEREAS the lands described in the first and third Schedules to this Ordinance annexed are vested in the Superintendent of the Province of Otago and his successors subject to the provisions of certain Acts passed by the General Assembly of New Zealand intituled "The Public Reserves Act 1854" and "The Public Reserves Act Amendment Act 1862" and whereas the management and control of the lands described in the second Schedule hereto are vested in the Corporation of the City of Dunedin and the said lands form part of a public street in the said City known as Smith street and whereas the lands described in the fourth Schedule hereto are held by the Reverend Delphin Victor Moreau of Dunedin Roman Catholic priest in fee simple and whereas in order to complete the grounds of the High School of Dunedin it is expedient that the Superintendent should be authorised to exchange the lands described in the said third Schedule hereto with the said Delphin Victor Moreau for the lands described in the said fourth Schedule hereto and also to dedicate the lands described in the said first Schedule hereto as a public street in lieu of the lands described in the said second Schedule hereto and to vest the management of the said lands described in the said first Schedule in the said Corporation of the City of Dunedin and that the said Corporation of the said City of Dunedin should be authorised to transfer to and vest in the said Superintendent in trust for the said High School all their right title and interest in the lands described in the said second Schedule hereto: Preamble.

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

I. This Ordinance shall be intituled and may be cited and referred to as the "High School Grounds Ordinance 1870." Short Title.

Superintendent authorized to exchange lands in third Schedule for lands in fourth Schedule.

II. The said Superintendent of the Province of Otago is hereby authorised to sell to the said Delphin Victor Moreau the lands described in the said third Schedule to this Ordinance with their appurtenances free from incumbrances in consideration of the lands described in the said fourth Schedule to this Ordinance and from time to time to execute and do all necessary acts deeds conveyances and assurances in the law for conveying and assuring the said parcel of land to the said Delphin Victor Moreau his heirs and assigns or as he or they may direct.

Superintendent may purchase lands in fourth Schedule.

III. If the said Superintendent shall be unable to arrange an exchange with the said Delphin Victor Moreau as mentioned in the last preceding section of this Ordinance it shall be lawful for the said Superintendent to purchase from the said Delphin Victor Moreau or other the owner or owners of the said lands the said lands described in the said fourth Schedule hereto.

Superintendent may dedicate lands in first Schedule as a public road.

IV. It shall be lawful for the Superintendent by proclamation in the Government *Gazette* of the Province of Otago to dedicate to the public as a public highway or street the lands described in the said first Schedule hereto and thereupon the fee simple of the said lands 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 a public highway or street and to the powers conferred by law upon the said Corporation of the City of Dunedin with relation to the other streets in the said City of Dunedin.

Corporation may convey lands in second Schedule to Superintendent.

V. It shall be lawful for the said Corporation of the City of Dunedin by deed under their common seal to grant and convey to the said Superintendent of the Province of Otago and his successors all the estate right title and interest whatsoever of the said Corporation of the City of Dunedin in and to the said lands described in the said second Schedule hereto.

THE FIRST SCHEDULE:

All that area in the Province of Otago containing by admeasurement one (1) rood and eleven (11) poles more or less situate in the City of Dunedin being parts of sections numbered respectively twelve (12) and thirteen (13) block thirteen (XIII) on the Map of the said City: bounded towards the north-west by section numbered eleven (11) one hundred and ninety-one and five-tenths ($191\frac{5}{10}$) links towards the north-east by Dowling street two hundred (200) links towards the south-east by the other parts of the said sections twelve (12) and thirteen (13) two hundred and forty (240) links towards the south-south-east by Smith street sixty (60) links and towards the south-west by section numbered eleven (11) ninety (90) links.

THE SECOND SCHEDULE:

All that area in the Province of Otago containing by admeasurement one (1) rood and sixteen (16) poles more or less situate in the City of Dunedin being part of Smith street on the Map of the said City: bounded towards the north-west by sections numbered respectively twelve (12) and thirteen (13) block thirteen (XIII) two hundred and ninety-one (291) links towards the north-east by Dowling street one hundred and twenty-nine (129) links towards the south-east by sections numbered respectively fifty (50) and fifty-one (51) block thirteen (XIII) three hundred and ninety (390) links and towards the west by other part of Smith street one hundred and twenty (120) links.

THE THIRD SCHEDULE:

All that area in the Province of Otago containing by admeasurement six (6) poles more or less situate in the City of Dunedin being part of section numbered twelve (12) block thirteen (XIII) on the map of the said City: bounded towards the north-west by section numbered eleven (11) one hundred and seventy (170) links towards the north-east by Dowling street twenty-three and five-tenths ($23\frac{5}{10}$) links towards the south-east by other part of section numbered twelve (12) one hundred and ninety-one and five-tenths ($191\frac{5}{10}$) links and towards the south-west by section numbered eleven (11) thirty (30) links.

THE FOURTH SCHEDULE:

All that area in the Province of Otago containing by admeasurement six (6) poles more or less situate in the City of Dunedin being part of section numbered eleven (11) block thirteen (XIII) on the map of the said City: bounded towards the north-west by other part of section numbered eleven (11) one hundred and twenty-seven (127) links towards the north-east by section numbered twelve (12) ninety (90) links and towards the south-east by Smith street ninety (90) links.

DUNEDIN NEW ZEALAND.

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TAIERI FERRY LANDS SALE ORDINANCE 1870.

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

SESSION XXVII. No. 315.

ANALYSIS:

AN ORDINANCE *to authorise the Sale of a Parcel of Land in the Waihola District known as the Taieri Ferry Reserve.* [13TH JUNE 1870.] Title.

WHEREAS by a Crown Grant bearing date the twenty-second day of January one thousand eight hundred and fifty-five the parcel of land described in the Schedule hereto was granted to James Harrold of Waihola settler his heirs and assigns: And whereas by deed bearing date the tenth day of January one thousand eight hundred and fifty-six made between the said James Harrold and one Richard Craigie (therein described) of the one part and William Cargill the then Superintendent of the Province of Otago of the other part the said James Harrold and Richard Craigie in consideration of the sum of six hundred and thirty pounds sterling paid to them by the Provincial Treasurer of the Province of Otago conveyed and assured the said parcel of land unto the said William Cargill as such Superintendent of the Province of Otago and his successors in office for the public interest: And whereas it is expedient that the Superintendent should be authorised to sell the said parcel of land: Preamble.

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

I. This Ordinance may be cited and referred to as the "Taieri Ferry Lands Sale Ordinance 1870." Short Title.

II. It shall be lawful for the Superintendent and he is hereby authorised and empowered to sell the said parcel of land described in the said Schedule hereto or any part thereof either altogether or in lots and either by public auction or by private contract or by both of such means and subject to such conditions as the Superintendent and Executive Council may think fit and upon payment of the purchase money the Superintendent may from time to time execute all necessary conveyances and other assurances in the law for conveying and assuring any portion of the said parcel of land which may be so sold as aforesaid to the purchaser thereof his heirs and assigns. Superintendent authorised to sell.

Proceeds of sale to be paid to Provincial Treasurer and to be appropriated by Provincial Council.

III. All moneys arising from the sale of the said parcel of land shall be paid to the Provincial Treasurer for the time being of the Province of Otago and shall form part of the Revenue of the said Province and shall be appropriated in the same manner as the Revenues of the said Province subject to the appropriation of the Provincial Council may now by law be appropriated and the receipt of the said Provincial Treasurer for all or any part of the purchase moneys arising from any such sale shall be a sufficient discharge for the moneys thereby acknowledged to be received and shall discharge the purchaser or purchasers from any liability with respect to the application thereof.

THE SCHEDULE ABOVE REFERRED TO.

All that parcel of land situated in the district of Waihola containing two acres ten roods more or less being section numbered one (1) on the map of the said district bounded towards the north by a public reserve 700 links towards the east by the Suburban Reserve 1500 links towards the south by Crown lands 700 links and towards the west by the Suburban Reserve 1500 links.

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MANAGEMENT OF RIVERS ORDINANCE 1870.

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

SESSION XXVII. No. 316.

ANALYSIS.

AN ORDINANCE *to bring into operation within the Province of Otago an Act of the General Assembly of New Zealand intituled "The Hawke's Bay and Marlborough Rivers Act* 1868." [13TH JUNE 1870.] Title.

WHEREAS by an Act of the General Assembly of New Zealand which is shortly intituled "The Hawke's Bay and Marlborough Rivers Act 1868" it is enacted in the fifty-fifth section of the said Act that it should be lawful for the Superintendent and Provincial Council of any Province in the Colony of New Zealand by any Ordinance in that behalf to bring the said Act into operation within such Province and that thereupon the said Act should come into operation in such Province in like manner to all intents and purposes as if the name of such Province had been inserted therein in lieu of the Provinces of Hawke's Bay and Marlborough and whereas it is expedient to bring the said Act into operation within the Province of Otago aforesaid: Preamble.

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

I. This Ordinance may be cited and referred to as the "Management of Rivers Ordinance 1870." Short Title.

II. "The Hawke's Bay and Marlborough Rivers Act 1868" and all the clauses and provisions thereof shall extend and be applicable to the Province of Otago aforesaid and from and after the passing of this Ordinance the said Act shall come into operation within the Province of Otago aforesaid in like manner to all intents and purposes as if the name of the Province of Otago had been inserted in the said Act in lieu of the Provinces of Hawke's Bay and Marlborough. "The Hawke's Bay and Marlborough Rivers Act 1868" brought into operation in the Province of Otago.

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TOKOMAIRIRO SCHOOL RESIDENCE AND GLEBE LANDS SALE ORDINANCE 1870.

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

SESSION XXVII. No. 317.

ANALYSIS.

AN ORDINANCE *to authorise the sale of certain lands in the Town of Fairfax in the District of Tokomairiro vested in the Superintendent of the Pro- of Otago in trust for Educational purposes.* Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 13TH JUNE, 1870.]

WHEREAS by Crown Grant numbered 10693 bearing date the seventh day of January one thousand eight hundred and seventy all that parcel of land in the Province of Otago and Colony of New Zealand situate in the town of Fairfax containing by admeasurement five acres more or less and being block numbered thirteen on the map of the said town bounded as in the said Grant is particularly mentioned was granted to the Superintendent of the Province of Otago and his successors in trust for the establishment and maintenance of a University in the City of Dunedin in the Province of Otago and of public Schools in different parts of the said Province and for the general advancement of education in the said Province under the provisions of "The Public Reserves Act 1854" and "The Public Reserves Act Amendment Act 1862" And whereas by another Crown Grant numbered 10694 bearing date the seventh day of January one thousand eight hundred and seventy all that parcel of land in the Province of Otago aforesaid situate in the Town of Fairfax aforesaid containing by admeasurement ten acres more or less and being block numbered ten on the map of the said town bounded as in the said Grant is particularly mentioned was granted to the Superintendent of the Province of Otago aforesaid in trust for the like purposes as the firstly hereinbefore-mentioned parcel of land and under the provisions of the same Acts And whereas the said parcels of land comprised in the said recited Crown Grants have heretofore been used as a schoolmaster's residence and glebe for the Tokomairiro district And whereas the said parcels of land being found too distant from the centre of population of the said district, the Superintendent of the Province of Otago has at the request of the School Committee of the said district and by and with the advice and consent of the Executive Council of the Province of Otago Preamble.

purchased a more suitable site for the schoolmaster's residence of the said district and glebe lands connected therewith. And it is therefore expedient that the lands comprised in the said recited Crown Grants being no longer required for the purposes aforesaid the Superintendent of the Province of Otago should be authorised and empowered to sell the same:

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

Short Title.

I. This Ordinance may be cited and referred to as the "Tokomairiro School Residence and Glebe Lands Sale Ordinance 1870."

Superintendent authorised to sell.

II. It shall be lawful for the Superintendent and he is hereby authorised and empowered to sell the parcels of land comprised in the said recited Crown Grants respectively or any part or parts thereof either altogether or in lots and either by public auction or private contract or by both of such means and subject to such conditions as the Superintendent and his Executive Council may think fit and upon payment of the purchase money the Superintendent may from time to time execute all necessary conveyances and other assurances in the law for conveying and assuring every portion of the said parcels of land respectively which may be so sold as aforesaid to the purchaser or respective purchasers thereof his or their heirs and assigns for ever.

Superintendent's receipts sufficient discharges for purchase money.

III. The receipt of the Superintendent for any moneys arising from the sale of the said parcels of land respectively or any part or parts thereof shall be a sufficient discharge for the same and no purchaser shall be concerned to enquire as to the application or be responsible for the misapplication or non-application thereof.

Proceeds of sale to be paid to Provincial Treasurer and appropriated by Provincial Council.

IV. All moneys arising from the sale of the said parcels of land or any part or parts thereof respectively shall be paid to the Provincial Treasurer of the Province of Otago and shall form part of the revenue of the said Province and shall be appropriated in the same manner as the revenues of the said Province subject to the appropriation of the Provincial Council may now by law be appropriated.

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LAWRENCE ATHENÆUM AND MECHANICS' INSTITUTE RESERVE LEASING ORDINANCE 1870.

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

SESSION XXVII. No. 318.

ANALYSIS:

AN ORDINANCE *to authorise the Superintendent of the Province of Otago to Lease the Lawrence Athenæum and Mechanics' Institute Reserve.* Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 13TH JUNE, 1870.]

WHEREAS the parcel of land described in the Schedule to this Ordinance is vested in the Superintendent of the Province of Otago and his successors subject to the provisions of certain Acts passed by the General Assembly of New Zealand intituled the "Public Reserves Act 1854" and the "Public Reserves Act Amendment Act 1862" And whereas it is expedient that the Superintendent should be authorised to lease the said lands described in the said Schedule for a longer period than three years : Preamble.

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

I. This Ordinance shall be intituled and may be cited and referred to as the "Lawrence Athenæum and Mechanics' Institute Reserve Leasing Ordinance 1870." Short Title.

II. It shall be lawful for the Superintendent and he is hereby authorised and empowered from time to time to demise and lease the said parcel of land described in the said Schedule hereto or any part thereof at such annual rents and for such terms of years not exceeding terms of ninety-nine years from the making thereof as he may think fit. Superintendent empowered to lease.

III. All leases made or granted under this Ordinance shall be by deed signed by the Superintendent and sealed with the Public Seal of the said Province as by the "Public Reserves Act 1854" is provided. Leases to be by deed under the public seal of the Province.

Moneys how appropriated.

IV. All moneys arising from the rents issues and profits of the said parcel of land shall be paid over to the Committee of Management for the time being of the Lawrence Athenæum and Mechanics' Institute or other the person or persons for the time being having the management thereof and shall be applied and disposed of for the best interest and advantage of the said Athenæum and Institute.

THE SCHEDULE ABOVE REFERRED TO.

All that piece or parcel of land situate and being in the Town of Lawrence and being sections numbered respectively ten (10) and eleven (11) block forty-one (XLI) on the Map of the said Town containing by admeasurement seventeen (17) poles more or less bounded towards the north by Crown Lands fifty (50) links towards the north-east by Derwent street one hundred and fifty-four (154) links towards the south by Ross Place one hundred and seventy (170) links and towards the west by section numbered nine (9) one hundred (100) links.

DUNEDIN, NEW ZEALAND:

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1/656.

OAMARU RACECOURSE RESERVE MANAGEMENT ORDINANCE 1870.

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

SESSION XXVII. No. 319.

ANALYSIS.

AN ORDINANCE *to provide for the Management of the Racecourse Reserve at Oamaru in the Province of Otago.* Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON 13TH JUNE 1870.]

WHEREAS the parcel of land particularly described in the Schedule hereto has under and by virtue of the "Public Reserves Act 1854" and "The Public Reserves Act Amendment Act 1862" been granted by the Governor of New Zealand in the name and on behalf of Her Majesty to the Superintendent of Otago and his successors and is now vested in him and them upon trust for public purposes: And whereas by "The Public Reserves Act Amendment Act 1862" it is provided that it shall be lawful for the Superintendent and Provincial Council of any Province by any Act or Ordinance to be from time to time duly passed in that behalf to direct and declare that any lands vested in the Superintendent of any Province under the provisions of the "Public Reserves Act 1854" upon trust for any public purposes shall be transferred to and vested in and held by any Corporation Commission or other person or persons having corporate succession to be named in such Act or Ordinance in trust for the like or for any other public purpose to be specified and declared in such Act or Ordinance in such manner and with such powers of lease management and disposition over the same and over all rents issues profits and proceeds thereof and other powers provisions and conditions as should in such Act or Ordinance be expressed or declared: And whereas it is expedient to make provision for the management of the said parcel of land in manner hereinafter appearing: Preamble.

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.

I. This Ordinance may be cited and referred to as the "Oamaru Racecourse Reserve Management Ordinance 1870."

Trustees of Oamaru Racecourse incorporated.

II. The Honorable John M'Lean of Oamaru runholder the Honorable Henry John Miller of Oamaru runholder George Murray Webster of Kakanui runholder William Frederick Ebbs of Oamaru surgeon Samuel Edward Shrimski of Oamaru auctioneer Edric Adolphus Julius of Oamaru solicitor and all such other persons as shall be hereafter appointed members under the provisions of this Ordinance and their successors shall be and they are hereby constituted a Corporate Body in fact and in law by the name and style of the "Trustees of the Oamaru Racecourse," and by that name they and their successors shall have perpetual succession and a common seal with full power and authority by the same name and style to sue and be sued plead and be impleaded defend and be defended in all Courts and in all causes and suits at law or in equity whatsoever with power to take purchase and hold to them and to their successors all goods chattels and personal property whatsoever: And also all such lands hereditaments and possessions as may be transferred to and vested in them as a site for a Racecourse or for any other purposes in connection therewith and also to do all other matters and things incidental to or appertaining to a corporate body subject nevertheless to any provisions in this Ordinance contained affecting such powers.

Power to remove and appoint trustees.

III. So often as any person so appointed shall die resign become incapable to act or be removed suspended or absent from the said Province for the space of six consecutive calendar months it shall be the duty of the said Superintendent to appoint by proclamation in the Otago Provincial Government *Gazette* either permanently or temporarily as occasion may require another or other fit and proper person or persons to be a trustee or trustees in the room or stead of the trustee or trustees so dying resigning becoming incapable or being absent as aforesaid.

Land in Schedule vested in trust.

IV. The said parcel of land described in the Schedule hereto shall be transferred to and vested in and held by the "Trustees of the Oamaru Racecourse" and their successors in trust for the purposes of a Racecourse subject to the powers provisions and conditions herein expressed and declared.

Superintendent authorised to convey.

V. It shall be lawful for the Superintendent to execute and make any conveyance or other assurance for transferring to and vesting in the "Trustees of the Oamaru Racecourse" and their successors the lands described in the said Schedule hereto and every or any part or parts thereof respectively.

Trust may set apart portion of said land as a Racecourse.

VI. It shall be lawful for the "Trustees of the Oamaru Racecourse" hereinafter referred to as the "Trust" to set apart a sufficient portion of the said parcel of land as and for the purposes of a Racecourse and from time to time to vary and alter the portion which may for the time being be set apart and to set apart another portion of the said parcel of land as a Racecourse in lieu thereof.

Trust may lease surplus land.

VII. It shall be lawful for the "Trust" by deed under their corporate seal to lease from time to time at such rent and on such conditions as they may think reasonable the whole or any part of the said parcel of land specified in the said Schedule hereto not required for the purposes of a Racecourse for any term or terms of years not exceeding seven years at any one time.

Application of moneys.

VIII. All moneys received by the "Trust" for the rents issues and profits of the said parcel of land shall after deducting therefrom all necessary expenses incurred in the management thereof be applied in and towards the cultivation and improvement of the said parcel of land and in rendering any part thereof that may be set apart as a Racecourse suitable for that purpose and in and towards providing prizes for races to be run on the

said Racecourse and generally in and towards the encouragement of the breeding of horses and for such other purposes as the "Trust" may from time to time determine to apply the same.

Trust to keep accounts and furnish balance-sheets to be audited.

IX. The "Trust" shall keep accurate accounts of all sums of money received for rents issues and profits on account of the said parcel of land and of all costs charges expenses and disbursements in connection with the management and maintenance thereof and on the thirty-first day of March in every year or within one week thereafter the "Trust" shall prepare accounts and a balance sheet showing the receipts and disbursements of the "Trust" during the previous year and the actual financial state of the "Trust" on the thirty-first day of March in that year and such accounts and balance sheet shall be forwarded in duplicate to the Superintendent who shall cause the same to be forwarded for examination by the Provincial Auditor in manner described by the "Provincial Audit Act 1866" and the Provincial Auditor is hereby required and empowered to examine and audit such accounts and balance sheet and such balance sheet shall be published in the Government *Gazette* of the Province immediately after the same shall have been so audited.

Trust may make rules.

X. It shall be lawful for the "Trust" and they are hereby authorised and empowered from time to time to make and alter rules for regulating their own proceedings for prescribing the conditions on which the public shall be permitted to have access to the said Racecourse upon any day when the same shall be used for racing purposes and for regulating the price for admission on such occasions for excluding the public from such parts of the said parcel of land as it may be found necessary or desirable to improve or lay down in artificial grasses for regulating the charges that may be made for the occupation of any portion of the said Racecourse for the erection of booths or stalls for the sale of refreshments merchandise goods or chattels and for the admission of horses and vehicles to the said Racecourse.

THE SCHEDULE ABOVE REFERRED TO.

All that area in the Province of Otago containing by admeasurement one hundred and ninety-one (191) acres more or less situate in Oamaru District being sections numbered respectively twenty-eight (28) twenty-nine (29) thirty-one (31) thirty-four (34) two of fifty-six (2 of 56) two of fifty-eight (2 of 58) two of sixty (2 of 60) and two of sixty-one (2 of 61) block one (I) on the Map of the said district bounded towards the north-east by sections numbered respectively one of sixty-one and thirty-seven (1 of 61 and 37) four thousand eight hundred and fifty (4850) links towards the south-east by a road line four thousand eight hundred (4800) links towards the south-west by section numbered twenty-six (26) three thousand two hundred and thirty (3230) links and towards the west by a road line five thousand one hundred (5100) links.

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ROADS DIVERSION ORDINANCE 1870.

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

SESSION XXVII. No. 320.

ANALYSIS.

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, 13TH JUNE, 1870.]

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 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 such 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 and portions of Roads passed: Preamble.

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

Short Title.

I. This Ordinance may be cited and referred to as the "Roads Diversion Ordinance 1870."

Superintendent authorised to stop up certain portions of roads.

II. 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 colored 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 &c.

III. 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 the 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 such 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 Roads 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.

IV. After the expiration of the said 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.

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

V. 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 empowered to exchange land.

VI. 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 Road 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.

Map of road to be deposited.

VII. 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.

Interpretation.

VIII. 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.

SCHEDULE.

1. Adamsthorpe Road District
2. Blueskin "
3. Breadalbane "
4. Beaconsfield "
5. Broad Bay "
6. Chalfont "
7. Deborah Bay "
8. Flagstaff "
9. Finegand "
10. Goodwood "
11. Glenore "
12. Glenavon "
13. Green Vale Survey District
14. Helensbrook Road District
15. Harlington "
16. Allday "
17. Mountroyal "
18. N. E. Harbor "
19. Pukeuri "
20. Popotunoa "
21. Saddle Hill "
22. Sydney "
23. Waihola West "
24. Cranbourne "
25. Warepa "
26. Windsor "
27. Waitahuna West "
28. Tuapeka "

Adamsthorpe Road District. (*No.* 1.)

1. All that area in the Province of Otago containing by admeasurement 2a. 0r. 16p. more or less being a road line situate in the Tokomairiro Survey District bounded on the west by section No. 6 block XLVII 3500 links more or less and on the east by section 1 block XLII 3500 links more or less.

Blueskin Road District. (No. 2.)

1. All that area in the Province of Otago containing by admeasurement 3a. 2r. 0p. more or less being a road line situate in the North Harbor and Blueskin Survey District bounded towards the north by sections numbered 1 and 2 block I 3050 links more or less and on the south by section No. 2 block I 3050 links more or less.

Breadalbane Road District. (No. 3.)

1. All that area in the Province of Otago containing by admeasurement 0a. 3r. 38p. more or less being a road line situate in the Taieri Survey District bounded on the north by section No. 61 irregular block 1650 links more or less and on the south by sections numbered 15 and 16 block XVIII East Taieri 1650 links more or less.

2. All that area in the Province of Otago containing by admeasurement 0a. 3r. 14p. more or less being a road line situate in the Taieri Survey District bounded on the west by section No. 62 irregular block and part of section No. 46 river section 1400 links more or less and on the east by section No. 61 irregular block and part of section No. 16 block XVIII East Taieri 1400 links more or less.

Beaconsfield Road District. (No. 4.)

1. All that area in the Province of Otago containing by admeasurement 1a. 2r. 24p. more or less being a road line situate in the Waikouaiti Survey District bounded on the west by section No. 33 block I 1650 links more or less and on the east by section No. 33 block I 1650 links more or less.

2. All that area in the Province of Otago containing by admeasurement 2a. 3r. 32p. more or less being a road line situate in the Waikouaiti Survey District bounded on the west by sections numbered 5 and 4 block I 2950 links more or less and on the east by sections numbered 5 and 4 block I 2950 links more or less.

3. All that area in the Province of Otago containing by admeasurement 2a. 2r. 0p. more or less being a road line situate in the Waikouaiti Survey District bounded on the north by section No. 5 block I 2500 links more or less and on the south by section No. 6 block I 2500 links more or less.

4. All that area in the Province of Otago containing by admeasurement 1a. 0r. 0p. more or less being a road line situate in the Waikouaiti Survey District bounded on the west by section No. 8 block I 1000 links more or less and on the east by section No. 8 block I 1000 links more or less.

5. All that area in the Province of Otago containing by admeasurement 0a. 1r. 32p. more or less being a road line situate in the Waikouaiti Survey District bounded on the north by sections numbered 10 and part of 11 block I 750 links more or less and on the east by section No. 10 block I 750 links more or less.

6. All that area in the Province of Otago containing by admeasurement 4a. 0r. 3p. more or less being a road line situate in the Waikouaiti Survey District bounded on the north by sections numbered 29 30 and part of 28 block I 6700 links more or less and on the south by sections numbered 29 30 and 38 block I 6700 links more or less.

7. All that area in the Province of Otago containing by admeasurement 3a. 0r. 28p. more or less being a road line situate in the Waikouaiti Survey District bounded on the north by sections numbered 36 38 and 39 block I 5300 links more or less and on the south by sections numbered 36 37 38 and 39 block I 5300 links more or less.

8. All that area in the Province of Otago containing by admeasurement 4a. 0r. 17p. more or less being a road line situate in the Waikouaiti Survey District bounded on the west by sections numbered 69 70 71 and 72 block I 6850 links more or less and on the east by sections numbered 69 70 71 and 72 block I 6850 links more or less.

9. All that area in the Province of Otago containing by admeasurement 1a. 2r. 19p. more or less being a road line situate in the Waikouaiti Survey District bounded on the east by sections numbered 85 and part of 84 block I 2700 links more or less and on the west by parts of sections numbered 34 and 33 block I 2700 links more or less.

10. All that area in the Province of Otago containing by admeasurement 5a. 3r. 8p. more or less being a road line situate in the Waikouaiti Survey District bounded on the east by sections numbered 76 and 79 block I 5800 links more or less and on the west by sections numbered 75 78 and 85 block I 5800 links more or less.

11. All that area in the Province of Otago containing by admeasurement 2a. 0r. 35p. more or less being a road line situate in the Waikouaiti Survey District bounded on the east by sections numbered 75 and 78 block I 3700 links more or less and on the west by section No. 39 block I 3700 links more or less.

12. All that area in the Province of Otago containing by admeasurement 2a. 1r. 38p. more or less being a road line situate in the Waikouaiti Survey District bounded on the north by sections numbered 78 79 and 85 block I 4150 links more or less and on the south by sections numbered 78 79 and 85 block I 4150 links more or less.

13. All that area in the Province of Otago containing by admeasurement 2a. 1r. 24p. more or less being a road line situate in the Waikouaiti Survey District bounded towards the north by sections numbered 60 61 62 63 and 24 block I 4000 links more or less and on the south by sections numbered 60 61 62 63 and 24 block I 4000 links more or less.

14. All that area in the Province of Otago containing by admeasurement 1a. 0r. 0p. more or less being a road line situate in the Waikouaiti Survey District bounded towards the north by section No. 80 block I 1000 links more or less and on the south by section No. 80 block I 1000 links more or less.

Broad Bay Road District. (No. 5.)

1. All that area in the Province of Otago containing by admeasurement 2a. 3r. 36p. more or less being a road line situate in the Otago Peninsula Survey District bounded on the east by sections numbered 53 54 and 55 block II 2976 links more or less and on the west by section No. 71 block II 2976 links more or less.

Chalfont Road District. (No. 6.)

1. All that area in the Province of Otago containing by admeasurement 5a. 3r. 0p. more or less being a road line situate in the Moeraki Survey District bounded on each side by sections numbered 2 4 6 60 24 35 and 38 block I 11,500 links more or less.

2. All that area in the Province of Otago containing by admeasurement 0r. 0p. 20p. more or less being a road line situate in the Moeraki Survey District bounded on the north by section No. 35 block I 250 links more or less and on the south by section No. 38 block I 200 links more or less.

Deborah Bay Road District. (No. 7.)

1. All that area in the Province of Otago containing by admeasurement 0a. 3r. 4p. more or less being a road line situate in the North Harbor and Blueskin Survey District bounded on the north-west by section No. 22 block VI 1300 links more or less and on the south-east by sections numbered 2 3 and part of 4 block II Lower Harbor West District 1300 links more or less.

Flagstaff Road District. (No. 8.)

1. All that area in the Province of Otago containing by admeasurement 0a. 2r. 0p. more or less being a road line situate in the Dunedin and East Taieri Survey District bounded on the west by section No. 32 block V 500 links more or less and on the east by section No. 32 block V 450 links more or less.

2. All that area in the Province of Otago containing by admeasurement 3a. 1r. 30p. more or less being a road line situate in the Dunedin and East Taieri Survey District bounded on the north-east by section No. 7 block XIII and section 1 block IV 3449 links more or less and on the south-west by sections numbered 1 and 7 block XIII and section 1 block VI 3449 links more or less.

Finegand Road District. (No. 9.)

1. All that area in the Province of Otago containing by admeasurement 4a. 1r. 36p. more or less being a road line situate in the Clutha Survey District bounded on the north by sections numbered 1 and 2 block XXXIII 7460 links more or less and on the south by sections numbered 11 and 12 block XXVII 7460 links more or less.

2. All that area in the Province of Otago containing by admeasurement 2a. 3r. 22p. more or less being a road line situate in the Clutha Survey District bounded on the east by sections numbered 12 10 8 and part of 6 block XXVII 4800 links more or less and on the west by sections numbered 7 9 11 and part of 5 block XXXII 4800 links more or less.

3. All that area in the Province of Otago containing by admeasurement 2a. 1r. 28p. more or less being a road line situate in the Clutha Survey District bounded on the east by sections numbered 2 4 and part of 6 block XXVII 4050 links more or less and on the west by sections numbered 1 3 and part of 5 block XXXII 4050 links more or less.

4. All that area in the Province of Otago containing by admeasurement 4a 3r. 8p. more or less being a road line situate in the Clutha Survey District bounded on the north by portion of section No. 2 block XXVII section No. 1 and portion of section No. 2 block XXXII 8000 links more or less and on the south by portion of section No. 12 block XXVI and section No. 11 and part of section No. 12 block XXXI 8000 links more or less.

5. All that area in the Province of Otago containing by admeasurement 2a. 3r. 25p. more or less being a road line situate in the Clutha Survey District bounded on the east by sections numbered 2 4 6 8 and part of 10 block XXXI 4850 links more or less and on the west by sections numbered 1 3 5 7 and part of 9 block XXXIX 4850 links more or less.

Goodwood Road District. (No. 10.)

1. All that area in the Province of Otago containing by admeasurement 6a. 1r. 8p. more or less being a road line situate in the Moeraki Survey District bounded on the north by sections numbered 64 69 72 and 73 block IV 10,500 links more or less and on the south by sections numbered 71 and part of 70 block IV 10,500 links more or less.

Glenore Road District. (No. 11.)

1. All that area in the Province of Otago containing by admeasurement 2a. 0r. 33p. more or less being a road line situate in the Tokomairiro Survey District bounded on the west by section No. 7 block XLVII and section No. 1 block XLVIII 4100 links more or less and on the east by section No. 12 block XLII 4100 links more or less.

2. All that area in the Province of Otago containing by admeasurement 4a. 3r. 8p. more or less being a road

line situate in the Table Hill Survey District bounded on the north by sections numbered 41 42 and 43 block II 8000 links more or less and on the south by sections numbered 44 45 and 46 block II 8000 links more or less.

3. All that area in the Province of Otago containing by admeasurement 3a. 1r. 17p. more or less being a road line situate in the Table Hill Survey District bounded on the east by sections numbered 45 46 and 47 block II 5600 links more or less and on the south-west by sections numbered 212 213 214 and 215 block XXVI Tokomairiro 5600 links more or less.

Glenavon Road District. (No. 12.)

1. All that area in the Province of Otago containing by admeasurement 3a. 1r. 4p. more or less being a road line situate in the Clarendon Survey District bounded on the north by section No. 17 block III 6050 links more or less and on the south by sections numbered 16 and part of 2 of 15 block III 6050 links more or less.

2. All that area in the Province of Otago containing by admeasurement 6a. 0r. 0p. more or less being a road line situate in the Clarendon Survey District bounded on the north by sections numbered 12 13 and 2 of 15 block III 12,000 links more or less and on the south by sections numbered 26 25 and 1 of 28 block II Akatore 12,000 links more or less.

Greenvale Survey District. (No. 13.)

1. All that area in the Province of Otago containing by admeasurement 2a. 3r. 8p. more or less being a road line situate in the Greenvale Survey District bounded on the west by sections numbered 4 and 46 block II 2800 links more or less and on the east by sections numbered 4 and 46 block II 2900 links more or less.

Helensbrook Road District. (No. 14.)

1. All that area in the Province of Otago containing by admeasurement 2a. 2r. 32p. more or less being a road line situate in the Tokomairiro Survey District bounded on the west by sections numbered 120 and part of 121 block XIV 4500 links more or less and on the east by sections numbered 40 41 and 42 block V 4500 links more or less.

Harlington Road District. (No. 15.)

1. All that area in the Province of Otago containing by admeasurement 1a. 3r. 22p. more or less being a road line situate in the North-east Valley Survey District bounded on the north by sections numbered 89 91 93 95 97 and part of 99 3150 links more or less and on the south by sections numbered 88 90 92 and 94 North-east Valley District 3150 links more or less.

2. All that area in the Province of Otago containing by admeasurement 2a. 0r. 6p. more or less being a road line situate in the North-east Valley Survey District bounded on the south-west by sections numbered 86 and 87 3400 links more or less and on the north-east by sections 88 and 89 North-east Valley District 3400 links more or less.

Allday Road District. (No. 16.)

1. All that area in the Province of Otago containing by admeasurement 1a. 1r. 12p. more or less being a road line situate in the Otepopo Survey District bounded on each side by section No. 82 and part of 114 block V 2650 links more or less.

Mountroyal Road District. (No. 17.)

1. All that area in the Province of Otago containing by admeasurement 2a. 0r. 0p. more or less being a road line situate in the Hawksbury Survey District bounded on the north by section No. 31 block II 4000 links more or less and on the south by section No. 32 block II 4000 links more or less.

2. All that area in the Province of Otago containing by admeasurement 1a. 3r. 0p. more or less being a road line situate in the Hawksbury Survey District bounded on the north-west by section No. 32 block II 3500 links more or less and on the south-east by section No. 33 block II 3500 links more or less.

3. All that area in the Province of Otago containing by admeasurement 0a. 2r. 16p. more or less being a road line situate in the Hawksbury Survey District bounded on each side by section No. 20 block II 1200 links more or less.

North-east Harbour Road District. (No. 18.)

1. All that area in the Province of Otago containing by admeasurement 0a. 3r. 33p. more or less being a road line situate in the Otago Peninsula Survey District bounded on the west by application No. 1162 block II 1600 links more or less and on the east by application No. 1162 block II 1600 links more or less.

Pukeuri Road District. (No. 19.)

1. All that area in the Province of Otago containing by admeasurement 0a. 2r. 0p. more or less being a road line situate in the Papakaio Survey District bounded on the west by parts of sections numbered 135 and 136 block II 250 links more or less and on the east by parts of sections numbered 135 and 136 block II 250 links more or less.

2. All that area in the Province of Otago containing by admeasurement 1a. 4r. 8p. more or less being a road line situate in the Papakaio Survey District bounded on the west by section 137 and part of 136 block II 1050 links more or less and on the east by section 137 and part of 136 block II 1050 links more or less.

Popotunoa Road District. (No. 20.)

1. All that area in the Province of Otago containing by admeasurement 1a. 3r. 0p. more or less being a road line situate in the Pomahaka Survey District bounded on both sides by section No. 67 block VII 1750 links more or less.

2. All that area in the Province of Otago containing by admeasurement 0a. 1r. 27p. more or less being a road line situate in the Pomahaka Survey District bounded on the west by section No. 27 block IX 700 links more or less and on the east by section No. 27 block IX 700 links more or less.

3. All that area in the Province of Otago containing by admeasurement 1a. 2r. 4p. more or less being a road line situate in the Pomahaka Survey District bounded towards the north by section No. 44 block IX 2550 links more or less and on the south by section No. 44 block IX 2500 links more or less.

4. All that area in the Province of Otago containing by admeasurement 2a. 0r. 35p. more or less being a road line situate in the Pomahaka Survey District bounded on the west by sections numbered 19 and 20 block IX 3700 links more or less and on the east by sections numbered 19 and 20 block IX 3700 links more or less.

5. All that area in the Province of Otago containing by admeasurement 2a. 0r. 9p. more or less being a road line situate in the Pomahaka Survey District bounded on the west by sections numbered 18 and 19 block IX 3850 links more or less and on the east by sections numbered 18 and 19 block IX 3850 links more or less.

6. All that area in the Province of Otago containing by admeasurement 1a. 1r. 20p. more or less being a road line situate in the Pomahaka Survey District bounded on the north and north-east by section No. 19 block IX 1150 links more or less and on the south and south-west by sections numbered 19 and 78 block IX 1600 links more or less.

7. All that area in the Province of Otago containing by admeasurement 2a. 3r. 0p. more or less being a road line situate in the Pomahaka Survey District bounded towards the north by sections numbered 22 23 24 and 25 block IX 5500 links more or less and on the south by sections numbered 22 23 24 and 25 block IX 5500 links more or less.

8. All that area in the Province of Otago containing by admeasurement 0a. 0r. 22p. more or less being a road line situate in the Pomahaka Survey District bounded on the east by section No. 23 block IX 250 links more or less and on the west by section No. 24 block IX 300 links more or less.

9. All that area in the Province of Otago containing by admeasurement 2a. 2r. 11p. more or less being a road line situate in the Pomahaka Survey District: bounded on the east by section No. 9 and part of sections numbered 8 and 25 block IX 2246 links more or less and on the west by sections numbered 8 and 9 and part of section 30 2650 links more or less.

12. All that area in the Province of Otago containing by admeasurement 1a. 0r. 16p. more or less being a road line situate in the Pomahaka Survey District bounded on the north-east by section No. 26 block IX 2300 links more or less and on the south-west by section No. 26 block IX 2200 links more or less.

13. All that area in the Province of Otago containing by admeasurement 5a. 3r. 4p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections numbered 11 12 13 14 and 15 block VI 11,750 links more or less and on the south by sections numbered 6 7 8 9 10 and part of 5 block VI 11,750 links more or less.

14. All that area in the Province of Otago containing by admeasurement 0a. 2r. 35p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections numbered 12 and 13 block VI 1400 links more or less and on the south by sections numbered 12 and 13 block VI 1400 links more or less.

15. All that area in the Province of Otago containing by admeasurement 4a. 3r. 0p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections numbered 16 17 18 19 and 20 block VI 9500 links more or less and on the south by sections numbered 1 2 3 4 and part of 5 block VI 9500 links more or less.

16. All that area in the Province of Otago containing by admeasurement 0a. 0r. 28p. more or less being a road line situate the Pomahaka Survey District bounded on the north by sections numbered 2 and 3 block VI 350 links more or less and on the south by sections numbered 2 and 3 block VI 350 links more or less.

17. All that area in the Province of Otago containing by admeasurement 5a. 2r. 12p. more or less being a road line situate in the Pomahaka Survey District bounded towards the north by sections numbered 1 2 3 4 and 5 block VI 11,150 links more or less and on the south by sections numbered 1 2 3 4 and 5 block VI 11,150 links more or less.

18. All that area in the Province of Otago containing by admeasurement 1a. 3r. 36p. more or less being a road line situate in the Pomahaka Survey District bounded on the east by section No. 15 block VI 3950 links more or less and on the west by section No. 16 block VI 3950 links more or less.

19. All that area in the Province of Otago containing by admeasurement 0a. 1r. 26p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections numbered 5 and 6 block VI 750 links more or less and on the south by sections numbered 5 and 6 block VI 750 links more or less.

20. All that area in the Province of Otago containing by admeasurement 0a. 0r. 35p. more or less being a road line situate in the Pomahaka Survey District bounded on the west by section No. 16 block VI 437 links more or less and on the east by section No. 16 block VI 437 links more or less.

21. All that area in the Province of Otago containing by admeasurement 2a. 3r. 14p. more or less being a road line situate in the Pomahaka Survey District bounded on the east by section No. 42 and part of 28 block X 5684 links more or less and on the west by section No. 41 and part of 29 block X 5684 links more or less.

22. All that area in the Province of Otago containing by admeasurement 8a. 2r. 1p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections numbered 37 38 39 40 41 42 and 43 block X 17,021 links more or less and on the south by sections numbered 44 45 46 47 48 and 49 block X 17,021 links more or less.

23. All that area in the Province of Otago containing by admeasurement 5a. 1r. 4p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections numbered 44 45 46 and 47 block X 10,660 links more or less and on the south by sections numbered 44 45 46 and 47 block X 10,660 inks more or less.

24. All that area in the Province of Otago containing by admeasurement 3a. 0r. 18p. more or less being a road line situate in the Pomahaka Survey District bounded on the east by section No. 1 block VI and part of section No. 1 block VII 6237 links more or less and on the west by section No. 44 block X 6237 links more or less.

25. All that area in the Province of Otago containing by admeasurement 4a. 0r. 32p. more or less being a road line situate in the Pomahaka Survey District bounded on the east by sections numbered 37 and 49 block X 8400 links more or less and on the west by sections numbered 36 and 50 block X 8400 links more or less.

26. All that area in the Province of Otago containing by admeasurement 2a. 0r. 27p. more or less being a road line situate in the Pomahaka Survey District: bounded on the north-west by section No. 50 block IX 4344 links more or less and on the south-east by section No. 50 block IX 4344 links more or less.

27. All that area in the Province of Otago containing by admeasurement 8a. 0r. 5p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections numbered 4 5 6 7 8 9 10 and 11 block VIII 16,065 links more or less and on the south by sections numbered 12 13 14 15 16 17 and 18 block VIII 16,065 links more or less.

28. All that area in the Province of Otago containing by admeasurement 2a. 1r. 2p. more or less being a road road line situate in the Pomahaka Survey District bounded on the east by section No. 11 block VIII and sections numbered 1 and 23 block VII 4523 links more or less and on the west by section No. 11 block VIII 4523 links more or less.

29. All that area in the Province of Otago containing by admeasurement 4a. 3r. 33p. more or less being a road line situate in the Pomahaka Survey District bounded on the east by sections numbered 12 and 31 block VIII 9922 links more or less and on the west by sections numbered 13 and 30 block VIII 9922 links more or less.

30. All that area in the Province of Otago containing by admeasurement 0a. 2r. 16p. more or less being a road line situate in the Pomahaka Survey District bounded on the west by section No. 31 block VIII 1200 links more or less and on the east by section No. 31 block VIII 1200 links more or less.

31. All that area in the Province of Otago containing by admeasurement 1a. 0r. 17p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by section No. 12 block VIII 2217 links more or less and on the south by section No. 31 block VIII 2217 links more or less.

32. All that area in the Province of Otago containing by admeasurement 9a. 2r. 25p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections numbered 1 2 3 4 5 6 7 8 9 and 10 block VII 19,222 links more or less and on the south by sections numbered 15 16 17 18 19 20 21 22 and 23 block VII 19,222 links more or less.

33. All that area in the Province of Otago containing by admeasurement 4a. 0r. 0p. more or less being a road line situate in the Pomahaka Survey District bounded on the east by sections numbered 20 and 27 block VII 8000 links more or less and on the west by sections numbered 21 and 26 block VII 8000 links more or less.

34. All that area in the Province of Otago containing by admeasurement 4a. 1r. 16p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections numbered 40 39 and 38 block VI 8700 links more or less and on the south by sections 27 28 and 29 block VI 8860 links more or less.

35. All that area in the Province of Otago containing by admeasurement 1a. 3r. 24p. more or less being a road line situate in the Pomahaka Survey District bounded on the east by section 27 block VI 3800 links more or less and on the west by sections 26 and 23 block VI 3800 links more or less.

36. All that area in the Province of Otago containing by admeasurement 4a. 1r. 0p. more or less being a road line situate in the Pomahaka Survey District bounded on the north-west by sections 27 and 39 block VI 8500 links more or less and on the south-east by sections 38 39 and 27 block VI 8500 links more or less.

37. All that area in the Province of Otago containing by admeasurement 4a. 3r. 36p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 24 25 and 26 block VI 9950 links more or less and on the south by sections 21 22 and 23 block VI 9950 links more or less.

38. All that area in the Province of Otago containing by admeasurement 4a. 3r. 8p. more or less being a road line situate in the Pomahaka Survey District bounded on the north-west by sections 10 11 25 and 24 block X 9600 links more or less and on the south-east by sections 10 26 25 and 24 block X 9600 links more or less.

39. All that area in the Province of Otago containing by admeasurement 5a. 3r. 2p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 6 7 8 and 9 block X 11,900 links more or less and on the south by sections 11 12 13 14 and 15 block X 12,000 links more or less.

40. All that area in the Province of Otago containing by admeasurement 7a. 1r. 24p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 21 22 23 24 25 26 block X 14,800 links more or less and on the south by sections 27 28 29 30 31 32 block X 14,800 links more or less.

41. All that area in the Province of Otago containing by admeasurement 2a. 1r. 16p. more or less being a road line situate in the Pomahaka Survey District bounded on the east by section 6 block X 4700 links more or less and on the west by section 5 block X 4700 links more or less.

42. All that area in the Province of Otago containing by admeasurement 4a. 0r. 24p. more or less being a road line situate in the Pomahaka Survey District bounded on the east by sections 24 25 and 26 block XII 8300 links more or less and on the west by sections 21 22 and 23 block XII 8300 links more or less.

43. All that area in the Province of Otago containing by admeasurement 5a 3r 16p more or less being a road line situate in the Pomahaka Survey District bounded on the north-west by sections 14 15 16 17 and 18 block XII 11,700 links more or less and on the south by sections 19 20 21 and 26 block XII 11,700 links more or less.

44. All that area in the Province of Otago containing by admeasurement 5a 0r 32p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 4 5 6 and 7 block XII 10,400 links more or less and on the south by sections 8 9 10 11 and 12 block XII 10,400 links more or less.

45. All that area in the Province of Otago containing by admeasurement 2a 1r 20p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 2 and 3 block XII 4750 links more or less and on the south by sections 2 and 3 block XII 4750 links more or less.

46. All that area in the Province of Otago containing by admeasurement 3a 1r 14p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 17 and 23 block XIV 6650 links more or less and on the south by sections 31 and 24 block XIV 6650 links more or less.

47. All that area in the Province of Otago containing by admeasurement 4a 1r 8p more or less being a road line situate in the Pomahaka Survey District bounded on the east by sections 15 and 21 block X 8600 links more or less and on the west by sections 16 and 20 block X 8600 links more or less.

48. All that area in the Province of Otago containing by admeasurement 7a 2r 36p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 14 15 16 34 35 36 and 37 block XIV 15,450 links more or less and on the south by sections 32 33 34 35 36 and 37 block XIV 15,450 links more or less.

49. All that area in the Province of Otago containing by admeasurement 3a 3r 24p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 5 and 7 block XIII 7800 links more or less and on the south by sections 5 and 7 block XIII 7800 links more or less.

50. All that area in the Province of Otago containing by admeasurement 5a 3r 28p more or less being a road line sisuate in the Pomahaka Survey District bounded on the north by sections 1 2 3 4 and 5 block XIII 11,850 links more or less and on the south by sections 14 15 16 and 17 block XIII 11,850 links more or less.

51. All that area in the Province of Otago containing by admeasurement 5a 1r 28p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 10 11 12 and 13 block XIII 10,850 links more or less and on the south by sections 25 31 33 and 32 block XIII 10,850 links more or less.

52. All that area in the Province of Otago containing by admeasurement 5a 1r 36p more or less being a road line situate in the Pomahaka Survey District bounded on the east by sections 33 34 and 35 block XIII 10,850 links more or less and on the west by sections 31 30 29 and 36 block XIII 10,850 links more or less.

53. All that area in the Province of Otago containing by admeasurement 3a 2r 8p more or less being a road line situate in the Pomahaka Survey District bounded on the east by sections 25 26 and 27 block XIII 7600 links more or less and on the west by section 24 block XIII 7600 links more or less.

54. All that area in the Province of Otago containing by admeasurement 4a 3r 2p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 23 24 27 and 28 block XIII 9,525

links more or less and on the south by sections 23 24 27 and 28 block XIII 9525 links more or less and part sections 44 and 45 block XI 9525 links more or less.

55. All that area in the Province of Otago containing by admeasurement 2a 3r 16p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 28 and 36 block XIII 5700 links more or less and on the south by section 37 block XIII 5700 links more or less.

57. All that area in the Province of Otago containing by admeasurement 2a 2r 16p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections No 2 and 3 block X 5200 links more or less and on the south by section No 1 block X 5100 links more or less.

58. All that area in the Province of Otago containing by admeasurement 5a 1r 0p more or less being a road line situate in the Pomahaka Survey District bounded on the east by sections 50 49 48 and 36 block XI 10,500 links more or less and on the west by sections 45 46 and 47 block XI 10,500 links more or less.

59. All that area in the Province of Otago containing by admeasurement 2a 2r 0p more or less being a road line situate in the Pomahaka Survey District bounded on the north-west by section 35 block X 5000 links more or less and on the south-east by section 51 block X 5000 links more or less.

60. All that area in the Province of Otago containing by admeasurement 3a 2r 38p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 5 6 7 and 8 block XI 7475 links more or less and on the south by sections 5 6 7 and 8 block XI 7475 links more or less.

61. All that area in the Province of Otago containing by admeasurement 3a 3r 35p more or less being a road line situate in the Pomahaka Survey District bounded on the east by sections 6 block XI and 72 and part of 71 block IX 7937 links more or less and on the west by sections 5 and 6 block XI and 72 block IX 7937 links more or less.

62. All that area in the Province of Otago containing by admeasurement 4a 2r 39p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 45 46 47 48 and 49 block VIII 9487 links more or less and on the south by sections 45 46 47 48 and 49 block VIII 9487 links more or less.

63. All that area in the Province of Otago containing by admeasurement 2a 2r 29p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 42 41 40 22 block VIII 5362 links more or less and on the south by sections 40 22 41 and 42 block VIII 5362 links more or less.

64. All that area in the Province of Otago containing by admeasurement 1a 2r 16p more or less being a road line situate in the Pomahaka Survey District bounded on the north by section 37 block VIII 3198 links more or less and on the south by section 37 block VIII 3198 links more or less.

65. All that area in the Province of Otago containing by admeasurement 1a 0r 38p more or less being a road line situate in the Pomahaka Survey District bounded on the north by section 61 block IX 1227 links more or less and on the south by section 61 block IX 1227 links more or less.

66. All that area in the Province of Otago containing by admeasurement 0a 2r 0p more or less being a road line situate in the Pomahaka Survey District bounded on the north by section 14 block VII 1000 links more or less and on the south by a road line 1200 links more or less.

67. All that area in the Province of Otago containing by admeasurement 6a 3r 11p more or less being a road line situate in the Pomahaka Survey District bounded on the north-west by sections No 2 3 4 and 5 block XIV 13,637 links more or less and on the north-east by sections No 2 3 4 and 5 block XIV 13,637 links more or less.

68. All that area in the Province of Otago containing by admeasurement 10a 0r 17p more or less being a road line situate in the Waipahee Survey District bounded on the north by sections 3 and part of 2 block I 10,106 links more or less and on the south by sections No 3 and part of 2 block I 10,106 links more or less.

69. All that area in the Province of Otago containing by admeasurement 4a 1r 8p more or less being a road line situate in the Waipahee Survey District bounded on each side by sections No 2 and 4 block I 4300 liuks more or less.

70. All that area in the Province of Otago containing by admeasurement 3a 2r 32p more or less being a road line situate in the Waipahee Survey District bounded on the north by sections numbered 15 and 16 block I 7400 links more or less and on the south by sections numbered 51 16 and part of 14 block I 7400 links more or less.

71. All that area in the Province of Otago containing by admeasurement 3a 0r 32p more or less being a road line situate in the Waipahee Survey District bounded on the north-west by sections numbered 5 and 6 block I 6400 links more or less and on the north-east by section 7 block I 6400 links more or less.

72. All that area in the Province of Otago containing by admeasurement 2a. 3r. 32p. more or less being a road line situate in the Waipahee Survey District bounded on the north by section No. 14 block I 5900 links more or less and on the south by section No. 13 block I 5900 links more or less.

73. All that area in the Province of Otago containing by admeasurement 0a. 2r. 18p. more or less being a road line situate in the Pomahaka Survey District bounded on each side by section No. 33 block XIII 1225 links more or less.

Saddle Hill Road District. (No. 21.)

1. All that area in the Province of Otago containing by admeasurement 0a. 2r. 24p. more or less being a road line situate in the Dunedin and East Taieri Survey District bounded on the west by section No. 2 of 4 block VIII 650 links more or less and on the east by section No. 1 of 34 block VII 650 links more or less.

Sydney Road District. (No. 22.)

1. All that area in the Province of Otago containing by admeasurement 4a. 3r. 0p. more or less being a road line situate in the Otepopo Survey District bounded on the east by sections numbered 1 2 9 10 and part of 34 block V 9500 links more or less and on the north-west by sections numbered 1 2 9 10 and part of 34 block V 9500 links more or less.

Waihola West Road District. (No. 23.)

1. All that area in the Province of Otago containing by admeasurement 2a. 2r. 3p. more or less being a road line situate in the Waihola Survey District bounded on the north-west by sections numbered 50 51 and part of 49 block VII 4200 links more or less and on the south-east by sections numbered 52 53 54 and part of 55 block VIII 4200 links more or less.

2. All that area in the Province of Otago containing by admeasurement 2a. 3r. 11p. more or less being a road line situate in the Waihola Survey District bounded on the south-east by sections numbered 58 57 56 and part of 55 block VIII 4700 links more or less and on the north-west by sections numbered 46 47 48 and part of 49 block VII 4700 links more or less.

Cranbourne Road District. (No. 24.)

1. All that area in the Province of Otago containing by admeasurement 2a. 0r. 32p. more or less being a road line situate in the Hawksbury Survey District bounded on the north by section No. 46 block V 4300 links more or less and on the south by section No. 46 block V 4500 links more or less.

Warepa Road District. (No. 25.)

1. All that area in the Province of Otago containing by admeasurement 2a. 0r. 16p. more or less being a road line situate in the Clutha Survey District bounded on the north by section No 1 block XL 3500 links more or less and on the south by section No. 11 block XXXIX 3500 links more or less.

Windsor Road District. (No. 26.)

1. All that area in the Province of Otago containing by admeasurement 0a. 3r. 8p. more or less being a road line situate in the Awamoko Survey District bounded on each side by sections numbered 8 and 16 block VII 1600 links more or less.

2. All that area in the Province of Otago containing by admeasurement 3a. 2r. 32p. more or less being a road line situate in the Awamoko Survey District bounded on each side by sections numbered 25 and 26 block V and part of 19 block VII 3700 links more or less.

3. All that area in the Province of Otago containing by admeasurement 1a. 0r 4p. more or less being a road line situate in the Awamoko Survey District bounded on the north by part of section No. 20 block V 2050 links more or less and on the south by section No. 28 and part of 21 block V 2050 links more or less.

4. All that area in the Province of Otago containing by admeasurement 1a. 1r. 0p. more or less being a road line situate in the Awamoko Survey District bounded on the north by sections numbered 25 and 26 block V 2500 links more or less and on the south by sections numbered 23 and 30 block V 2500 links.

5. All that area in the Province of Otago containing by admeasurement 4a. 2r. 24p. more or less being a road line situate in the Awamoko Survey District bounded on the north by sections numbered 26 25 24 and part of 23 block IX 9300 links more or less and on the south by sections numbered 27 30 31 and part of 35 block IX 9350 links more or less.

6. All that area in the Province of Otago containing by admeasurement 4a. 2r. 20p. more or less being a road line situate in the Awamoko Survey District bounded on each side by sections numbered 2 15 16 and 18 block X 9250 links more or less.

7. All that area in the Province of Otago containing by admeasurement 5a. 1r. 0p. more or less being a road line situate in the Awamoko Survey District bounded on the north by sections numbered 1 and 2 block X 10,500 links more or less and on the south by sections numbered 21 and 22 block X 10,500 links more or less.

Waitahuna West Road District. (No. 27.)

1. All that area in the Province of Otago containing by admeasurement 2a. 2r. 23p. more or less being a road line situate in the Waitahuna Survey District bounded on the east by sections numbered 54 55 56 57 58 59 60 61 block III 5298 links more or less and on the west by sectious numbered 49 50 51 52 and 53 block III 5298 links more or less.

2. All that area in the Province of Otago containing by admeasurement 5a. 0r. 31p. more or less being a road line situate in the Waitahuna Survey District bounded on the east by sections numbered 70 71 72 73 74 75 76 and 77 block III 5198 links more or less and on the west by sections numbered 62 63 64 65 66 67 68 and 69 block III 5198 links more or less.

3. All that area in the Province of Otago containing by admeasurement 4a. 1r. 9p. more or less being a road line situate in the Waitahuna Survey District bounded on the north-east by section No. 85 block III 4308 links more or less and on the south-west by sections numbered 81 82 83 and 84 block III 4308 links more or less.

4. All that area in the Province of Otago containing by admeasurement 6a. 0r. 38p. more or less being a road line situate in the Waitahuna Survey District bounded on the east by sections numbered 1 and 9 block IV 6242 links more or less and on the west by sections numbered 25 26 27 and 28 block III 6242 links more or less.

5. All that area in the Province of Otago containing by admeasurement 3a. 1r. 10p. more or less being a road line situate in the Waitahuna Survey District bounded on each side by sections numbered 69 71 72 and 82 block III 6625 links more or less.

6. All that area in the Province of Otago containing by admeasurement 5a. 3r. 36p. more or less being a road line situate in the Waitahuna Survey District bounded on the north by sections numbered 28 and 29 block III 5975 links more or less and on the south by sections numbered 84 85 and 70 block III 6125 links more or less.

7. All that area in the Province of Otago containing by admeasurement 3a. 0r. 22p. more or less being a road line situate in the Waitahuna Survey District bounded on the north by sections numbered 47 52 56 67 and 72 block III 6276 links more or less and on the south by sections numbered 48 51 57 66 and 73 block III 6276 links more or less.

Tuapeka District. (No. 28.)

1. All that area in the Province of Otago containing by admeasurement 0a. 1r. 19p. more or less being a road line situate in the Tuapeka District bounded on the north-east by section No. 54 block I 870 links more or less and on the south-west by sections numbered 53 and 59 920 links more or less.

2. All that area in the Province of Otago containing by admeasurement 1a. 1r. 11p. more or less being a road line situate in the Tuapeka District bounded on the north-east by sections numbered 52 58 and 61 block I 2646 links more or less and on the south-west by sections numbered 57 and 62 block I 2646 links more or less.

DUNEDIN NEW ZEALAND.

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ROAD BOARDS ORDINANCE 1870.

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

SESSION XXVII. No. 321.

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(14.) *Making of Rates and Valuation.*

(15.) *Maintenance &c. of Roads &c.*

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Title.

AN ORDINANCE *to establish Road Districts in the Province of Otago and generally to provide for the construction and maintenance of Roads and Public Works without the limits of Municipalities and Boroughs in the said Province.* [13TH JUNE 1870.]

Preamble.

WHEREAS it is expedient to provide for the establishment of road districts and for giving extended powers to road boards and generally to provide for the construction and maintenance of roads and other public works in districts without the limits of municipalities and boroughs in the Province of Otago :

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

Short Title.

I. The Short Title of this Ordinance shall be the "Road Boards Ordinance 1870" It is divided into parts as follows—

Division of Ordinance.

PART I.—(1.) Constitution of Districts.
(2.) Number &c. of Board.
(3.) Capacity &c. of Members of Board.
(4.) Retirement and Vacancies.
(5.) District Voters their Rights. Voters' Lists &c.
(6.) Who shall elect and preside at Elections &c.
(7.) Election and Privileges of Chairman.
(8.) Proceedings of Board.
(9.) Contracts.
(10.) Officers.
(11.) Bye-laws.
(12.) Ordinary Revenue and District Fund.
(13.) What shall be Rateable Property.
(14.) Making of Rates and Valuations.
(15.) Maintenance &c. of Roads &c.
(16.) Tolls Letting Tolls and Applications.
(17.) Co-operation of Boards.
(18.) Fines to be paid to District Fund.

PART II.—(1.) Voters' List and Roll.
(2.) Election of Members.
(3.) Auditors.
(4.) Proceedings of the Board.
(5.) Ouster of Office.
(6.) Officers.
(7.) Accounts.

(8.) Notices &c. and Legal Proceedings.
(9.) Bye-laws how to be made &c.
(10.) Valuation for Appeals against and Recovery of Rates.
(11.) Appeals against Rates.
(12.) Miscellaneous as to Roads.
(13.) Miscellaneous as to Tolls.
(14.) Miscellaneous as to common Toll Roads.
(15.) Borrowing Powers.
(16.) General Miscellaneous.

Interpretation.

II. Save where there is something in the context repugnant thereto or inconsistent therewith the following words and expressions shall mean or include the matters following—

The word "cattle" shall include horses asses mules sheep goats and swine.

The word "road" shall mean and include any public highway.

The word "district" shall mean any road district constituted under this Ordinance.

The word "ferry" shall include any punt or floating bridge.

The word "owner" where used with reference to any lands in respect to which any rate is to be paid or work is to be done shall mean the person for the time being entitled to receive or who if the land were let to a tenant at a rack-rent would be entitled to receive the rack-rent from the occupier thereof.

The expression "governing body" where used with reference to any city town or place in the Province of Otago specified in the first column of the first Schedule of "The Municipal Corporations Act 1867" shall mean the persons or body as the case may be having the management or control or government of the local affairs of such city town or place under any of the Acts or Ordinances specified in the said Schedule to "The Municipal Corporations Act 1867."

The word "borough" shall mean any borough constituted or to be hereafter constituted under "The Municipal Corporations Act 1867."

The word "Superintendent" shall mean the Superintendent for the time being of the Province of Otago.

The expression "rateable value" when used with reference to rateable property shall mean the annual value of any such property appearing in a valuation for the time being in force under this Ordinance and on which value rates made by any Board are to be made.

Commencement of Ordinance.

III. This Ordinance shall come into operation upon the day next following the last day of the session of the General Assembly of New Zealand which shall be held first after the passing hereof.

PART I.

(1.) *Constitution of Districts.*

Incorporation of inhabitants of districts.

IV. Any part of the Province of Otago not being wholly or in part comprised within the limits of a municipality or of a borough constituted under "The Municipal Corporations Act 1867" or within any city town or place specified in the first column of the first Schedule of "The Municipal Corporations Act 1867" and being of an area of not less than fifteen square miles may be constituted a road district in manner next hereinafter mentioned and until otherwise provided by virtue of the provisions hereinafter contained there shall be thirty-nine road districts which shall be named and bounded and divided into electoral subdivisions as specified in the first Schedule to this Ordinance annexed.

First Schedule.

Incorporation of new districts.

V. If a majority in number of the persons on the roll or rolls for the time being in force under "The Regulation of Electors Act 1866" or any other Act for the like purpose shall sign and cause to be presented to the Superintendent a petition in the form in the second Schedule hereto or to the like effect praying him to constitute the portion of the Province in which such persons shall reside a road district under this Ordinance and in such petition shall set forth the boundaries of the portion of the Province to which such petition shall refer it shall be lawful for the Superintendent if he shall think fit so to do by proclamation to constitute such portion of the Province a road district by such name as in and by the proclamation shall be assigned to the same Provided however that the Superintendent may if he think fit before making such proclamation cause enquiry to be made by such persons and in such manner as he may think fit to direct as to the expediency of varying the boundaries proposed in the petition and may constitute any portion of the land comprised within the proposed boundaries a district or may add to the proposed boundaries other lands not comprised therein and constitute such land with such added land a road district and provided also that the said Superintendent may by the proclamation constituting such road district declare the number of electoral sub-divisions hereinafter called sub-divisions into which such district may be sub-divided and define the boundaries of such sub-divisions respectively.

Second Schedule.

Signatures to petitions to be verified.

VI. The signatures appended to every petition under this Ordinance shall be verified in such manner as the Superintendent shall direct and if any person shall forge any such petition or signature or utter any such petition or signature knowing the same to be forged he shall be liable to a penalty of not exceeding one hundred pounds.

Petition may be signed by proxies. Third Schedule.

VII. Any person entitled under the preceding provisions to sign any such petition as aforesaid may appoint in the form in the third Schedule hereto any other person to sign any petition for him and the form of appointment shall be attached to the petition so signed and shall be presented therewith.

Separate electoral sub-divisions of districts.

VIII. At any time after the first annual election or general election as the case may be of the district board for any district the Superintendent if he shall have received a petition to that effect signed by one-fourth or more of the number of persons liable to be rated under this Ordinance in respect of rateable property in the said district shall by proclamation within three months after the receipt of the same divide the district into two or more separate sub-divisions by such names as shall by such proclamation be assigned to the same and in and by such proclamation the boundaries of the sub-divisions shall be set forth And the Superintendent may by such proclamation or by any subsequent proclamation divide any sub-division into three wards and by the proclamation constituting such wards shall set forth

the boundaries thereof Provided that no such division shall be made within three months before any day appointed for holding any election of members of the district board in or for such district.

Inhabitants of districts incorporated.

IX. The inhabitants of every district constituted hereunder shall be a body incorporate under the name of the "district board and ratepayers" of such district and by that name shall have perpetual succession and a common seal and shall be capable in law by such name for the purposes and subject to the provisions of this Ordinance of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

(2.) *Number &c. of Board.*

Districts Boards.

X. There shall be in and for each district a district board consisting of six members or if the district shall have been by the Superintendent divided into sub-divisions then of three members for each sub-division and if such sub-divisions shall have been divided into wards then of one member for each ward of the sub-division or respective sub-divisions and all such members shall be elected in manner hereinafter provided.

Members of Board to be members for respective sub-divisions.

XI. In every case in which a district shall be divided into sub-divisions the members of the board shall not be elected in and for the district at large but of the whole number of members assigned to the district three shall be members for each sub-division and if the sub-division shall have been divided into wards then each ward shall elect one member.

Members at time of division of district how assigned.

XII. The members who shall be in office in a district at the time when the same shall be divided into sub-divisions shall be severally assigned by the Superintendent in the proclamation declaring such sub-divisions to each such sub-division in order and manner hereinafter mentioned and shall for the purposes of this Ordinance be deemed the members for the same that is to say the Superintendent shall so assign such members to and amongst such sub-divisions as to give if possible to each sub-division three members and if the number of members so in office is not sufficient to give three members for each sub-division after the members in office have been assigned by the Superintendent to and amongst such divisions as far as the number of members in office will allow then all seats which shall not be filled up in manner aforesaid by any sub-division shall be and be deemed to be vacant and be extraordinary vacancies.

(3.) *Capacity &c. of Members of Board.*

Qualifications of Members of Board.

XIII. In order that any person may be qualified to be a member of the board of any district he must have been entitled under this Ordinance upon the twentieth day of March then last past to have been enrolled on the voters' roll for the then time being in force for such district or some sub-division or sub-divisions thereof or if none such be actually in force he must be an elector enrolled on some electoral roll which under the provisions of "The Registration of Electors Act 1866" shall for the time being be in force within the district and possess lands or tenements in such district.

Incapacity for being Member.

XIV. No female or bankrupt or insolvent who has not obtained his final order of discharge no person attainted of treason or convicted of felony or perjury or any infamous crime no person of unsound mind and no person not qualified as herein required shall be capable of being or continuing a member of the board of any district.

Incapacity of contractors.

XV. No person who shall hold any office or place of profit under or in the gift of the board of any district or be concerned or participate in anywise in any contract with such board or in the profit thereof or of any work to be done under the authority of such board shall be capable of being or continuing a member thereof Provided that nothing in the preceding part of this section

shall extend or apply to any contract entered into with the board of any district by any company partnership or association consisting of more than seven persons where such contract shall be entered into for the general benefit of such company partnership or association nor shall it apply to any lease sale or purchase of any land or to any agreement for any such lease sale or purchase or for the loan of money or to any security for the payment of money only.

(4.) *Retirement and Vacancies.*

Retirement of members in rotation.

XVI. On the second Thursday in *June* in every year one-third of the whole number of members assigned hereby to each district shall go out of office and the members who shall so go out of office shall always be the members who have been the longest time in office without re-election and if by reason of two or more members having become members at the same time it shall not be apparent under the foregoing part of this section which of such last-mentioned members ought at any time to go out of office then the board shall itself determine by ballot in what order and which of such members shall go out of office.

The like where district divided into sub-divisions.

XVII. When any district shall be divided into sub-divisions the preceding section shall be read with reference to such district in manner following that is to say in every case in which by the said section one-third part of the whole number of members of the board of the district are to go out of office in such case in a district divided into sub-divisions one-third part of the number of members assigned hereunder to each sub-division shall go out of office and the said section shall take effect in and for such district accordingly.

Preferable title to members allotted to wards.

XVIII. In all cases in which upon the division into sub-divisions of any district by the Superintendent it shall be needful for the allotment of existing members or their removal from office that the board proceed as in the last two sections mentioned for determining the preferable title to office of any members the board shall for such occasion forthwith on such division so determine between such members.

Extraordinary vacancies.

XIX. If any member of a district board shall die or by notice under his hand delivered to the chairman or clerk of the board shall resign his office as such member or shall by any rule or order of the Supreme Court to be made as hereinafter provided be ousted of such office or shall be absent from four consecutive ordinary meetings of the board without leave obtained from the board in that behalf then the office of such member shall become and be vacant and every such vacancy shall be supplied by persons qualified under this Ordinance appointed by the board to fill such vacancies who shall hold office until the next annual ordinary election and shall then cease to hold office and an election shall be held to fill such vacancy in the same manner and form as if such member had gone out of office by rotation.

Members capable of re-election.

XX. Nothing herein contained shall prevent any person from being immediately or at any time re-elected a member of a district board if he shall for the time being be capable under the provisions hereof of being and continuing such member.

(5.) *District Voters their Rights Voters' Lists &c.*

Qualification of voter. [March.]

XXI. Every person of the full age of twenty-one years who on the twentieth day of March in any year shall be in occupation or be the owner of rateable property within any district and shall on that day be or have been under this Ordinance liable to be rated for such property as such occupier or owner respectively shall be entitled to be enrolled in that year according to the provisions hereinafter contained upon the voters' roll of the

district and being so enrolled to vote in all elections of members of the board of the district occurring while such roll shall be in force according to the following scale (that is to say) if such rateable property whether consisting of one or more tenements be rated upon a rateable value of less than fifty pounds he shall have one vote if such rateable value amount to fifty pounds and be less than one hundred pounds he shall have two votes and if it amount to one hundred pounds and be less than one hundred and fifty pounds he shall have three votes and if it amount to two hundred pounds and be less than two hundred and fifty pounds he shall have four votes and if it amount to two hundred and fifty and be less than five hundred pounds he shall have five votes and if it amount to or exceed five hundred pounds he shall have six votes Provided that no person shall be entitled to be enrolled in any year in respect of any rateable property unless he shall before or on the twentieth day of March aforesaid have paid all such rates as shall under the provisions hereof become payable by him in respect of [March.] such property except such as shall have become payable within three calendar months before the said twentieth day of March.

Qualification of voters in sub-divisions.

XXII. Where any district shall be divided into sub-divisions every person who under the last preceding section would be entitled to be enrolled and to vote as therein mentioned shall instead thereof be entitled to be enrolled upon the voters' roll to be made as hereinafter provided for the sub-division or sub-divisions wherein any rateable property in respect of which he is so entitled is situated and being so enrolled to vote in all elections of members of the board of the district to be held in and for such sub-division or subdivisions as hereinafter provided and the said section and every provision thereof shall as to each sub-division be read as applying thereto and not to the district at large Provided that when any sub-division shall have been divided into wards then every person who would under this section be entitled to vote in elections of members of the board of the district to be held in and for such sub-division shall only be entitled to vote in elections of members of the board for the ward or wards wherein any rateable property in respect of which he is so entitled to vote is situated.

Joint occupiers &c.

XXIII. Where any rateable property is jointly occupied or jointly owned by more persons than one each of such persons shall for the purposes of the two last preceding sections be deemed to be the occupier or owner of rateable property of equal annual value to that of the whole of such first-mentioned property divided by the number of such joint occupiers or owners thereof if such several annual values shall be not less than ten pounds but if such several annual values shall be less than ten pounds then a number of such joint-occupiers or owners equal to the number of votes which could be exercised in respect of such property if the same were singly occupied or owned shall be deemed for the purposes aforesaid to be the occupiers or owners of the whole but those entitled to vote shall have only one vote each and such occupiers or owners so to be deemed occupiers or owners shall be those whose names shall stand first in order upon the rate then last made or if no rate has been made upon the valuation and return made as herein required.

Voters' list to be made out.

XXIV. A voters' list shall be annually made out in the month of March in the manner provided by the sections of this Ordinance numbered from *ninety-one* to *one hundred and ten* inclusive.

See sections 91 to 110.

(6.) *Who shall Elect and Preside at Elections &c.*

First election in district in which no Board has been in office.

XXV. For the first election of members of the district board in every district in which no member of the district board shall have yet been in office those persons enrolled on any electoral roll which under the provisions of "The Registration of Electors Act 1866" shall for the time being be in force whose qualifications are in respect of lands and tenements situate

within the district and no other person shall on such day as the Superintendent shall appoint not being less than forty days after the same shall have become such district and in the manner hereinafter mentioned elect from the persons capable of being such members the whole number of members hereby assigned to such district.

Annual ordinary elections in districts or sub-divisions in which no voters' roll as yet made.

XXVI. In every district in which members of the district board shall be in office hereunder if a voters' roll shall not as yet be in force for such district or where such district is divided into sub-divisions for each sub-division thereof those persons enrolled on any electoral roll which under the provisions of "The Registration of Electors Act 1866" shall for the time being be in force whose qualifications are in respect of lands and tenements situate within the district if not divided into sub-divisions or if the district be divided into sub-divisions within any sub-division thereof for which no such voters' roll shall be in force shall on the second Thursday in *June* in each year and in the manner hereinafter mentioned elect from the persons capable of being such members one-third of the whole number of members assigned hereunder to the district or to the sub-division as the case may be in the room of those who shall under the provisions herein contained go out of office by rotation in that year Provided that if any sub-division shall have been divided into wards then the ward the member representing which shall go out of office shall elect a member in his room.

[June.]

Annual ordinary elections in districts or sub-divisions after voters' roll made.

XXVII. In every district not divided into sub-divisions the voters enrolled upon the voters' roll (if any) for the time being in force for the district and in every district divided into sub-divisions the voters enrolled upon the voters' roll (if any) for the time being in force for each sub-division of such district shall on the second Thursday in *June* in each year and in the manner hereinafter mentioned elect from the persons capable of being members of the district board one-third of the whole number hereby assigned to the district or sub-division as the case may be in the room of those who shall under the provisions herein contained go out of office by rotation in that year.

[June.]

At elections where no voters' roll in force voters' entitled to give only one vote.

XXVIII. At all elections hereunder at which persons shall be entitled to vote by reason of their being enrolled on some electoral roll for the time being in force under "The Registration of Electors Act 1866" such person shall not be entitled to give more than one vote to each whatever may be the value of the qualification of such persons.

Chairman to preside at district elections.

XXIX. Every election of members of the district board of any district not divided into sub-divisions shall be held by and before the chairman of the district board and if at any time there be no such chairman or if the chairman be incapable of acting or refuse to act the board of the district or in their default or if there be no such board and at the first elections under this Ordinance the Superintendent may and shall appoint some person by and before whom such election shall be conducted.

Who shall preside at elections in sub-divisions.

XXX. In every district divided into sub-divisions all elections of members of the district board for any sub-division shall be held by and before such one of the members for such sub-division or if there be no such member by and before such one of the other members of the board as the board shall from time to time have appointed for holding elections in and for such sub-division and if the board have failed to make such appointment and in case of the first elections under this Ordinance by and before such person as the Superintendent shall for the occasion appoint in that behalf And in cases where a sub-division is divided into wards the elections of members for such wards respectively shall be held before the same person and in the same manner as nearly as may be as in the case of a sub-division not divided into wards.

XXXI. All elections shall be held and conducted in the manner provided in the sections of this Ordinance numbered from *one hundred and eleven* to *one hundred and thirty-six* inclusive and all reasonable expenses of or incident to any election incurred by the returning officer shall be repaid to him by the district board out of the district fund and may be recovered before any Justice.

Manner of holding elections and expenses of election. See sections 111 to 136.

(7.) *Election and Privileges of Chairman.*

XXXII. At the first meeting of the board in every district the board shall by the majority of the votes of the members present elect one of their body to be chairman until the next annual meeting of the board when and at every subsequent annual meeting the members shall in like manner elect a chairman for the ensuing year and such chairman shall preside at all meetings of the board at which he shall be present and if such chairman cease for any cause other than the retirement of members in rotation to be a member he shall be incapable of being or continuing chairman and in case the chairman die or by writing under his hand delivered to the board at any meeting thereof or to the clerk of the board resign his office or as aforesaid cease to be a member or be ousted of such his office by a rule or order of the Supreme Court or a Judge thereof as herein provided the members present at the meeting next after the occurrence of such vacancy or at any meeting before there shall as yet have been a chairman shall choose some one of their body to be chairman and the chairman so elected shall continue in office until the next annual meeting and if at any meeting of the board the chairman be not present one of the members present shall be elected chairman of such meeting by the majority of the votes of the members present thereat.

Election of chairman.

Vacancy in office of chairman.

XXXIII. Notwithstanding anything herein contained as to the number of the board or as to members going out of office in rotation the chairman shall during the year of office as chairman continue to be a member of the board.

Chairman to continue member during year of office.

(8.) *Proceedings of Board.*

XXXIV. The board of every district constituted or proclaimed under the provisions of this Ordinance shall hold their first meeting on the third Wednesday after the first election or appointment of members of the board or as soon after such respective periods as conveniently may be at the hour of twelve o'clock at noon and shall proceed to put this Ordinance into execution.

First meeting of board.

XXXV. The meetings and proceedings of the board of every district shall be held at the times places and in the manner provided in the sections of this Ordinance numbered from *one hundred and thirty-eight* to *one hundred and fifty-six* inclusive.

Proceedings how regulated. See sections 138 to 156.

(9.) *Contracts.*

XXXVI. The Board may enter into contracts with any persons for the execution of any works directed or authorized by this Ordinance to be done by the board or for furnishing materials or for any other things necessary for the purposes of this Ordinance and every such contract for the execution of any work shall be in writing and shall specify the work to be done and the materials to be furnished and the price to be paid for the same and the time or times within which the work is to be completed and the penalties to be suffered in case of non-performance thereof and the power hereby granted to the board to enter into contracts may lawfully be exercised as follows that is to say—

Mode in which board may enter into contracts and effect thereof.

Any contract which if made between private persons would be by law required to be in writing and under seal the board may make in writing and under the common seal of the board and in the same manner may vary or discharge the same

Any contract which if made between private persons would be by law required to be in writing signed by the parties to be charged therewith the board may make in writing signed by the members thereof or any two of their number acting by the direction and on behalf of the board and in the same manner may vary or discharge the same

Any contract which if made between private persons would be by law valid although made by parol only and not reduced into writing the members of the Board or any two of them acting by the direction and on behalf of the board may make by parol only without writing and in the same manner may vary or discharge the same

And all contracts made according to the provisions herein contained being duly executed by the persons contracting to perform the works therein comprised respectively shall be effectual in law and shall be binding on the body corporate and all other parties thereto their successors heirs executors or administrators as the case may be and in case of default in the execution of any such contract either by the board or by any other party thereto such actions or suits may be maintained thereon and damages and costs recovered by or against the body corporate or the other parties failing in the execution thereof as might have been maintained and recovered had the same contracts been made between private persons only.

(10.) *Officers.*

Appointment removal &c. and salaries of officers.

XXXVII. The board may from time to time appoint and employ a treasurer clerk engineer surveyor valuers collectors and all such other officers to assist in the execution of this Ordinance as they shall think proper and necessary and from time to time remove any of such officers and appoint others in the room of such as shall be so removed or as may die resign or discontinue their offices and may out of the district fund pay such salaries and allowances to the said officers respectively as the board shall think reasonable and all such officers shall observe the provisions contained in the sections of this Ordinance numbered from *one hundred and fifty-nine* to *one hundred and sixty-four* inclusive and any two or more of the said offices may be held by the same person.

See sections 159 to 164.

Members of board acting as clerk or treasurer shall not be paid.

XXXVIII. Any member of the district board shall be capable of being or continuing clerk or treasurer or any other such officer of the district as in the last preceding section mentioned but shall not be paid any salary fees or other reward for services performed as such clerk treasurer or other officer.

(11.) *Bye-laws.*

Board may make bye-laws.

XXXIX. The board of any district may from time to time make such bye-laws as they think fit for the purpose of regulating the conduct of their officers and servants and for providing for the due management of the affairs of the board and for any purpose specially mentioned in this Ordinance in that behalf and may from time to time by any other bye-law alter or repeal any bye-law Provided that no bye-law be repugnant to the laws of New Zealand or to any Ordinance of the Province of Otago Every bye-law shall be made and published in such manner and form as is provided in the sections of this Ordinance numbered from *one hundred and seventy-seven* to *one hundred and eighty-one* inclusive and every such bye-law shall be reduced into writing and shall have affixed thereto the common seal of the body corporate and a copy of such bye-law in writing or print shall be given to every officer and servant of the board affected thereby.

See sections 177 to 181

(12.) *Ordinary Revenue and District Fund.*

XL. The ordinary revenue of the body corporate of every district shall consist of the moneys following that is to say— Of what the ordinary revenue of the body corporate shall consist.

Rates not being special rates tolls not being tolls levied on roads appointed main roads or being or continuing to be main roads under this Ordinance and all rents of such first-mentioned tolls.

Moneys received by the board under any grant or appropriation by or under or in pursuance of any Act of the General Assembly of New Zealand or of any Ordinance of the Superintendent and Provincial Council of Otago not containing any other and different provision.

All other moneys which the board may receive under or in pursuance of this Ordinance.

Moneys received by way of subscription or voluntary donation unless subscribed for some specified road bridge or other work in which case such moneys shall be applied to such specified road bridge or work only and all such moneys shall be carried to the account of a fund to be called the "district fund" and such fund shall be applied by the board toward the payment of all expenses necessarily incurred in carrying this Ordinance into execution and of doing and performing all acts and things which the said board are or shall be by this or any other Ordinance empowered or required to do or perform.

XLI. All moneys of the body corporate amounting to twenty pounds and upwards shall within thirty days after they shall have come to the hands of the proper officer of the board be paid into such bank as the board shall from time to time have appointed for that purpose and no such money shall be drawn out of such bank save by cheques signed by the chairman of the board and countersigned by the treasurer of the board or by such other person as the board may appoint. Bank account.

(13.) *What shall be Rateable Property.*

XLII. All lands tenements and hereditaments shall be rateable property within the meaning of this Ordinance save as is next hereinafter excepted that is to say except land the property of Her Majesty and unoccupied and land the property of Her Majesty and used for public purposes land in the occupation of the Crown or the Government of New Zealand or of the Superintendent of the Province or of the district board of the district and hospitals benevolent institutions and buildings used exclusively for public charitable purposes churches chapels and other buildings used exclusively for public worship dwellings of ministers of any religious denomination and buildings used as schools or as residences of schoolmasters or schoolmistresses provided they be inhabited only by the master or mistress of such schools or his or her family and burial grounds and land vested in the Superintendent of the Province or any corporation commissioners or other persons or body under "The Public Reserves Act 1854" or "The Public Reserves Act Amendment Act 1862" or any other Act of the General Assembly or Ordinance of the Province of Otago passed in pursuance of the said two last-mentioned Acts or either of them Provided that nothing herein contained shall exempt from being rated hereunder lands of the Crown which have been or shall hereafter be leased or of which a license to occupy has been issued nor to exempt lands of the Crown contracted to be sold or leased on the ground that no grant or lease from the Crown has been made to the purchaser or proposed lessee thereof but such lands shall be liable to be rated as if a Crown Grant or lease thereof had What shall be rateable property.

been made and issued and the same no longer remained vested in the Crown if such purchaser or proposed lessee occupies or has a right to occupy the same And provided also that nothing herein contained shall exempt from being rated any lands vested in the Superintendent of the Province or in any corporation commissioner or other person or persons having corporate succession under the "Public Reserves Act 1854" or the Public Reserves Act Amendment Act 1862" which have been or shall hereafter be leased or which shall be occupied by any person other than the Superintendent or the corporation commissioner or corporate body in which such lands shall be vested under the said Acts.

(14.) *Making of Rates and Valuations.*

Main district road.

XLIII. In every district which has been proclaimed into sub-divisions under the provisions of this Ordinance the Superintendent at the request of the district board may proclaim any road within the boundaries of the district as proclaimed under the provisions of this Ordinance as main district road and such proclamation may from time to time amend alter or revoke and from and after such proclamation and during the time such shall remain in force all moneys required for the formation maintenance or repair of such main district road shall in each and every year be levied and raised in manner thereinafter mentioned by an annual general rate equally upon all rateable property within the several sub-divisions of such district Provided that no such general rate shall in any year exceed the amount of one shilling in the pound of the full net annual value of such property.

Board may make and levy general rates.

Board may make and levy special rates.

XLIV. The board of every district may from time to time as they see fit in manner hereinafter mentioned and subject to the provisions hereof make and levy rates to be called "special rates" equally upon all rateable property within every or any sub-division of such district Provided that no such special rates made in any one year shall exceed the amount of one shilling in the pound of the full net annual value of such property and Provided also that one-tenth part of every special rate made and levied within any sub-division shall be paid to the ordinary revenue of the body corporate of the district to be applied in such manner as such ordinary revenue may be applied and that the remaining nine-tenths of such special rate shall be expended in the sub-division within which the same shall be levied and raised.

On what persons rates may be made and levied.

XLV. Every rate whether general or special which the board of any district is by this Ordinance authorized to make or levy shall be made and levied by them at such periods as they shall think fit upon every person who occupies or if there be no occupier then upon the owner of any rateable property whatsoever within such district according to the full net annual value of such property and the said rates shall be vested in the board and shall be payable at such times either the whole or in such parts or instalments as they shall appoint Provided that every person occupying under lease or license Crown lands for pastoral purposes only shall be rated in respect of the same in proportion of one-third part only of such net annual value thereof as aforesaid Provided further that notwithstanding any of the provisions hereof whereby the owner of rateable property is to be rated to or to pay any rate on the default or instead of the occupier thereof the Crown shall not be rated to or pay any rate.

Rates to be made for particular periods.

XLVI. Every rate made under this Ordinance shall be made for and in respect of such period after the making of such rate as the board shall think fit and shall be named by the board when making the same but this section shall not prevent the board from making or levying during any such period another rate if they shall otherwise have power hereunder to make or levy the same.

XLVII. The board may make any such rate prospectively in order to raise money to pay charges and expenses incurred thereafter or retrospectively in order to raise money to pay charges and expenses already incurred. Rates may be made retrospectively.

XLVIII. The board from time to time before proceeding to make any general or special rate which they are by this Ordinance authorized to make or levy shall cause an estimate to be prepared of the money required for the several purposes in respect of which they are authorized to expend or apply the district fund showing the several sums already available for such purposes the several sums required the rateable value of the property assessable and the rate on each pound of such value necessary to raise the money required which estimate after the same has been approved of by the board shall be forthwith entered on the rate book to be kept as hereinafter provided. Estimate to be prepared before making rate.

XLIX. Notice of the intention of making every rate authorized to be made under the provisions of this Ordinance and of the time at and the period in respect of which the same is intended to be made and of a place where a statement of the proposed rate is deposited for inspection by the ratepayers shall be given by the board by placards posted up in public places within the district and shall be advertised in the Provincial Government *Gazette* or in some newspapers generally circulating within the district in the week immediately previous to such rate being made or as nearly so as may be. Notice of intention to make rate.

L. Every such rate shall be fairly transcribed in a book to be called the "rate book" to be kept for that purpose and may be in the form given in the fourth Schedule to this Ordinance or as near thereto as the circumstances of the case will permit and every such rate shall contain an account of every particular set forth at the head of the respective columns so far as the same can be ascertained and shall be signed by not less than three members of the board. Form &c. of rate. Fourth Schedule.

LI. The statement of the proposed rate and the rate immediately after the same is made shall be open to the inspection of any person interested or rated at all reasonable times and any such person may take copies or extracts from such statement or rate without paying anything for the same and any person having the custody of such statement or rate who shall refuse to permit any person so interested or rated as aforesaid or shall not on his request permit him to take copies or extracts from such statement or rate shall for every such offence be liable to a penalty not exceeding five pounds. Rate to be open to inspection of ratepayers who may take copies.

LII. The district board may from time to time amend any rate made by virtue of this Ordinance by inserting therein the name of any person claiming and entitled to have his name therein as owner or occupier or by inserting the name of any person who ought to have been rated or by striking out the name of any person who ought not to have been rated or by raising or reducing the sum at or upon which any person has been rated if it appear to them that such person has been underrated or overrated or by making such other amendments therein as will make such rate conformable to this Ordinance and no such amendment shall be held to avoid the rate Provided always that every person aggrieved by any such alteration shall have the same right of appeal therefrom as he would have had if his name had been originally inserted in such rate and no such alteration had been made and as respects such person the rate shall be considered to have been made at the time when he received notice of such alteration and every person whose rates are altered shall be entitled to receive fourteen days' notice of such alteration before the rate shall be payable by him. Rate may be amended by Board.

LIII. The board of each district in which no valuation has been made under this Ordinance shall within three months after the constitution of the district cause to be made for such district and the board of every district may Valuation of rateable property.

from time to time afterwards as shall seem fit cause to be made for such district a valuation of all the rateable property within the district or such part as the case may be by competent persons to be called valuers in such manner and form and such valuers shall have such powers and duties as are prescribed in the sections of this Ordinance numbered from *one hundred and eighty-two* to *one hundred and eighty-seven* inclusive and the rates made by the board for the purposes of this Ordinance shall be made upon such valuation then last made and in every such valuation the property rateable shall be computed at its net annual value (that is to say) at the rent at which the same might reasonably be expected to let from year to year free of all usual tenants' rates and taxes and deducting therefrom the probable average annual cost of the repairs insurance and other expenses (if any) necessary to maintain such property in a state to command such rent Provided that all rateable property which shall not since the sale alienation or other disposition thereof by the Crown have been improved by building cultivation or enclosure or in other like manner shall be computed as of the net annual value of five per centum upon the fair capital value of the fee simple thereof.

See sections 182 to 187.

Owner where name not known to be rated as owner only.

LIV. Whenever the name of any owner liable to be rated under the provisions of this Ordinance is not known to the board it shall be sufficient to rate such owner as the owner of the property to be rated by the designation of the owner without stating his name.

Appeals against and recovery of rates.

LV. The form and manner of appeal against and recovery of rates is provided in the sections of this Ordinance numbered from *one hundred and eighty-eight* to *two hundred and two* inclusive.

See sections 188 to 202.

(15.) *Maintenance &c. of Roads &c.*

Roads bridges &c. to be under care of Board.

LVI. All roads within any district except main roads of which the Provincial Government shall take upon themselves the maintenance and repair and all public bridges and ferries within any district or placed under the control of the board thereof as herein provided and being upon such roads or connecting any part thereof within the district with any other part thereof within or without the same shall be under the care and management and subject to the direction of such board and every such board shall subject to the provisions hereof have full power to form construct improve repair and maintain all such roads bridges and ferries.

Buildings chattels &c vested in Board.

LVII. The right interest and property of and in all toll-houses toll-gates and other erections and buildings lamps bars toll-boards direction-boards milestones posts rails chains fences and other things and all ferries which shall hereafter be placed erected or provided under this Ordinance in or for any district or be placed under the control of the board thereof as herein provided with the several appurtenances thereof and the materials of which the same shall consist and all materials tools and implements which shall be provided for constructing repairing or maintaining the roads bridges or ferries within the district or such bridges or ferries as may be placed under the control of the board under this Ordinance and the scrapings of all such roads shall be vested in the district board of the district Provided always that nothing herein contained shall be deemed to vest in the district board of any district any right interest or property whatsoever in any toll-house toll-gate or other erection or building or in any lamp bar toll-board direction-board milestone posts chains rails or other thing upon or near any main road in any district of which road the Provincial Government shall have taken or shall take upon themselves the maintenance and repair.

New roads &c.

LVIII. The board of every district may from time to time subject to the provisions herein contained open or make new roads and divert or alter or increase the width or cause to be raised or lowered the ground or soil of any road under their care or management within the district.

LIX. The board by order may direct that any land purchased or acquired by them for any purpose mentioned in the last preceding section shall be a road within the meaning of this Ordinance from such time as shall be named in such order and may in such order if they see fit direct that such road shall be in lieu of any former road and every such order shall be published in the Provincial Government *Gazette* and a plan of such road showing the course boundaries and true position thereof certified under the hand of a duly authorized surveyor or engineer shall before the publication of such order be furnished to the road engineer of the Province or other the person for the time being employed by the Superintendent to perform the duties of that office.

New road may be in lieu of old.

LX. Upon any such order being made the new road to which the same shall refer shall be in lieu of the old road (if any) named in such order and such old road shall be discontinued as a road and the land and soil thereof shall vest in the board and shall and may be sold and conveyed by the board in manner provided by "The Lands Clauses Consolidation Act 1863" in case of lands acquired under the said Act and not required for the purposes for which they have been acquired but if such former road shall lead to any land house or place which cannot in the opinion of the board be conveniently approached by such new road then and in such case the old road shall be sold subject to the right of way and passage to and from such land house or place and the moneys arising from every such sale shall be carried to the credit of the district fund.

Old roads how disposed of.

LXI. If any part of a public highway shall lie along and upon or be adjoining lengthways to the limits of any district but a portion of the breadth of such part shall lie outside such district and if such part shall not as to the portion of the breadth so lying outside such district be adjoining or be within any limits of any other district or any borough city town or place within the Province of Otago the board of such first-mentioned district shall have power to drain form macadamise and otherwise make good and to repair and maintain such part of such public highway in like manner as any road within the district.

Board may form &c. road adjoining to borough.

LXII. If any such part of a public highway as lastly before mentioned shall as to the breadth of such part so lying outside such district be adjoining to or within any limits of any other district or any borough city town or place within the said Province and if such public highway shall not as to such part theretofore have been drained formed macadamised or otherwise made good or shall be ruinous or out of repair the board of such first-mentioned district may cause to be given to the council or other governing body of the said borough city town or place a notice stating the desire of the board giving the notice that such part of such public highway as aforesaid and described in such notice may be drained formed macadamised or otherwise made good or repaired and offering to treat and agree with the council board or governing body receiving the notice with respect to the performance by either party of the whole or part of such work and the future maintenance and repair of such part of the said highway and such agreement may as to any or all of such matters be made accordingly and every such board or council or governing body giving or receiving such notice shall for the purpose of carrying out any such agreement have power to perform any such work or any part thereof and to provide for such maintenance and repair and if any such council board or governing body receiving such notice shall refuse to treat and agree with the board giving such notice as to the subject matter thereof such board may take such proceedings in the Supreme Court or District Court as and in the manner provided in the sections of this Ordinance numbered from *two hundred and three* to *two hundred and five* inclusive.

If such road lie along another district &c. Board may give notice to treat with respect to it.

See sections 203 to 205.

Bridges &c. at boundaries of districts.

LXIII. If the board of any district shall desire to construct establish or repair any bridge or ferry over any river or creek at a place where one bank and one-half only of the whole breadth of such river or creek lie within the district and if there be in such case no other board body corporate or governing body duly empowered as herein provided to treat with such board with respect to the remaining part of such breadth and the opposite bank then the said board may with the approval of the Superintendent if both banks of such river or creek are within the same Province or in other cases with the approval of the Superintendent of the adjoining Province construct establish or repair such bridge or ferry and the approaches thereto as though the whole breadth and both banks were within the district and if there be any such board body corporate or governing body as lastly-mentioned then the board of the district may treat and agree with such board body corporate or governing body with respect to such work and either party may execute such work or any part thereof according to the tenor of such agreement.

Control of such appointed to Board.

LXIV. The Superintendent may by proclamation appoint that any bridge or ferry which may have been or may hereafter be placed or provided at the boundary of any district on or over any river or creek whereof the whole breadth and both banks shall not at the site of such bridge or ferry lie or be within such district shall with the approaches thereto be under the control of the board of such district and the same shall be under their control accordingly.

Main roads not to be diverted &c. without consent.

LXV. No district board shall have power hereunder without the consent of the Superintendent to divert stop or discontinue save temporarily for the purpose of necessary repair any main road or main district road.

Where a main road formed up to boundary of a district and no continuous road in adjoining district Board of either district may apply to Superintendent to order road to be made and expense to be borne out of roads subsidy payable or to become payable to the adjoining district or jointly out of shares of both districts in such fund.

LXVI. If at any time there shall be within any district a main road continuing up to the boundary of such district and there shall not be within the adjoining district a main road or a main road sufficiently formed continuing from such first-mentioned road through such last-mentioned district it shall be lawful for the board of either of such districts to petition the Superintendent for an order that a sufficient road shall be formed through such last-mentioned district and such petition if it shall be from the board of such first-mentioned district and if the board is willing that some portion of the share of the roads subsidy payable or to become payable to such first-mentioned district should be applied towards the formation of such road shall state that the board is willing that a portion of the share of such district in such fund shall be so applied and on the receipt of such petition the Superintendent shall transmit a copy of such petition to that other board which shall not have petitioned and the Superintendent shall fix a time and place at which he will proceed to enquire as to the necessity for the formation of such road and give notice to the board of each of such districts of the time and place so fixed and shall then proceed to enquire in such manner as he shall think fit into the circumstances of the case and if the Superintendent shall think fit it shall be lawful for him by an order in writing published in the Provincial Government *Gazette* to order that a road of such length and direction as he shall think fit shall be formed in or through the district hereinbefore in this section secondly mentioned by the board of such secondly-mentioned district and if he shall think that the expense of such formation should be borne alone by the district within which such road is to be formed he shall in the said order so declare and if he shall think that such expense should be borne partly by such last-mentioned district and partly by the other district he shall in and by such order as aforesaid direct what proportion of the cost of the construction of such road shall be borne by each of such districts out of their respective shares in such fund.

LXVII. Before any order for the formation of any such road as last aforesaid shall be made the Superintendent shall notify to the board of the district within which such road is to be formed that it is intended to make such order and he shall describe the road or part of road which is to be the subject of such order with sufficient particularity to enable such board to cause a sufficient plan specification and estimate of cost of such road to be prepared and upon the receipt of such notification the board shall cause to be prepared and transmitted to the Superintendent a plan and estimate of the cost of the work together with a certificate under the hand or hands of such person or persons as the Superintendent shall for the purpose appoint (whose name or names shall be specified in the notification sent by the Superintendent) that the plan is sufficient and such certificate shall also contain a statement that the estimated cost is in the opinion of such person or persons as aforesaid fair and reasonable and after the receipt of such plan and estimate and certificate if the Superintendent shall approve of the same it shall be lawful for him to make such order as in the last preceding section is provided and the order shall refer to the plan and if after such notification shall have been made to such board such board shall neglect within such time as the Superintendent shall think reasonable to forward such plan estimate and certificate it shall be lawful for the Superintendent to cause a plan and estimate to be prepared and to make such order as aforesaid and the board shall comply with such order.

Before order made Superintendent to call on Board for plans and estimates to be certified by persons appointed by Superintendent.

LXVIII. When any order made under the last two preceding sections shall have been complied with by the board bound to comply therewith and they shall have forwarded to the Superintendent a certificate by such person or persons as the Superintendent shall appoint for the purpose that such order has been complied with the Superintendent may issue his certificate to the Provincial Treasurer certifying what amount shall be paid out of any subsidy or money payable out of the Provincial Revenue to the district in which the work is not executed to the board which shall have performed the work and in like manner the Superintendent may from time to time during the progress of such works and after the completion thereof authorise the Provincial Treasurer to make payments on account of such work out of such subsidy.

After compliance with order is certified Superintendent empowered to issue order for payment to the contractor &c.

LXIX. The Provincial Treasurer upon the receipt of any such certificate from the Superintendent authorising him to pay any such sum as in the last preceding section mentioned shall pay such sum to the board which shall have formed such road or been ordered to form such road out of the share or proportion of the district named in such certificate in such subsidy if there shall be sufficient money payable out of the said subsidy to such district or if not so much as shall then be payable to such district and shall out of any moneys which may thereafter become payable or accrue due to such district pay thereout the moneys so authorised to be paid or so much as shall not have theretofore been paid

Provincial Treasurer on receipt of order to issue money out of the subsidy.

LXX. If the district board of any district shall fail to comply with any order made under the sixty-sixth and sixty-seventh sections of this Ordinance within the time appointed by the order the Superintendent may if he think fit order that such person or persons as he shall think proper and appoint for the purpose shall have power to effect the construction of the works specified in such order and the person or persons appointed by the Superintendent to effect such construction is or are hereby authorised upon such order being made to effect such construction and such person or persons shall for the purpose aforesaid have all the powers which by this Ordinance are vested in the district board in that behalf and it shall be lawful for the Superintendent to notify to the Provincial Treasurer that he has made such order as last aforesaid and to request the Provincial Treasurer to retain and to pay to such person or persons as the Superintendent shall appoint to construct the

If orders not complied with Superintendent may appoint persons to effect construction who are to have same power as Board.

road out of any moneys then or thereafter payable to the district the board of which shall have failed to comply with the order as aforesaid out of any subsidy payable to such district such sum as the Superintendent shall think will be required for the formation of such road or such sum which together with any sums payable out of any subsidy payable to any adjoining district will be sufficient for such purpose and the Provincial Treasurer shall then issue and pay to such person or persons so appointed to construct such road the sum (if any) ordered to be paid out of any subsidy payable to such adjoining district in like manner as such moneys would have been payable to the board ordered to construct such road.

Board empowered to maintain &c main roads and the bridges &c. thereon.

LXXI. The district board of every district shall have full power as and when they shall think fit to repair and maintain and continue in good repair all main and other roads and parts thereof within the district and all bridges and ferries thereupon or connecting any parts of the same with other parts thereof within the district and also all such bridges and ferries on or connecting main roads as shall under the provisions hereof have been duly placed under the control of such board.

Common toll-road to be repaired as main road.

LXXII. Every common toll road under this Ordinance shall for the purposes of all the provisions hereof relating to repair and maintenance of main roads be deemed to be a main road.

Main road toll fund.

LXXIII. All such moneys as shall under the provisions hereinafter contained be received by the board of any district as and for tolls or rents of tolls upon any main road within such district shall be carried to the account of a separate fund to be called the "Main Road Toll Fund" and be expended by the board upon the repair and maintenance of such main road or of some bridge or ferry within the district or placed under the control of the board which shall be on such main road or connect any part of the same with any other part thereof whether within or without the district.

Separate account of main road toll fund &c. and audit.

LXXIV. A separate account shall be kept by the board of all moneys so paid to the account of the "Main Road Toll Fund" and of the expenditure thereof and a copy of so much of the said accounts as shall not have been theretofore sent shall at such time in each year as the Superintendent shall appoint be sent to the Provincial Treasurer together with all receipts accounts and vouchers relating to the same and the said Treasurer shall forthwith examine and compare the same respectively and shall immediately after such examination and comparison make and sign a report of the result thereof respectively in such form as the Superintendent shall from time to time direct and shall sign an acquittance of so much of such moneys as shall have been ascertained by him to have been duly and properly expended and for the said purposes the said Treasurer shall have the same powers as by the sixty-second section of "The Public Revenues Act 1867" are vested in the Provincial Auditor appointed under the said Act for the purpose of that Act.

Width of roads.

LXXV. All main roads shall be not less than one chain wide and all roads not being main roads shall be in all places not less than sixty links wide including footpaths but this provision shall not be deemed to affect highways dedicated or existing before the commencement of this Ordinance.

Temporary roads.

LXXVI. It shall be lawful for the board of every district to stop all traffic upon any road bridge ferry or ford within the district whilst being constructed repaired or widened and to make and construct through or on the adjoining land not being lands over which the Native title shall not have been extinguished and not being the site where any house stands nor being a garden yard park planted walk or avenue to a house or any enclosed

ground planted or set apart as an ornament or shelter to a house or planted or set apart as a nursery for trees or any part thereof respectively the owner or occupier of which lands herein lastly excepted respectively shall not consent in writing in that behalf a temporary road bridge ferry or ford to be used as a public highway in lieu of the old road bridge ferry or ford while being constructed repaired or widened and such temporary road bridge ferry or ford shall be and be kept fenced in or otherwise so secured by the board as to afford to the person through whose land the same may pass an equal protection against trespass as was possessed by such person previously to such temporary road bridge ferry or ford being made and the board shall make reasonable compensation to the owners and occupiers of such adjoining ground upon or through which such temporary road bridge ferry or ford shall be made for the damage which they shall thereby sustain.

Entry on land to construct drains.

LXXVII. It shall be lawful for the board of every district by their engineer or surveyor or other person authorized by them after giving the owners or occupiers of the land not less than three or more than fourteen days' notice of the intention so to do to enter upon any land adjoining any road not being such land as is excepted in the last preceding section whereof the owner or occupier does not consent as therein mentioned for the purpose of constructing altering or repairing any drains sewers culverts causeways or bridges of or on such road or of repairing such road and the board shall make reasonable compensation to such owner or occupier for any damage sustained by him in consequence of such entry.

Right to procure materials for road.

LXXVIII. It shall be lawful for the board of every district by their engineer or surveyor or other person authorised by them to enter and search for dig raise gather take and carry away on and from any land within the district not being such land as is excepted by the last two preceding sections whereof the owner or occupier does not consent as therein mentioned and in and from any river or creek any materials necessary for making or repairing any road or bridge but nevertheless so as not to damage any building road or ford or to divert or interrupt the course of any river or creek or to search for dig raise gather or take any such materials within fifty yards of any bridge dam jetty or other structure and the board shall make reasonable compensation to the owners and occupiers of such land or of the soil of or adjoining such river or creek for the damage which they may sustain by or through the exercise of any of the powers conferred by this section.

Place from which materials are taken shall be fenced &c.

LXXIX. If the board or their engineer surveyor or other person as aforesaid shall by reason of the exercise of the powers conferred by the last preceding section make or cause to be made any pit or hole in any land river or creek they shall forthwith cause the same to be sufficiently fenced off and such fence to be supported and repaired during such time as the pit or hole shall continue open and not sloped down or filled up as herein provided and shall within three days after such pit or hole shall be opened or made where no materials suitable for making or repairing the road or bridge shall be found cause the same to be filled up with the clay or soil taken therefrom and levelled and shall where any such material shall be found within fourteen days after having procured sufficient materials in such pit or hole cause the same to be filled up sloped down or fenced off and so continued and if this section be not complied with the surveyor of the board or such other person as the case may be shall for every instance of non-compliance forfeit and pay a penalty not exceeding five pounds.

Drains &c. near road.

LXXX. It shall be lawful for the board to cut make and maintain drains or watercourses upon or through any lands lying contiguous to any road making reasonable compensation to the owners and occupiers of such lands for any damage they may sustain thereby.

Compensation for damage by temporary occupation &c.

LXXXI. In case of any difference between the board and any person who may be entitled to compensation under any of the five preceding sections as to the amount of such compensation the same shall be such amount as two Justices shall order in that behalf.

Power to impound.

LXXXII. It shall be lawful for the board of any district by some person duly authorized by such board in that behalf to distrain and impound any cattle that may be found straying on any road within the boundaries of such district if such road shall have a substantial fence on both sides thereof.

(16.) *Tolls Letting Tolls and Applications.*

Toll-houses &c. See sections 214 to 216.

LXXXIII. The board of every district may from time to time place erect and maintain and may continue and maintain if lawfully existing at the time of the constitution of such district under this Ordinance upon or near the roads within the district and at or near any bridge or ferry within the district or placed under the control of the board all such toll-bars toll-gates toll-houses and ferry-houses chains rails and fences as shall appear to them necessary for the purpose of enforcing the payment of tolls upon or at such roads bridges or ferries and the same may remove or alter.

Letting the toll.

LXXXIV. It shall be lawful for the board of every district with the consent in writing of the Superintendent from time to time to let to farm for any term not exceeding twelve months all or any of the tolls authorized by or in pursuance of this Ordinance or otherwise to be collected by the board and such letting shall be either by sealed tender to be advertised for in two newspapers generally circulating in the district twenty-one days at least before such tenders shall be opened by the board or by public auction to be advertised in the like manner and at the like distance of time before such auction shall be held and such security shall be taken by the board as they may deem necessary for the due payment of the rent or sum stipulated to be paid for such tolls Provided that no tolls which shall have been let hereunder shall be altered or abolished during the continuance of such lease without the consent of such lessee or farmer as aforesaid.

Application of tolls and rents.

LXXXV. All tolls received under or by virtue of this Ordinance by the board of any district and all rents and moneys received under or in respect of any lease of tolls by such board shall save in the case of tolls and rents of tolls levied on main roads be paid to the district fund.

Separate account of tolls and expenditure on each road.

LXXXVI. A separate account shall be kept by the board of every district of the tolls received by them at each toll-bar toll-gate toll-house and ferry within the district or under the control of the board and also of all moneys expended upon the same and on the roads on which the same are placed respectively and all such accounts shall be open for the inspection of any ratepayer at all reasonable times.

Toll road passing through different districts &c. may be proclaimed common toll road.

LXXXVII. If any road whether the same be a main road or not shall pass or extend through or into two or more districts or into one or more districts and boroughs or cities or towns and if tolls shall be payable upon such road or at any bridge or ferry thereon to the board or other governing body of any such district or borough city or town and if such road be commonly used for direct traffic by persons passing with animals or vehicles along such road for a length thereof which shall extend not only through or into the district borough city or town to the board council or other governing body of which such tolls are payable but also through or into another or others of such districts boroughs cities or towns of all which matters the Superintendent alone shall judge and if the board of any one or more of such last-mentioned districts shall in writing under their common seal complain to the

Superintendent that they ought by reason of such traffic being common to their own district with the district borough city or town in which such tolls shall be payable or for other like cause to have a share of such tolls it shall be lawful for the Superintendent to proclaim if it shall seem fit such road for such length thereof as shall be as well within the district from which such complaint shall proceed and within the district borough city or town in which such tolls are payable as also between the boundaries of both to be a "common toll road" as well of such district borough city or town as of all districts boroughs cities and towns lying between the same respectively and along the line of the said road.

And tolls apportioned to different boards &c. See sections 217 to 221.

LXXXVIII. In and by the last-mentioned proclamation or by any other proclamation or order it shall be lawful for the Superintendent from time to time to determine in what proportions the tolls payable at each and every toll-bar toll-gate or toll-house upon such common toll road or at any bridge or ferry thereon shall after the deduction hereinafter mentioned be distributed among the several boards councils or other governing bodies through or into whose districts boroughs cities or towns such common toll road shall extend and every order made under this or the last section shall take effect accordingly upon publication thereof in the *Gazette* and the tolls upon such common toll roads shall be received administered and distributed in the manner provided in the sections of this Ordinance numbered from *two hundred* and *seventeen* to *two hundred* and *twenty-one* inclusive.

(17.) *Co-operation of Boards.*

Co-operation of boards.

LXXXIX. Subject to the approval of the Superintendent it shall be lawful for the board of any district from time to time to contract upon such terms and conditions as they may see fit with the board of any other district or with any other body corporate or public body empowered in that behalf for or with respect to the doing and the control or management by either or both of the contracting parties of any matter or thing which the board of the district and such other board or body is by law empowered to do control and manage.

(18.) *Fines to be paid to District Fund.*

Fines &c. under this Ordinance to be paid to the District Fund.

XC. All fines and penalties paid or recovered under any of the provisions of this Ordinance or any bye-law made hereunder shall be paid over by the clerk or other proper officer of the court in which the same shall have been recovered to the board of the district within which the offence or breach for which such fines or penalties shall be imposed shall have been committed and all fines and penalties paid or recovered under this Ordinance or any of such bye-laws aforesaid for any act matter or thing done within or with respect to any district or for any omission or neglect to do any act matter or thing which ought under the provisions of this Ordinance or any such bye-law as aforesaid to have been done within or with respect to any district shall be paid to the board of such district and all such fines and penalties as aforesaid shall when received form part of the District Fund.

PART II.

(1.) *Voters' List and Roll.*

Voters' List to be made out. [March.] Fifth Schedule.

XCI. The clerk of the board of each district shall during the week ending on the thirty-first day of *March* in each year make out according to the form in the fifth Schedule to this Ordinance from the last rate which shall by the rate book to be kept as herein provided appear to have been made for the district or from the valuation and return to be made as herein provided if no rate shall as yet have been made and also from inspection of

the lists (if any) of defaulters delivered between the twenty-fourth and twenty-seventh days of the said month as hereinafter provided a list to be called the "voters' list" of the names of all such persons as after the omission of those who shall be shown by any list of defaulters to be disentitled as herein provided for non-payment of rates shall appear by the said rate or the said valuation and return to be entitled to be enrolled in the year then current upon the voters' roll for the district and shall arrange such list according to the alphabetical order of surnames contained therein and shall state in such list against the name of each person the several particulars indicated in the several columns of the said schedule as the same shall appear in or from the said rate or valuation and return as the case may be and for the purpose of making the said list every person rated to the said rate or entered in the said valuation and return in respect of any rateable property shall be presumed to be of full age and to have been the occupier or owner as the case may be of such property on the twentieth day of *March* in the said year and to have been on that day liable to be rated as such occupier or owner respectively upon the rateable value of such property appearing in such rate or such valuation and return as the case may be but subject to being objected to as herein provided as to any part of his qualification as a voter.

[March.]

Inspection of lists.

XCII. The clerk of the board shall forthwith after making out the said list notify by public advertisement in some newspaper generally circulating in the district the fact that such list is in his custody and ready to be inspected by any person interested therein and shall keep such list or a copy thereof to be inspected by any such person and permit such inspection without fee at all reasonable hours between the first and the thirtieth days of *April* in such year.

[April.]

Claims and objections.

XCIII. Any person whose name shall have been omitted from any such voters' list who shall claim to have his name inserted therein shall before or on the said thirtieth day of *April* give to the clerk of the board notice thereof in writing according to the form in the sixth Schedule or to the like effect and shall sign the same with his name and every person whose name shall have been inserted in any such voters' list may object to any other person as not being entitled to have his name retained in such list or as not entitled to have the number of votes set against his name therein and every person so objecting shall on or before the said thirtieth day of *April* give to the clerk of the board and also give to the person objected to or leave at the premises in respect of which his name shall appear to be entered in the voters' list notice in writing of such objection according to the form in the seventh Schedule stating the ground of such objection and shall sign the same with his name and the said clerk shall include the names of all persons so claiming as aforesaid in a list according to the form in the eighth Schedule and shall include the names of all persons so objected to in a list according to the form in the ninth Schedule to this Ordinance and shall sign and keep the said lists or copies thereof respectively to be perused by any person without fee at all reasonable hours during the six days (Sundays excepted) next preceding the fourteenth day of *May* in such year.

[April.]
Sixth Schedule.
[April.]
Seventh Schedule.
List of claims.
Eighth Schedule.
List of objections.
Ninth Schedule.
[May.]

Revision Court.

XCIV. The resident magistrate's court holden within the district or if there be more than one so holden such one of them as shall be holden nearest to the office of the board shall be a revision court for revising the said lists and if there be no resident magistrate's court held within the district then if a court of petty sessions be held within the district such court of petty sessions or if there be more than one court of petty sessions so holden within the district then such court of petty sessions held within the district as shall be holden nearest to the office of the board shall be such revision court and if no resident magistrate's court or court of petty

sessions be holden within the district then the resident magistrate's court holden nearest to the office of the board shall be such revision court and every such court shall be an open court and shall be holden at ten o'clock in the morning of the fourteenth day of *May* in every year and may be adjourned and if for the space of half an hour after the time appointed for the holding of such court or any adjourned court there shall not be two justices or a resident magistrate present then one such justice or if none be present then the clerk of the court of petty sessions or of the resident magistrate's court as the case may be shall and may adjourn the said court Provided that no such court shall be adjourned beyond the twenty-fourth day of *May* in any year. [May.] [May.]

Officers to attend revision Court.

XCV. The clerk of the board shall himself or by some person on his behalf if he be unavoidably prevented from so doing attend the revision court and produce to the said court the voters' list and also copies of the lists (if any) of the persons who shall have sent in claims and of the persons who shall have been objected to as aforesaid and the lists (if any) of defaulters as aforesaid and the valuers hereinafter mentioned and all collectors of rates under this ordinance shall also attend the said court and shall produce to the said court all books papers and documents in their possession connected with such their respective offices and the officers aforesaid shall answer all such questions as the court may put to them touching the matters necessary to be ascertained for revising the voters' list.

Power to summon witnesses &c.

XCVI. The revision court shall have authority to hear receive and examine evidence and by summons under the hand of the chairman of the court who shall be the resident magistrate if he be present if not such chairman as may be elected from among the justices present by a majority of their voices and if they be equally divided then by lot to require all such persons as the court may think fit to appear personally before such court at a time and place to be named in such summons and to produce to such court all such books and papers in their possession or under their control as may appear necessary for the purpose of their examination and the said court shall have like powers for compelling the attendance of witnesses summoned and their examination upon and taking of oaths and affirmations and their answering to questions touching the premises as by any law in force for the time being may be vested in justices exercising summary jurisdiction and the said court shall upon hearing in open court determine as hereinafter mentioned upon the validity of all claims and objections.

Hearing of claims and objections and correction of lists.

XCVII. The revision courts shall enter in the lists under revision the name of every person who shall have claimed as aforesaid and be proved to the satisfaction of the court to be entitled to be inserted in the voters' roll for one or more votes according to the provisions of this Ordinance and shall retain on the said lists the names of all persons to whom no objection shall have been duly made and the number of votes set against the same unaltered and shall also retain on the said lists the name of every person who shall have been objected to by any person and the number of votes set against the same unaltered unless the party so objecting shall appear by himself or by some one on his behalf in support of such objection and prove the service of the requisite notices and when the name of any person inserted in any list or the number of votes set against the same shall have been duly objected to and the person objecting shall appear by himself or by some one on his behalf in support of such objection the court shall require proof of so much of the title to vote of the person so objected to as shall be embraced in the grounds of objection so to be stated as aforesaid and no more and in case such title of such person shall not be proved to the satisfaction of the court the said court shall expunge the name of every such person from the said voters' list or shall alter and correct the number of votes set against the same as the case may require and shall also expunge therefrom the name of every person who shall be proved to the court to be dead and shall correct

any mistake or supply any omission which shall be proved to have been made in any of the said lists in respect of the name place of abode trade or occupation of any person who shall be included therein or in respect of the local description of the rateable property or the situation thereof as regards the division of any electoral district Provided always that no person's name shall be inserted by the said court in any such lists or shall except in the case of death be expunged therefrom unless notice shall have been given as is hereinbefore required in each of the said cases.

Costs in case of frivolous &c. claims or objections.

XCVIII. In case it shall appear to the court that any person has made or attempted to sustain any frivolous or vexatious claim or objection it shall be lawful for them to award such costs not exceeding five pounds as to them shall seem meet to be paid by such person to the person resisting such claim or objection and the same may in default of payment be recovered before any justice.

Signature and certificate upon list.

XCIX. The chairman of the revision court shall in open court write his initials against the names struck out or inserted as aforesaid and against any part of the list in which any mistake shall have been corrected or omission supplied and shall sign his name to every page of the list so settled and shall then cause to be written at the foot or end of the list a certificate that the same has been revised and is correct and the justices shall date and severally sign such certificate.

List revised to be made roll.

Tenth Schedule.

C. The list so signed and certified shall be forthwith delivered to the clerk of the board and the said clerk shall forthwith cause the names thereon to be copied in a roll or book hereinafter called a roll arranged in alphabetical order of the surnames in the form contained in and with the several particulars required by the tenth Schedule hereto and shall prefix to every name in such roll a number beginning such numbers at the first name on the said roll with the number one and continuing them on in regular arithmetical series to the last name thereon and shall if the board shall order him so to do cause a sufficient number of copies of such roll to be printed and shall before or on the first day of *June* sign and deliver the said roll to the chairman of the board and shall also from time to time furnish to him so many copies thereof as shall be required and shall furnish copies to any person requiring them on the payment of a reasonable price for the same to be fixed by the board.

Copies of which to be furnished on payment.

Roll signed and delivered to be voters' roll for district.

CI. The roll so signed as aforesaid by the clerk of the board and delivered to the chairman shall be the voter's roll for the district and shall continue in force until a new roll shall have been made for the district under the provisions of this Ordinance whether the same shall have been duly made at the time hereby appointed or afterwards and the fact that the name of any person appears upon the said roll shall be conclusive as his right to vote and to give the number of votes therein mentioned in that behalf.

Copy of roll to be evidence.

CII. Any copy purporting to be a copy of the voters' roll of any district and signed by the chairman of the board shall be evidence of such roll and of the contents thereof.

Certain omissions to publish &c. not to vitiate proceedings.

CIII. No omission to notify by public advertisement with regard to any list or to keep any list for perusal or inspection shall be deemed to prevent invalidate or render imperfect any of the proceedings hereinbefore provided for with regard to the compilation or completion of any voters' list or roll or any such list or roll.

If no materials for first voters' list yet provided or in case of failure to make

CIV. If at the time at which the clerk of the board is hereby required first to make out a voters' list for any district no rate and no valuation and return shall have been made hereunder for the district or if from any cause

no voters' list shall have been made out at such time or if made shall not have been revised and completed within the period herein provided it shall be lawful for the Superintendent to appoint for that occasion the several times and intervals of time or as the case may require the several remaining times and intervals of time at or within the several acts hereinbefore required or permitted to be done with regard to the making and revision of the list and completion of the roll shall or may be had or done Provided that in the case where no such rate and no such valuation and return has been made the first in order of such times shall be not less than three or more than six months after the time when members of the district board shall first be in office in such district under this Ordinance and that in all cases such times shall be of the same distance from each other and such intervals shall be of the same length as hereinbefore prescribed or provided in that behalf respectively.

first list Superintendent may extend time &c.

CV. Where any district shall be divided into subdivisions the preceding sections hereof relating to the voters' list and voters' roll shall be read with reference to such district and where such sub-divisions or either of them shall be divided into wards then the preceding sections hereof relating to the voters' list and voters' roll shall be read with reference to each such ward in manner following that is to say—

Application of preceding provisions to district divided into sub-divisions &c.

(1.) Instead of the voters' list and voters' roll for the district at large there shall be a separate voters' list and voters' roll respectively for each sub-division of the district and where any sub-division shall be divided into wards there shall be a separate voters' list and voters' roll for each such ward.

(2.) The clerk of the board shall insert in the voters' list for each sub-division and in case such sub-division shall be divided into wards then in the voters' list for each ward the names of those persons who shall under the provisions hereinbefore contained appear to be entitled for the time being to be enrolled on the voters' roll for such sub-division or ward respectively.

(3.) The voters' list for each sub-division or ward when signed by the clerk after revision and delivered to the chairman of the board shall be the voters' roll for the sub-division or ward and shall continue in force for the said sub-division or ward until another voters' roll shall have duly come into force for the same.

And subject to the provisions of this section the said sections and every provision thereof shall take effect according to their tenor respectively for each separate sub-division of such district or if such sub-division shall have been divided into wards then for the separate wards thereof instead of the district at large.

CVI. When a district shall have been by the Superintendent divided into sub-divisions and when any such sub-divisions shall have been divided into wards the clerk of the board thereof shall forthwith make out in the form in the Tenth Schedule hereto from the voters' roll or rolls (if any) in force for the district a roll for each such sub-division and ward of a sub-division if such sub-division shall have been divided into wards of all persons named in any one or more of such first-mentioned rolls in respect of rateable property which shall to the best of his knowledge and information appear to such clerk to be situated in such sub-division or ward and shall arrange the same in alphabetical order of the surnames and shall prefix to every name in such roll a number beginning such numbers at the first name thereon with the number one and continuing them on in regular arithmetical series to the last name thereon and shall forthwith sign and deliver each such roll to the chairman

Roll of district when divided to be distributed to each sub-division &c. Tenth Schedule.

of the board and shall also from time to time furnish to him so many copies of each such roll as he shall require and shall furnish copies to any person requiring them on payment of a reasonable price for the same to be fixed by the board and every such roll shall be deemed to have been made and alone be the voters' roll for the sub-division or ward to which the same shall refer in like manner to all intents and purposes as if made as hereinbefore provided.

Provisions in case of division of district while process of making voters' roll is pending.

CVII. If any district shall by the Superintendent be divided into sub-divisions or if any sub-division shall be divided into wards in any year between the time of making out voters' lists and the completion of voters' rolls for the same or the sub-divisions or wards (if any) thereof the clerk of the board shall append to every such list and also severally to any list of claims and objections relating to such district a column showing in which of the first-named sub-divisions of such district or the respective wards of each such sub-division each rateable property in respect of which any person entered or claiming or objected to is so entered or claims or is described in such list of objections as the case may require and shall state such particulars to the best of his knowledge and information in such column against each name on the said lists and every such list shall as to each set of names appearing thereon in respect of each sub-division or ward respectively be deemed to all intents and purposes to be and be dealt with as a separate list for such sub-division or ward respectively as if made in manner hereinbefore provided.

Substitute for clerk of board if none or for the time incapable &c.

CVIII. If at any time there shall be no clerk of the board of any district or the clerk of the board shall be incapable of acting or refuse to act as herein provided all acts and things which under this Ordinance may or are required to be had or done by or with regard to the clerk of the board may and shall be had or done by or with regard to such fit person as the board shall appoint or in default of such appointment within one week after notice from the Superintendent to make the same such fit person as the Superintendent shall appoint in that behalf.

Wilful offence of commission or omission by clerk.

CIX. If any clerk or other person shall be guilty of any wilful misfeasance or wilful or negligent act of commission or omission contrary to any of the provisions of this Ordinance he shall upon conviction forfeit and pay for every such offence a penalty not exceeding fifty pounds to be recovered in a summary way before any two or more justices.

Expenses of officers how paid.

CX. The board of every district shall take an account of the reasonable expenses incurred by the clerk of the board or by the person appointed by or under this Ordinance to discharge the like functions in carrying into effect within or for such district the provisions of this Ordinance and shall order the same to be paid out of the district fund and the amount received by such clerk or person for copies of any rolls hereinbefore mentioned shall be paid to the district fund.

Receipts of officers how disposed of.

(2.) *Election of Members.*

Notice of election.

CXI. Fourteen clear days before any election the chairman of the board or other person duly appointed to hold the election hereinafter styled the returning officer shall give public notice of such election by advertisement inserted in some newspaper generally circulating in the district or in some other manner in the district calculated to give in the opinion of the returning officer full publicity to the same and by such notice shall require all candidates at such election to be nominated in manner hereinafter mentioned on such day hereinafter called the day of nomination being not less than four nor more than seven clear days from the time of giving such notice and at such place being within the district as shall be named therein respectively and on the day of nomination so fixed as aforesaid the returning officer shall preside at a meeting to be held at noon at the place named in such notice

and shall declare the purpose for which the meeting is held and every candidate shall be proposed by an elector duly qualified to vote at the election and seconded by another elector so qualified and if there be no more candidates proposed and seconded than the number of members then to be elected the returning officer shall declare such candidates to be duly elected and they shall be deemed to be then duly elected accordingly from the day appointed hereunder for the election.

Declaration of election when uncontested.

CXII. In the event of there being more candidates proposed and seconded than the number to be elected the returning officer shall call for a show of hands separately in favor of each candidate and after such show shall declare the persons in whose favor the show of hands shall appear to have been and if thereupon a poll be not demanded by one of the candidates or by not less than two electors the returning officer shall declare such persons to be duly elected.

Show of hands to be taken.

CXIII. In and for each district within fifteen days after the constitution thereof under this Ordinance the Superintendent shall in and for every district and at any time afterwards when occasion shall require the Superintendent from time to time if it shall seem fit on the application of the board thereof may appoint a sufficient number of polling places for such district at which the poll shall be taken at all elections held for the same and may from time to time on the like application alter and vary the same.

Polling places in districts.

CXIV. In every district divided into sub-divisions the Superintendent shall within fifteen days after any sub-division of such district shall become such sub-division appoint in and for such sub-division one place to be the place of polling at all elections held in and for such sub-division and may from time to time afterwards appoint in lieu thereof another such place within such sub-division.

Polling places in sub-divisions.

CXV. If a poll be demanded as aforesaid the returning officer shall forthwith give public notice in such manner as he shall deem best calculated for giving full publicity to the same stating the names of the persons so nominated and that a poll will be taken for the election of such members on the day appointed for holding the election under the provisions hereof and named in such notice at the polling places within the district and shall also therein give notice of the situation of the different polling places and such poll shall take place accordingly and shall commence at ten o'clock in the forenoon and close at four o'clock in the afternoon.

Contested election.

Notice and time and place of poll.

CXVI. If after a poll shall stand appointed as aforesaid at any election any person who shall duly have become a candidate for such election shall be desirous that he retire from such candidature such candidate not later than two clear days before the day of polling may sign and deliver to the returning officer a notice in the form in the eleventh Schedule hereto stating that such candidate so retires and may publish in some newspaper generally circulating in the district a copy of such notice and the returning officer on such receipt of such notice and on sufficient proof of such publication as aforesaid if the number of candidates shall by such retirement be reduced to the number of members to be elected at such election shall on the day appointed for the election at twelve o'clock at noon at the principal polling place declare the remaining candidates to be duly elected.

Candidate may retire within certain time.

Eleventh Schedule.

CXVII. At every such election the returning officer if it shall appear to him expedient for taking the poll may cause booths to be erected or rooms to be hired and used as such booths in the places appointed as aforesaid for taking the poll as occasion may require and the same shall be so divided and allotted into compartments as to the returning officer shall seem most convenient.

Polling booths &c.

Deputies of returning officer.

CXVIII. The returning officer or a deputy returning officer to be appointed by writing under his hand shall preside at each polling booth for taking the poll within the district.

Power of returning officer and deputies.

CXIX. Every returning officer and deputy returning officer shall have power and authority to maintain and enforce order and keep the peace at any election or polling held by him and without any other warrant than this Ordinance to cause to be arrested and taken before a justice any person reasonably suspected of knowingly and wilfully making a false answer to any of the questions hereinafter mentioned or of personating or attempting to personate any voter or of attempting unlawfully to vote more than once at the same election or who shall cause a disturbance at any election and to cause any person to be removed who shall obstruct the approaches to any polling booth or shall conduct himself in a disorderly manner and all constables and peace officers shall aid and assist such returning officer and deputy in the performance of his duty.

Copy of voters' roll to be given to each deputy returning officer and poll clerk.

CXX. At all elections of members of the district board of any district in which a voters' roll shall be in force the chairman shall supply every deputy returning officer and every poll clerk with a written or printed copy of the voters' roll of the district authenticated by the signature of the chairman and every such copy shall be deemed sufficient to determine all questions and disputes which may arise before such deputy returning officer or poll clerk in reference to anything contained in the voters' roll.

Persons who may be present in polling booths.

CXXI. No other person except the returning officer or his deputy the necessary poll clerks and not exceeding two agents at each polling booth for each candidate to be appointed in writing by the candidate together with a sufficient number of constables to keep order shall remain in any polling booth during the polling and no person whatever except the returning officer or deputy returning officer shall speak to any elector after he shall have entered the polling booth and before he shall have delivered his voting paper as hereinafter provided and any person offending against any of the provisions of this section shall forfeit a sum not exceeding twenty pounds to be recovered before any two justices of the peace in a summary way Provided always that no such poll clerk or agent shall be employed or be permitted to be present and remain in any polling booth during the polling unless he shall have made and subscribed in the presence of the returning officer or his deputy a declaration in the form in the twelfth Schedule.

Twelfth Schedule.

State of the poll not to be declared until close.

CXXII. The number of votes which may be given for any candidate at any such polling booth shall not be published or made known until after the close of the poll and every returning officer deputy returning officer poll clerk agent or constable who shall directly or indirectly by any means whatsoever publish or make known before the close of the poll the number of votes which may have been given for any candidate shall forfeit and pay for every such offence any sum not exceeding fifty pounds to be recovered in a summary way before any two justices of the peace.

Voting papers &c. to be provided in each booth.

CXXIII. The returning officer or his deputy shall provide pencils or pens and ink and blotting paper and voting papers in every polling booth for the use of the voters.

Mode of conducting elections.

CXXIV. On the day of election the voting at each polling place shall be conducted in manner following—

(1.) Every person entitled to vote at the election may vote for any number of candidates not exceeding the number of the members of the board then to be chosen.

(2.) When any elector tenders his vote the returning officer or deputy returning officer to whom the same is tendered shall furnish to the said voter so many voting papers as the said voter shall be entitled to votes under the provisions of this Ordinance and every such voting paper shall be marked with the initials of the returning officer or deputy returning officer presiding at such election at such polling booth and shall have the christian and surname of each candidate written or printed thereon and no other matter or thing and there shall be provided separate apartments or places forming part of the polling booth into which the voter shall immediately retire and there alone and in private without interruption make a cross or crosses within the square opposite the name of the candidate he wishes to be elected and shall then fold the voting paper or papers and immediately deliver it or them so folded to the returning officer or deputy returning officer presiding at such polling booth.

(3.) The returning officer or deputy returning officer presiding shall forthwith publicly and without opening the same deposit such voting paper or papers in a box provided for that purpose and no voting paper so deposited in any box shall on any account be taken therefrom until after the close of the election.

(4.) As soon as the elector has delivered his voting paper or papers as aforesaid he shall immediately leave the polling booth and on his refusal to do so shall be forthwith removed by order of the returning officer or deputy returning officer presiding at such polling booth.

Questions to be put to voters at elections previous to making voters' roll.

CXXV. At every election of members of the district board of any district in which a voters' roll shall not be in force the returning officer or his deputy as the case may be shall put to every person tendering his vote the questions following:

(1.) What are your christian and surname?

(2.) Are you an elector enrolled on any electoral roll now in force under the provisions of "The Registration of Electors Act 1866" and is your qualification as such elector in respect of lands or tenements within this district?

(3.) On the roll of what electoral district are you so enrolled as an elector?

(4.) What is the property in respect of which you are so enrolled and the name and situation thereof?

(5.) Have you already voted at the present election?

And no other question shall be put to any person tendering his vote and no person who shall refuse to answer any of such questions or whose answers to the same shall not show his right to give such vote shall be permitted to vote.

Questions to be put to voter at all other elections.

CXXVI. At all elections of members of the district board of any district in which a voters' roll shall be in force the returning officer or his deputy may if he see fit or if required so to do by any candidate or his agent authorised in writing shall put to any person tendering his vote the questions following;—

(1.) Are you the person whose name appears as (A.B.) in the voters' roll now in force for this district being enrolled therein in respect of property described to be situated [*here specify the place described in the voters' roll*]?

(2.) Have you already voted at the present election ?

And no other question shall be put to any person tendering his vote and no person who shall refuse to answer any of such questions or who shall not answer the first of such questions absolutely in the affirmative and the second of such questions absolutely in the negative shall be permitted to vote.

False answer polling twice and personation.

CXXVII. Every person who shall wilfully make a false answer to any of the questions aforesaid or who shall poll more than once or offer to poll more than once at the same election or who shall personate any other person for the purpose of polling at any election shall upon conviction before two or more justices for every such offence be imprisoned for any period not exceeding one calendar month but nothing contained in this section shall apply to any person only by reason of his exercising his right of voting as often as he appears by the roll to be and is entitled so to do.

Declaration of poll and casting vote.

CXXVIII. Every deputy returning officer shall immediately upon the close of the poll forward the poll books and the voting papers to the returning officer and the returning officer shall after the close of the poll and the receipt of the poll books and voting papers examine the poll books and if necessary compare the entries therein with the voting papers for the purpose of ascertaining the number of votes for each candidate and the returning officer shall as soon as conveniently may be on or after the day of the poll at some polling place of the district and at a time to be fixed by him of which at least twenty-four hours' notice shall have been given in such manner as he may deem best calculated to give publicity to the same publicly declare the number of votes given to each candidate and shall declare the candidates not exceeding in number the number of vacancies to be filled up who have received at all the polling booths taken together the greatest number of votes to be duly elected as members of the district board of the district and if two or more candidates shall have received an equal number of votes the returning officer shall in each case have the casting vote.

Manner of proceeding if a person elected for more than one sub-division.

CXXIX. If any person be elected a member in more than one sub-division he shall within seven days after notice thereof choose or in default thereof the board at its next meeting shall declare for which one of the sub-divisions such member shall serve and he shall thereupon be held to be elected in that sub-division only which he shall so choose or which the board shall so declare and shall cease to be a member for any other sub-division.

Adjournment of election by reason of riot &c.

CXXX. When the proceedings at any election under this Ordinance shall be interrupted or obstructed at any polling place by any riot or open violence the returning officer or deputy as the case may be shall not finally close the poll but shall adjourn the taking of the poll at the polling place at which such interruption or obstruction shall have happened to the day following and if necessary such returning officer or deputy shall further adjourn such poll until such interruption or obstruction shall have ceased when such returning officer or deputy shall again proceed with the taking of the poll at the place at which the same may have been so interrupted or obstructed.

Adjournment where from some other cause no election on day appointed.

CXXXI. If from any cause not being such as in the last preceding section mentioned after a poll shall stand appointed for any election no such election shall take place on the day appointed for the same the election shall stand adjourned until the same day of the following week and the returning officer shall give not less than three days' previous notice thereof by advertisement or by placards affixed in public places in the district and in all such cases as in this and the said section mentioned the members of the board for the district or sub-division as the case may be (if any) who would on the day appointed for the election have retired from office by rotation shall continue in office until the day to which such election or the polling at any booth for the same has been or stands adjourned.

CXXXII. If at the first general election of the whole district board to be held as herein provided for any district after the first constitution thereof under this Ordinance no member or less number of members of the board than hereby required shall have been elected it shall be lawful for the Superintendent to appoint a number of persons capable of being such members equal to the number so deficient to be members of such district board and such persons shall be members thereof accordingly to all intents and purposes as if elected as herein provided and if at any other election of members of the district board of any district whether the same be an annual ordinary election or be for supplying extraordinary vacancies in the board no seats or vacancies or a number of seats or vacancies less than the whole number which should have been filled up at such election shall be filled up then the seats and vacancies which shall not be so filled up shall severally be deemed extraordinary vacancies and to have occurred on the day appointed for such election or to which the same may have been or may stand adjourned as before provided. Provision for total failure in filling up one or more vacancies.

CXXXIII. Where any district shall be divided into sub-divisions the preceding sections hereof relating to the election of members of the district board in districts shall be read as applying to elections of such members to be held in and for each sub-division instead of for the district at large and the polling for every such election shall be held at a polling place within each sub-division appointed as herein provided and in the questions hereinbefore prescribed to be put to any person tendering his vote the word "sub-division" shall be substituted for "district" and to the last in each series of the said questions the following words shall be added that is to say "in this sub-division" and all the provisions of this part shall take effect in the cases of elections of members of district boards for sub-divisions accordingly. Mode of holding elections in sub-divisions.

CXXXIV. Where any district shall be divided into sub-divisions the last section subject to the provisions hereinbefore made with regard to annual ordinary elections in and for sub-divisions shall be read as applying to each sub-division of the district instead of to the district at large and shall take effect accordingly. The like where district divided into sub-divisions.

CXXXV. No election of members of a district board shall be liable to be questioned by reason only of any defect in the title or any want of title of the person by or before whom such election or any polling for the same shall have been held or of any want of qualification in any person having signed any nomination paper Provided that such first-mentioned person have been actually appointed to preside or take the poll or have been acting in the office giving the right to preside or take the poll at such election. Election not to be questioned for want of title in person presiding *de facto*.

CXXXVI. If the chairman of the board of any district or if any person having been duly appointed hereunder to act as returning officer or deputy returning officer at any election and undertaken so to act shall be guilty of any wilful misfeasance or wilful or negligent act of commission or omission contrary to any of the provisions of this Ordinance relating to elections he shall upon conviction forfeit and pay for every such offence a penalty not exceeding fifty pounds to be recovered in a summary way. Misfeasance of officers &c.

(3.) *Auditors.*

CXXXVII. It shall be lawful for the Superintendent from time to time to nominate and appoint any one or more person or persons as he shall think fit to be an auditor or auditors for any district and such person or persons from time to time as he shall think fit to remove and on the death resignation or removal of any such auditor or auditors to appoint any other person or persons in place of any person or persons so dying resigning or removed. Superintendent to nominate an auditor or auditors.

(4.) *Proceedings of the Board.*

Annual and ordinary meetings of board. [August.]

CXXXVIII. The board of every district shall hold an annual meeting at noon on the third Wednesday in the month of *August* in each year and they shall also hold ordinary meetings for the transaction of general business and the ordinary meetings shall be held on such day and hour in each week month or stated space of time as the board shall from time to time appoint and when any such appointment is made the clerk shall give notice thereof to each of the members and they shall afterwards until the time of such ordinary meeting is changed and notice of such change given to the members attend such ordinary meetings without notice.

Where meetings shall be held.

CXXXIX. All meetings of the board of any district in or for which there shall at the time be no office appointed as hereinafter provided shall be held at some convenient place within the district or within an area wholly surrounded thereby and all meetings of the board of any district for which there shall at the time be an office appointed as hereinafter provided shall be held at such office.

Office how appointed.

CXL. The board of every district may from time to time either by order appoint an office of the board at any place within the district or within an area wholly surrounded thereby or by bye-law appoint such office at any place within *five* miles outside the boundary of the district Provided that the Superintendent at any time if he shall have received a petition under the hands of not less than forty persons rated upon the rate last made for such district praying him and if he shall see fit so to do may after thirty days' notice thereof to the board of the district annul such bye-law and the same shall thereupon be wholly void.

Casting vote.

CXLI. At all meetings of the board all the members present shall vote save where it is herein otherwise provided and the questions there considered shall be decided by open voting and by the majority present and if there be an equal division of votes upon any question the chairman at such meeting shall in addition to his own vote as member have a second or casting vote Provided always that if at any such meeting there be an equality of votes in the election of the chairman it shall be decided by lot which of the members having an equal number of votes shall be the chairman Provided also that at every annual meeting the chairman (if any) going out of office at that meeting shall if present and willing to act be the chairman of such meeting.

Quorum of board.

CXLII. All powers vested in the board under this Ordinance may be exercised by any three or more of the members present at any meeting holden in pursuance of this Ordinance and no business shall be transacted at any meeting of the board unless the said number of members be present.

Adjournment of meetings.

CXLIII. The members present at the first meeting or at any annual or ordinary meeting or at any adjourned meeting may from time to time adjourn such meeting and if at any meeting of the board there be not present within half-an-hour after the time appointed for such meeting the number of members hereby authorised to exercise the powers vested in the board the members present or the major part of them or any one member if only one be present or the clerk of the board if no member be present may adjourn such meeting to another day not further distant than three days from the day of such adjournment.

Business at ordinary meetings.

CXLIV. The ordinary meetings of the board shall be held for transacting the ordinary business of the board under this Ordinance and amongst the rest for appointing and removing the inferior officers of the board and superintending their conduct and for inquiring into the conduct of the contractors or other persons employed by them to execute any works and into the state and progress of such works and generally for giving such directions

as from time to time may be necessary for carrying into effect the purposes of this Ordinance and all ordinary meetings shall be held with open doors unless it shall become necessary to exclude strangers on account of their disorderly conduct.

Notice of extraordinary business.

CXLV. Where any business other than ordinary business is required or intended to be transacted at any ordinary meeting the clerk shall give notice thereof to each of the members of the board and no such extraordinary business nor any new rules or regulations shall be transacted or adopted at the ordinary meetings unless due notice thereof have been given at a prior meeting and sent to each member in the manner required for special meetings.

Resolutions of board how revoked or altered.

CXLVI. No resolution at any meeting of the board shall be revoked or altered at any subsequent meeting unless notice of the intention to propose such revocation or alteration be given by the clerk to each of the members seven days at least before holding the meeting nor unless such revocation or alteration be determined upon by a majority consisting of two-thirds of the members present at such subsequent meeting if the number of members present at such subsequent meeting be not greater than the number present when such resolution was come to or by a majority if the number of members present at such subsequent meeting be greater than the number present at such former meeting.

Special meetings.

CXLVII. The board may hold special meetings and any three or more of the members may require a special meeting to be held but no such meeting shall be held unless four clear days' notice thereof at least be given.

Special orders.

CXLVIII. Where by this Ordinance the board are empowered to do anything by special order only they shall not do such thing unless the resolution to do the same have been agreed to by the board in some meeting whereof special notice has been given and have been confirmed in a subsequent meeting held not sooner than four weeks after the preceding meeting and which subsequent meeting has been advertised once at least in each of the weeks intervening between the two meetings in some newspaper generally circulating in the district and special notice of such meeting given to each of the members of the board.

Notices of meeting.

CXLIX. All notices of any meeting of the board shall be in writing or in print or partly in writing and partly in print and shall be by the clerk delivered or sent by the post or otherwise to the usual place of abode or place of business (if any) within the district of each of the members four clear days at least previous to such meeting and every such notice shall specify the time and place of meeting and in case of a special meeting shall specify the object thereof and no business shall be transacted at any special meeting except such as is stated in the notice thereof.

Committees of board and quorum.

CL. The board may at any meeting from time to time appoint committees for any purposes which in the opinion of the board would be better regulated and managed by means of such committee and they may fix the quorum of such committee and shall from time to time appoint one of the members thereof to be chairman of such committee and may continue alter or discontinue such committee and from time to time remove such chairman.

Meetings of committees and chairman.

CLI. Every committee so appointed may meet from time to time and may adjourn from place to place as they may think proper for carrying into effect the purposes of their appointment but no business shall be transacted at any meeting of the committee unless the quorum of members (if any) fixed by the board and if no quorum be fixed three members be present and

at all meetings of the committee if the chairman be not present one of the members present shall by the majority of voices and if they be equally divided by lot be appointed chairman and all questions shall be determined by a majority of the votes of the members present and in case of an equal division of votes the chairman shall have a casting vote in addition to his vote as a member of the committee.

Vacancy in number of members not to invalidate proceedings.

CLII. No proceedings of the board or of any committee shall be invalidated or be illegal in consequence only of there being any vacancy in the number of members at the time of such proceeding.

Nor want of capacity &c. of any person to be member.

CLIII. All proceedings of the board or of a committee thereof or of any person acting as a member thereof shall notwithstanding it be afterwards discovered that there was some defect in the election or appointment of the members of the board or persons acting as aforesaid or that they or any of them were incapable of being such members be as valid as if every such person had been duly elected or appointed and was capable of being a member of the board.

Offices &c. of board.

CLIV. The board may from time to time provide and maintain fit and convenient public offices at the place for the time being appointed as hereinbefore provided in that behalf together with all necessary and proper furniture for such offices for holding the meetings and transacting the business of the board and for the use of their officers and for the holding of such public meetings and transacting such public business relating to the district as the board shall from time to time under the powers of this Ordinance direct or allow to be held or transacted therein.

Attendance of clerk at office and notice of situation thereof.

CLV. The board shall require the clerk or some other person duly authorized by them in that behalf to attend at their office at such stated times as may be appointed by the board Sundays Christmas Days and Good Fridays and days appointed for general holidays or public fasts and thanksgivings only excepted for the purpose of receiving notices and transacting the ordinary business of the board and due notice of the situation of the office of the board and of the days and hours on and during which attendance is given there shall be published by the board within the limits of the district in such manner that the same may be fully and generally known.

Minutes of proceedings.

CLVI. The board shall cause entries of all the proceedings of the board and of every committee appointed by them with the names of the members who shall attend each meeting to be duly made from time to time in books to be provided for the purpose which shall be kept by the clerk under the superintendence of the board and every such entry shall be signed at the meeting next succeeding the meeting at which such proceeding or attendance shall have taken place or such proceeding of a committee been reported by the chairman of such succeeding meeting and every entry purporting to be such entry as aforesaid and to be so signed shall be received as evidence in all courts and before all judges justices and others without proof of the meeting to which the same shall refer having been duly convened or held or of the persons attending such meeting having been or being members of the board or members of committee respectively or of the signature of the chairman or of the fact of his having been chairman all which last-mentioned matters shall be presumed until the contrary is proved and such books shall at all reasonable times be open to the inspection of any of the members of the district board and of any mortgagee of rates or other creditor of the body corporate.

(5.) *Ouster of Office.*

Disputed elections or exercise of office.

CLVII. Upon affidavit that any person declared elected to be chairman or member of the board of any district has been elected unduly or contrary

to this Ordinance or that any person has been elected to or holds or exercises such office of chairman or member being incapable under the provisions hereof of being or continuing such chairman or member as the case may be it shall be lawful for the Supreme Court or any judge thereof to grant a rule or order calling upon such person to show cause to the court why he should not be adjudged by the said court to be ousted of the said office and where upon the return of such rule or order it shall appear to the court that such person so elected or holding or exercising such office respectively was elected unduly or contrary to this Ordinance or was at the time of his election or while holding or exercising such office respectively incapable under the provisions hereof of being or continuing such chairman or member as the case may be the court may make such rule or order absolute or if the matter shall not so appear may discharge such rule or order and in either and every such case with or without the payment of costs to or by either party as to the court shall seem meet and the person against whom any rule shall be made absolute as aforesaid shall be deemed thereby to be ousted of such office accordingly Provided that no such rule for ousting any person as having been elected unduly or contrary to this Ordinance shall be granted after the expiration of three months from the declaration of such election.

Inquiry into matters of fact.

CLVIII It shall be lawful for the Supreme Court or any judge thereof where any proceeding whether under this Ordinance or not with respect to any election as having been made unduly or contrary to this Ordinance or with respect to the unlawful holding or exercise by any person of the office of chairman or member of a district board hereunder shall be depending in such court to order from time to time that an inquiry be had by such fit person as shall be named by the said court or judge in the order touching any matters of fact which it shall seem to said court or judge necessary or expedient to ascertain for dealing with the proceedings so depending and that such person do report to the said court touching the said matters and the rules of court of the Supreme Court and the section of the Act of the Imperial Parliament First of William the Fourth chapter twenty-two numbered respectively four and five so far as the same respectively apply to powers rights and liabilities conferred or imposed in the case of an order for the issue of a commission for the examination of witnesses shall be deemed to apply in the case of any order under this section in like manner as if the person ordered to report hereunder had been authorised and required to take examinations under the said rules of court or Act.

(6.) *Officers.*

Officers exacting or accepting fees.

CLIX. Every officer employed by the board who shall exact or accept on account of anything done by virtue of his office or in relation to the matters to be done under this Ordinance any fee or reward whatsoever other than the salary or allowance allowed by the board or who shall be in anywise concerned or interested in any bargain or contract made by the board shall be incapable of being afterwards employed by the board and shall forfeit the sum of fifty pounds and any person may sue for such penalty by action of debt in any court of competent jurisdiction and shall on recovery thereof be entitled to full costs of suit.

Security by officers entrusted with moneys.

CLX. Before any officer entrusted by the board with the custody or control of moneys by virtue of his office shall enter upon such office the board shall take sufficient security from him for the faithful execution thereof.

Collectors of rates to pay over moneys and make returns.

CLXI. Every collector appointed or employed by the board by virtue of this Ordinance to collect any rates shall within seven days after he shall have received any moneys on account of any such rates pay over the same to the treasurer to the account of the board and the receipt of such treasurer

for the moneys so paid shall be a sufficient discharge to the collector and every such collector shall in such time and in such manner as the board shall direct deliver to them true and perfect accounts in writing under his hand of all moneys received by him and of all moneys paid by him to the said treasurer by virtue of this Ordinance and also a list of the names of all persons who have neglected or refused to pay any rate or money owing to them with a statement of the moneys due from them respectively and in respect of what several periods and rates the same are due respectively and every such collector shall so deliver on or before the twenty-seventh day of March in each year such a list embracing the said particulars brought down to the twentieth day of the said month of March inclusive.

[March.]

[March.]

Officers to deliver accounts and vouchers and make payments.

CLXII. Every officer appointed or employed by the board by virtue of this Ordinance shall from time to time when required by the board make out and deliver to them or to any person appointed by them for that purpose a true and perfect account in writing under his hand of all moneys received by him on behalf of the board and such accounts shall state how and to whom and for what purpose such moneys have been disposed of and together with such account such officer shall deliver the vouchers and receipts for such payments and every such officer shall pay to the board or to any person appointed by them to receive the same all moneys which shall appear to be owing from him upon the balance of such accounts.

Officers failing to render accounts &c. or to pay balance or deliver over property of board.

CLXIII. If any such officer fail to render such accounts as aforesaid or to produce and deliver up the vouchers and receipts relating to the same in his possession or power or to pay the balance thereof when thereunto required or if for five days after being thereunto required any officer of the board fail to deliver up to the board or to any person appointed by them to receive the same all papers and writings property matters and things in his possession or power relating to the execution of this Ordinance or belonging to the board any two or more justices may hear and determine the matter in a summary way and order such officer to render such accounts or to deliver up such vouchers and receipts as aforesaid or to pay over the balance owing by him or to deliver up all such papers writings property matters and things and if such officer shall neglect or refuse to obey such order he may by any two or more justices be committed to gaol for any period not exceeding six months.

Such proceedings not to bar remedy against sureties.

CLXIV. No such proceeding against or dealing with any officer as aforesaid shall deprive the board of any remedy which they might otherwise have against any surety of such officer.

(7.) *Accounts.*

Books of accounts and inspection by persons interested.

CLXV. The board shall cause books to be provided and kept in such form (if any) as shall from time to time be appointed by the Superintendent to be used in road districts and true and regular accounts to be entered therein of all sums of money received and paid for and on account of this Ordinance and of the several purposes for which such sums of money shall have been received and paid which books shall at all reasonable times be open to the inspection of any of the members of the board or ratepayers and any creditor of the body corporate without fee or reward and the members of the board and persons aforesaid or any of them may take copies of or extracts from the said books without paying anything for the same and any clerk or other person having the custody of the said books who shall not on any reasonable demand of any such member of the board ratepayer or creditor as aforesaid permit him to inspect the said books or to take such copies or extracts as aforesaid shall be liable to a penalty of five pounds for every such offence.

CLXVI. The boards shall cause their accounts to be balanced in each year to a period not less than one month before the annual general meeting at which they are to be produced as hereinafter mentioned and twenty-one days at least before such meeting the board shall cause a full and true statement and account to be drawn out of the amount of all rates or assessments made and of all contracts entered into and of all moneys received and expended by virtue of this Ordinance during the preceding year and of all available assets of and of all debts then owing by the board and such statement and account shall be laid before the auditor of the district who is hereby required to attend at the office of the board as soon as conveniently may be after the balancing of the said accounts and drawing out of the said statement and account and who shall in the presence of the clerk of the board if he desire to be present proceed to audit the accounts of the year preceding such balancing and the board shall by their clerk produce and lay before the auditor the accounts so balanced as aforesaid together with the said statement and account accompanied with proper vouchers in support of the same and all books papers and writings in their custody or power relating thereto and any person interested in the said accounts either as a creditor of the body corporate or as a ratepayer may be present at the audit of the said accounts by himself or his agent and may make any objection to any part of such accounts and if the said accounts of the board be found correct such auditor shall sign the same in token of his allowance thereof but if such auditor thinks there is just cause to disapprove of any part of the said accounts he may disallow any such parts of the said accounts as shall be so disapproved of and the board may if they see fit appeal against such disallowance to the Supreme Court and such appeal shall be to such sitting thereof in the judicial district in which the place at which such audit shall have been made is situate which shall be held for hearing appeals from justices next after the expiration of fifteen clear days from the making of such audit and every such appeal shall in all respects be subject to the law for the time being regulating appeals from justices to the Supreme Court.

Accounts to be balanced annually.

Annual statements of receipts and expenditure and inspections thereof.

CLXVII. The board shall cause such statement and account to be fairly copied or printed and shall allow such statement and account to remain for inspection at the office of the board and every creditor of the body corporate and every person paying any rate or any person acting on behalf of any such creditor or ratepayer may at all reasonable times inspect such statement and account and compare the same with the books and documents relating thereto in the possession of the board and the clerk shall on demand furnish a written or printed copy of the said statement and account to every such creditor and ratepayer without fee if printed and if written upon reasonable payment to be fixed by the board not exceeding fourpence per folio of seventy-two words and fourteen days at the least before the meeting for examining and settling the said accounts as hereinafter mentioned the board shall give public notice of such intended meeting stating in such notice that the said statement and account are printed and lie at the office of the board ready for the inspection of the creditors and ratepayers or other parties interested.

Printing and inspection of statement and account.

CLXVIII. The accounts of the board so balanced as aforesaid and audited and either allowed or disallowed by the auditor as aforesaid together with the said statement and account shall be produced at the annual meeting of the board or at some adjournment thereof at which meeting all such creditors and ratepayers and other persons interested as aforesaid may be present and the accounts shall be then finally examined and settled by the board and if the same be found just and true they shall be allowed by the board and certified accordingly under the hand of the chairman of such meeting and after such accounts have been so allowed and signed by such chairman and also by the auditor as hereinbefore provided the same shall be final in regard to all persons whomsoever.

Production at annual meeting of accounts balanced.

Ratepayers &c. may be present at annual meeting.

Annual accounts in abstract certified by chairman and auditors.

CLXIX. The board shall every year cause an annual account in abstract to be prepared showing the total receipt and expenditure of all funds levied by virtue of this Ordinance for the year ending on the day down to which their accounts shall have been made up for the said annual meeting or on some other convenient day in each year under the several distinct heads of receipt and expenditure with a statement of the balance of such account duly audited and certified by the chairman of the board and also by the auditor of the district and shall cause the same to be published in some newspaper generally circulating within the district and shall also within one month after such account shall have been audited send a copy of the said account free of charge to the Superintendent who shall cause same to be forwarded to the Provincial Council within ten days after the commencement of its next Session.

To be sent to the Superintendent.

Expenses how to be defrayed.

CLXX. If any such audit shall have been required by ratepayers the board shall defray the expenses thereof but if required by the Superintendent the said expenses shall be defrayed out of the ordinary revenue of the Province.

(8.) *Notices &c. and Legal Proceedings.*

Service of notices and legal proceedings.

CLXXI. Any summons or notice or any writ or other proceeding at law or in equity requiring to be served upon the board of any district may be served by the same being left at their office or by being given personally to the chairman or clerk of the board.

Certain documents how authenticated by the board.

CLXXII. Every order summons notice or other such document requiring authentication by the board shall be sufficiently authenticated if signed by two members thereof or by the chairman and clerk of the board and it need not be under the common seal of the body corporate and the same may be in writing or in print or partly in writing and partly in print.

Proceedings in estates of bankrupts &c.

CLXXIII. If any person against whom the board has any claim or demand become bankrupt or take the benefit of any Ordinance for the relief of bankrupt or insolvent debtors the clerk or treasurer of the board in all proceedings against such bankrupt or insolvent or against the estate of such bankrupt or insolvent or under any sequestration or act of insolvency against such bankrupt or insolvent may represent the board and act in their behalf in all respects as if such claim or demand had been the claim or demand of such secretary or treasurer and not of the board.

Proceedings in petty sessions &c.

CLXXIV. In all proceedings in any Resident Magistrate's Court or court of petty sessions or before any justice under this Ordinance in which the board of any district shall be concerned the clerk of the board or any person to be from time to time appointed by the board for the purpose may represent the board and act in their behalf in all respects as though such clerk or person and not the board had been the party concerned.

Reimbursement of officer.

CLXXV. The clerk or treasurer shall be reimbursed out of the district fund of all damages costs charges and expenses to which he shall be put or with which he may become chargeable by reason of anything contained in either of the two last preceding sections.

Board may appoint in what newspaper publications shall be made.

CLXXVI. In all cases in which any matter or thing is hereby required to be published advertised or inserted by the board in a newspaper generally circulating in the district the said newspaper shall be such newspaper as the board shall from time to time by order have appointed in that behalf or in the Provincial Government *Gazette*.

(9.) *Bye-Laws how to be made &c.*

Penalties which may be imposed.

Penalties to allow of mitigation.

CLXXVII. The board may by such bye-laws as it is hereinbefore empowered to make impose such reasonable penalties upon all persons offending against such bye-laws as the board think fit not exceeding twenty pounds for any one offence and every such bye-law shall be so framed as to allow the justice before whom any such penalty may be sought to be recovered to order a part only of such penalty to be paid if such justice think fit.

Bye-laws to be made by special order and draft published.

CLXXVIII. No bye-law shall be made save by a "special order" of the board or unless a copy of the draft bye-law as proposed shall have been published in some newspaper generally circulating in the district at least seven days before such bye-laws shall be considered by the board.

Publication of bye-laws when made.

CLXXIX. A copy of every bye-law passed by the board of any district shall be submitted to the Superintendent for his approval and if approved by him shall be published by the clerk of the board in some newspaper generally circulating in the district and in the Provincial Government *Gazette* and at the expiration of one month next after the last of such publications but not before such bye-law shall have the force of law throughout such district.

Disallowance of bye-laws by Superintendent.

CLXXX. The Superintendent may by proclamation at any time revoke any such bye-law and every proclamation by which any such bye-law shall be revoked shall be published in some newspaper generally circulating in the district and in the Provincial Government *Gazette* and shall take effect from the time appointed in such proclamation.

Legality of bye-laws may be tried.

CLXXXI. If any person rated upon the rate last made for the time being for any district shall desire to dispute the validity of any such bye-law and shall pay into the Supreme Court the sum of fifteen pounds as security for the costs of the proceedings hereinafter mentioned it shall be lawful for such person to apply to the said court upon an affidavit of the facts for a rule calling upon the board of the said district to show cause why such bye-law should not be quashed for the illegality thereof and the said court may make the same absolute or discharge it with or without payment of costs as the court shall seem meet.

(10.) *Valuation for Appeals against and Recovery of Rates.*

Form of valuation and return.

Thirteenth Schedule.

CLXXXII. Every valuer appointed under this Act shall make and return his valuation of rateable property in the district in the form contained in the Thirteenth Schedule or to the like effect and shall also at the same time state in such return with regard to each rateable tenement or hereditament the several particulars shown in the respective columns of the said Schedule.

Declaration by valuer.

CLXXXIII. Before any valuation or return shall be made the person appointed to make it shall make and subscribe a solemn declaration to make such valuation and return impartially and truly according to the best of his judgment and an entry or minute shall be made in the book of the proceedings of the board of the making and subscribing of such declaration and of the date thereof and any justice to whom application is made for that purpose shall administer such declaration.

Entry on premises by valuer.

CLXXXIV. Every valuer shall for the purpose of making the valuation and return as aforesaid have power to enter at all reasonable hours in the daytime into and upon any rateable property within the district without being liable to any legal proceedings on account thereof.

Valuer empowered to make inquiries.

CLXXXV. It shall be lawful for any valuer to put to any person in occupation or in charge of any rateable property which such valuer shall have been authorized under the provisions hereof to value questions upon all such matters as shall be necessary to enable such valuer to state correctly the several particulars herein required to be stated in his valuation and return with regard to the premises and if after being informed by such valuer of his purpose in putting such questions and of his authority under this Ordinance to put the same any such person in occupation or charge or any such owner shall refuse or wilfully omit to answer the same to the best of his knowledge and belief or shall wilfully make any false answer or statement in reply to any such question such person shall on conviction forfeit and pay for every such offence a penalty not exceeding five pounds.

Owner of property under ten pounds or let to weekly tenants to pay rates instead of occupier.

CLXXXVI. The owners of all rateable property of which the full net annual value does not exceed the sum of ten pounds or which is let to weekly tenants shall be rated to and pay the rates by this Ordinance directed to be made instead of the occupiers thereof who shall not in any such case be rated as such occupiers.

Rights of owner under leases made before this Ordinance.

CLXXXVII. When any owner is rated in respect of any rateable property in the occupation of any tenant under a lease or agreement made prior to the commencement of this Ordinance such tenant shall repay to the owner all sums paid by him during the continuance of such lease on account of any rates under this Ordinance payable by the occupier unless it shall have been agreed that the owner shall pay all rates in respect of such property and every sum so payable by the tenant to the owner may be recovered if not paid upon demand as arrears of rent could be recovered from the occupier by the said owner.

(11.) *Appeals against Rates.*

Appeals to Justices for inequality &c. or incorrectness in valuation.

CLXXXVIII. If any person think himself aggrieved on the ground of unfairness or incorrectness in the valuation of any rateable property included in any rate or in the amount assessed thereon he may at any time within one month after such rate is made appeal to the resident magistrate's court or court of petty sessions holden nearest to such rateable property but no such appeal shall be entertained by such court unless seven days' notice in writing of such appeal be given by the aggrieved party to the board of such district and at the sitting of the court for which such notice is given or any adjournment thereof the resident magistrate and justices there present shall hear and determine all matters of complaint on the ground of unfairness or incorrectness in the valuation of such rateable property or in the amount assessed thereon of which notice has been given but no other objection and their decision shall be final but such resident magistrate and justices shall not have power to quash or set aside any rate.

Appeal in other case to district court or if no district court to Supreme Court.

CLXXXIX. If any person think himself aggrieved for any cause of grievance not cognizable under the last section by any rate made under the authority of this Ordinance or by any matters included in or omitted from the same he may at any time within one month after the same is made give notice of his intention to appeal to the next sitting of the district court for the district in which any part of the road district is situated holden not less than fourteen clear days after such notice but if no part of the road district is within any district over which a district court has jurisdiction the last-mentioned appeal shall be to the Supreme Court Provided no such appeal shall be entertained at such court unless seven clear days' notice in writing of such appeal stating the nature of the grounds thereof be given by the aggrieved party to the board of such district Provided also that no such notice of appeal shall prevent the recovery of any such rate before a justice as hereinafter provided.

CXC. The district court or supreme court as the case may be shall hear and determine the appeal in a summary way and the decision of the court shall be final and conclusive on all parties. Power of Supreme or district court.

CXCI. Upon any such appeals as aforesaid where there shall appear to be just cause for giving relief the resident magistrate's court or court of petty sessions and the district court and supreme court respectively shall have the power to amend the rate in respect of which the appeal is made by altering the sum at or upon which any person is rated therein by inserting therein or striking out therefrom the name of any person or in any other manner which such courts respectively shall think necessary for giving relief and without quashing or wholly setting aside such rate Provided always that if any district court or supreme court shall be of opinion that it is necessary for the purpose of giving relief to the person appealing that the rate should be wholly quashed then such district court or supreme court as the case may be may quash the same Provided also that if such district court or supreme court shall quash such rate then notwithstanding the quashing of such rate all sums of money charged by such rate on any person charged by such rate may if such court so order be levied by such means and in the same manner as if no appeal had been made against such rate and the money which any persons charged on such rate pays or which is recovered from him shall be taken as a payment on account of the next effective rate made on him. Amendment of rate by justices or court. Quashing of rate by Supreme and district courts.

CXCII. It shall be lawful for the resident magistrate's court and court of petty sessions and for the district court and supreme court respectively upon any such appeal as aforesaid to order and award to the party for whom such appeal shall be determined or upon proof there to be made of notice of any appeal having been given under the provisions hereinbefore contained where the person giving such notice has not afterwards prosecuted such appeal to order and award to the person to whom such notice shall appear to have been given such costs and charges as by the court in its discretion shall be thought reasonable and just to be paid respectively by the party against whom such appeal shall be determined or by the party so giving notice and not prosecuting as the case may be and all such costs and charges may be recovered by the like means and in like manner respectively as any costs awarded by such courts respectively in cases of appeal may lawfully be recovered Provided that no such resident magistrate's court or court of petty sessions shall order or award any costs to be paid to any person having appealed to it as aforesaid in any case in which the sum at or upon which such person was rated shall have been by such court reduced by an amount less than one-fifth thereof. Costs of appeals.

CXCIII. No order of the said resident magistrate's court or court of petty sessions or of any such district court upon any such appeal shall be removed by *certiorari* or otherwise into the supreme court. No order to be removed by *certiorari*.

CXCIV. If any person rated under the provisions of this Ordinance fail to pay any of the rates due from him for the space of fourteen days after demand thereof in writing by the board of the district or their collector duly authorized in that behalf the board may recover such rates from the person so making default before any justice of the peace by complaint and order in a summary way in the manner provided by "The Justices of the Peace Act 1866" with respect to cases in which justices may make orders for payment of money or by action or other appropriate proceeding in any resident magistrate's court or any other court having jurisdiction and upon any complaint or suit for the recovery of any rate from any person the invalidity or badness of the rate as a whole shall not avail to prevent such recovery. Recovery of rates before justice or by action.

CXCV. In any proceeding to levy and recover or consequent on the levying or recovering of any rate under the provisions of this Ordinance the Rate books to be evidence.

books of rates of the board and all entries purporting to be made therein in manner by this Ordinance directed by the production thereof alone sealed with the seal of the board shall be evidence of such rate and of the contents thereof without any evidence that the notices required by or other requirements of this Ordinance have been given or complied with.

Remedy against person quitting before payment of rates.

CXCVI. If any person quit or be about to quit any rateable property before he have paid the rates then payable by him in respect thereof and do not pay the same to the board of the district or their collector on demand any justice may order the same to be paid by such person.

Rates to be apportioned on the holder &c. quitting.

CXCVII. When the occupier or owner who is rated to any rate ceases to be the occupier or owner of the property in respect whereof he is rated before the end of the period in respect of which such rate was made such owner or occupier shall be liable to pay a portion only of the rate payable for the whole of such period proportionate to the time during which he continued to be the occupier or owner and in every such case if any person after the making of such rate become the occupier or owner of any property so rated as aforesaid during part of the period for which such rate was made and liable to be rated in respect thereof such person shall pay a portion of such rate proportionate to the time during which he occupied or held the property so rated and the same shall be recovered from him in the same manner as if he had been originally rated for such property.

Owner to pay rates in default of occupier.

CXCVIII. When the occupier of any rateable property is rated in respect thereof and the rate remains due and unpaid for three months the board of the district or their collector may demand the amount of such rate or any part thereof from the owner of the rateable property and on non-payment thereof may recover the same from such owner before any justice and subject to any agreement previously made between the said owner and occupier the said owner may recover the sums so paid if not paid on demand from such occupiers as arrears of rent could be recovered from the said occupier by the said owner.

Rates due from owner may be recovered from occupier.

CXCIX. When the owner of any rateable property is rated in respect thereof and the rate remains unpaid for three months the board of the district or their collector as aforesaid may demand the amount of such rate or any part thereof from the occupier for the time being of such rateable property and on non-payment thereof may recover the same before any justice in like manner as rates may be recovered from the occupier of any property liable to be rated and every such occupier shall be entitled to deduct from the rent payable by him to such owner so much as was so paid by or recovered from him.

Occupier not to be required to pay more than the amount of rent owing by him.

CC. Provided always that no such occupier as in the last preceding section mentioned shall be required to pay any further sum than the amount of rent due from him at the time of the demand made upon him for such amount of rate or which after such demand and after notice not to pay the same to his landlord at any time accrues and becomes payable by him unless he refuse on application being made to him for that purpose by or on behalf of the board of the district truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable but the burden of proof that the sum demanded by any such occupier is greater than the rent due by him at the time of such notice or which has since accrued shall be upon such occupier.

"The Sale of Land for Non-payment of Rates Act 1862" to be applicable.

CCI. The provisions contained in the sections numbered from three to seven inclusive of "The Sale of Land for Non-payment of Rates Act 1862" and the Schedule thereto shall apply to any rate imposed under this Ordi-

nance whether such rate shall have been made on the occupier or owner of the rateable property. The word "collector" where used in the said sections shall in the application thereof hereunder be deemed to mean the clerk of the board.

Occupier refusing to give name of owner liable to penalty.

CCII. If on the request of the board of the district or any collector of the said rates duly authorized by them as such the occupier of any property refuses or wilfully omits to disclose or wilfully misstates to the board or collector making such request the name of the owner of such property or of the person receiving or authorized to receive the rents of the same such occupier shall be liable to a penalty not exceeding five pounds.

(12.) *Miscellaneous as to Roads.*

District court or Supreme Court may summon Council &c. failing to treat.

CCIII. If for the space of one month after the receipt of any such notice as is provided in the *sixty-second* section of this Ordinance any such council or other governing body receiving the same shall not treat and agree with the board giving such notice as to the subject matter thereof it shall be lawful for such last-mentioned board at any time afterwards to apply to the judge of the district court holden for the district in which the road district or any part thereof is situated or if no part of such road district be situate within a district over which any district court has jurisdiction then to any judge of the supreme court for a summons calling on the council board or governing body so having omitted to treat or agree to show cause on a day to be fixed in such summons not being earlier than twenty-one days from the issuing of such summons why the work mentioned in such notice should not be executed.

Court may apportion work and order execution.

CCIV. The judge of the district court or supreme court as the case may be upon proof of the giving of such notice and upon the appearance of both parties or proof if the party so summoned shall not appear of the due service upon such party of such summons shall have power to hear and determine the matter in question and to divide as nearly as practicable such part of such highway transversely across the length thereof into two such lengths as the judge shall see fit and to order that each party shall execute in respect of and upon a separate one of such lengths the works mentioned hereinbefore and described in the notice aforesaid or such of the said works as the judge shall think fit or if the case so require shall in future undertake and provide for the maintenance and repair thereof.

On omission other party may execute and recover expenses.

CCV. If either such party as aforesaid shall omit to comply with so much of any such order as shall apply to such party it shall be lawful for the other party from time to time after one month's notice to the party so omitting of their intention so to do to execute the whole or any part of the matters or things enjoined by such order upon the party so omitting and to recover the expense of so doing from the party so omitting in any court of competent jurisdiction Provided that the party so executing shall have also executed so much of any such order as shall apply to such last-mentioned party.

Superintendent to appoint main roads.

CCVI. Upon the application of the board of any district the Superintendent may from time to time if it shall seem fit so to do by proclamation appoint that any roads or parts of roads whether within or upon the boundary of such district shall be main roads or main district roads and every such appointment on the like application from time to time may if it shall seem fit so to do revoke and every such proclamation shall be published in the *Gazette*.

Obstruction to highway.

CCVII. If any person shall without lawful authority or excuse the proof whereof shall lie upon the person doing the act make or cause to be made

any dwelling-house or other building or any hedge or other fence at the sides of or on or across any public highway in such a manner as to reduce the breadth or confine the limits thereof or to stop or obstruct the same or shall fill up or obstruct any ditch at the side thereof or make any drain gutter sink or watercourse across or otherwise break or injure the surface of such highway or any part thereof or in any other manner obstruct the free passage of such highway or of any bridge or shall unlawfully before the commencement of this Ordinance have done any such acts it shall be lawful for the board of the district to cause such dwelling-house or other building hedge fence ditch drain gutter sink or watercourse breaking injury to the surface or other obstruction to be taken down cleaned filled up made good or removed as the case may be and the expenses of so doing may be recovered from such person before two justices.

Penalty in such cases.

CCVIII. Every person who shall commit any of the offences enumerated in the next preceding section shall on conviction forfeit and pay for every such offence a penalty not exceeding twenty pounds and shall be liable to a prosecution for damages at the suit of any person injured by any such obstruction.

Obstructions before Ordinance.

CCIX. If previously to the commencement of this Ordinance any dwelling-house or other building or any hedge or other fence drain or watercourse or any other obstruction whatsoever on or at the sides of any road marked out as a public road shall without breach of any Act or Ordinance then in force relating to roads have been made or placed across such road or in such manner as to reduce the breadth or confine the limits of such road or otherwise to obstruct the same it shall be lawful for the board of the district in every such case if they shall see fit to cause notice to be placed upon such building or fence and in some public and conspicuous place adjacent to any such obstruction and also to be published in the Provincial Government *Gazette* and twice in some newspaper generally circulating in the district requiring that such building fence or other obstruction shall be removed filled up or made good within ninety days after the date of the first publication of such notice in such *Gazette* and if such building fence or other obstruction shall not have been effectually removed filled up or otherwise made good within the time limited by such notice it shall be lawful for the board to cause the same to be removed filled up or otherwise made good and the expense of so doing shall be paid to the board by the person having made or caused any such obstruction or to whom the same shall pertain and in default of payment may be recovered before any two justices.

Trees obstructing or injuring the road.

CCX. If the board shall be of opinion that any road within the district is in any manner prejudiced or any obstruction caused to such road by any tree growing or being on land adjoining thereto it shall be lawful for any two justices on the application of the board and after summons duly served on the owner and occupier or upon the occupier only if the owner cannot be found of the land on which such tree may be to make an order for the removal of such tree or any part thereof by such owner or occupier as such justice may see fit and in default of compliance with such order within eight days after a copy thereof shall have been served personally on such owner or occupier such owner or occupier as the case may be shall on conviction forfeit and pay for such default a penalty not exceeding five pounds and the said board or their surveyor if within the time aforesaid the order of the said justices is not complied with may remove such tree or such part thereof so ordered to be removed doing no unnecessary damage.

Right of making roads &c. reserved to Government.

CCXI. Notwithstanding anything herein contained it shall be lawful for the Superintendent to cause to be made constructed maintained and repaired within any district all such roads and bridges as he shall think fit and also to cause to be constructed and maintained in or through any district any

railway canal or any other work whatsoever which shall be authorized by law and for all such purposes as aforesaid such persons as the Superintendent shall appoint shall have all the powers which are hereby vested in the board of such district in the like behalf for the construction maintenance or repair of roads or bridges or for the execution of any permanent work or undertaking.

Certain roads &c. exempted from control of board.

CCXII. Nothing herein shall authorise the interference by any board with any public road railway bridge ferry cemetery market wharf aqueduct public place or building whatsoever not formed constructed or erected by such board which may be excepted from the jurisdiction of such board by any proclamation made or to be made by the Superintendent or respecting which provision shall have been made or shall be made by any Act of the General Assembly or by the Legislature of the Province of Otago · Provided that the Superintendent may by proclamation authorise the board to take upon itself the charge of any such excepted public road railway bridge ferry cemetery market wharf aqueduct public place or building within the limits of the district and in actual use by the people of such district upon such conditions as shall be specified in such proclamation with reference to the amount of compensation to be paid by the board.

Owner may erect swing gates with consent of local board.

CCXIII. It shall be lawful for the owner or occupier of any land over which a district road passes to erect swing gates across such road at the point at which such road enters upon such land Provided always that no such swing gate shall be erected without authority in writing from the board of the district or in cases where there is no such board without the authority in writing of the Superintendent Provided also that it shall be lawful for such board to cause any such swing gate to be removed at any time and that in any case in which a swing gate shall have been erected a board with the words "public road" legibly painted thereon shall be fixed to such gate.

(13.) *Miscellaneous as to Tolls.*

Tolls may be directed to be paid.

CCXIV. It shall be lawful for the Superintendent at the request in writing of the board of any district by proclamation published in the Provincial Government *Gazette* from time to time to direct that tolls shall be payable and collected at any toll-bar toll-gate or toll-house within the district or any bridge or ferry within the district or placed under the control of the board for all animals and vehicles passing or repassing through by on or over the same respectively.

Superintendent may direct tolls to cease.

CCXV. It shall be lawful for the Superintendent if satisfied that any road bridge or ferry at which such tolls are payable is in a ruinous state or incapable of being used or worked to direct that such tolls shall cease to be payable until the same has been effectually repaired or put in working order and such tolls shall cease to be payable accordingly.

"Turnpikes Ordinance 1866" to apply.

CCXVI. The provisions of the "Turnpikes Ordinance 1866" so far as the same can be made applicable shall be applied to all tolls toll-bars toll-gates and toll-houses within any road district under this Ordinance and the expression "District Board of Road Trustees" or any similar expression wherever used in the said ordinance shall mean the board of any district constituted or existing hereunder.

(14.) *Miscellaneous as to Common Toll Roads.*

Manager of common road.

CCXVII. It shall be lawful for all the boards or boards and councils as each case may be of the districts or boroughs severally for which any common toll road shall have been proclaimed as aforesaid from time to time together under the common seals of the several bodies corporate or in their default for forty days after the proclamation of such common toll road or

notice from the Superintendent so to do for the Superintendent as and for such boards or boards and councils to appoint a manager of the common toll road and for all the said boards or boards and councils from time to time with the consent of the Superintendent and at all times for the Superintendent to remove such manager and such manager shall at such fixed times as the Superintendent shall appoint receive from the collectors and lessees of all tolls upon such road and the bridges and ferries thereon all moneys collected by them as and for such tolls or due by them as the rents thereof and still unpaid respectively and if at any time after the proclamation of such common toll road there be no such manager the said collectors and lessees respectively shall pay the said several moneys to the Provincial Treasurer to be held by him until there shall be such manager empowered to deal with the same as hereinafter provided and the said treasurer shall then pay over the same to such manager.

Common tolls paid into district fund may be recovered.

CCXVIII. If after the proclamation of any common toll road under this Ordinance any moneys shall have been paid to the board of any district for which such road has been proclaimed as and for tolls or rents of tolls levied on such road within such district the same shall forthwith be paid over to the manager or if there be no manager to the Provincial Treasurer to be held and dealt with as aforesaid and if any such moneys shall not be so paid over the manager or if there be none the Provincial Treasurer may recover the same in a summary way on complaint before two justices and the Provincial Treasurer shall pay them over as such first-mentioned board was bound to have done.

Salary &c. of manager.

CCXIX. Every manager of a common toll road shall receive such salary or other pecuniary remuneration as the boards or boards and councils appointing him or if they shall have failed to appoint then as the Superintendent shall have fixed in that behalf and such salary or remuneration as the same becomes due may and shall from time to time be deducted by such manager from the moneys having come to his hands by virtue of his office and the residue shall be dealt with as next hereinafter mentioned.

Manager to distribute moneys.

CCXX. Every such manager shall at such times and in such manner as shall be fixed by the Superintendent in that behalf pay over to each of such boards or councils in the proportions aforesaid and separately for each place of taking toll the moneys so received by him as aforesaid and every such manager before he shall enter upon any of the duties of his office shall give sufficient security to the satisfaction of the Provincial Treasurer for the due and faithful execution of the same.

Moneys received to be deemed tolls collected.

CCXXI. All moneys so received through any such manager by any such board or council shall be deemed to be moneys received by such board or council at or in respect of the particular place of taking toll in respect of which the same shall have been received from such manager.

(15.) *Borrowing Powers.*

Power to boards to borrow money.

CCXXII. The board of every district may borrow at interest on the credit of the rates hereby authorised to be levied from time to time (except special rates) any sum which with any amount previously borrowed and remaining unpaid shall not exceed three thousand pounds and in the event of any part of such money being re-paid may re-borrow the same but so that there shall not be owing on the security aforesaid more than three thousand pounds at any one time and for securing the repayment of the moneys so to be borrowed with interest the board may assign such rates or any part thereof to the person who shall advance or lend such money or his trustees as security for the repayment of such advance with interest but the board shall not be authorized to borrow or re-borrow any such sum or sums of money until a resolution to that effect shall have been previously made by the board at a

meeting specially called for that purpose and at which two-thirds of the members shall be present.

Assignment of rates to be by deed.

CCXXIII. Every such assignment shall be by deed under the seal and at the expense of the board of the district wherein the consideration shall be truly stated and every such deed may be according to the form in Schedule fourteen or to the like effect. Fourteenth Schedule.

Assignments to be without preference.

CCXXIV. All persons to whom such assignments shall be made or who shall be entitled to the moneys thereby secured shall in proportion to the sums therein respectively mentioned be creditors on the rates equally one with another without any preference in respect of the priority of advancing such moneys or of the dates of any such assignments respectively.

Register of assignments to be kept.

CCXXV. A register of such assignments shall be kept by the treasurer of the board and within fourteen days after the date of such assignment a memorial specifying the number and date thereof the principal sums secured thereby and the names of the parties thereto with their proper additions shall be entered in such register and such register may be perused at all times by any person interested therein without charge.

Transfer of assignment.

CCXXVI. Any party entitled to any such assignment may transfer his right and interest to any other person by deed wherein the consideration shall be truly stated and any such transfer may be according to the form in Schedule fifteen or to the like effect. Fifteenth Schedule.

Register of such transfers.

CCXXVII. Within twenty-one days after the date of every such transfer if executed within the said Province or otherwise within twenty-one days after the arrival thereof in the said Province it shall be produced to the treasurer of the board who thereupon shall cause a memorial thereof to be registered in the same manner as in the case of the original assignment and for such registration the treasurer may demand a sum not exceeding five shillings and until such registration the board shall not in any manner be responsible to the transferee in respect of such mortgage.

Interests payable half-yearly.

CCXXVIII. The interest of money borrowed upon every such assignment granted under the provisions hereof shall be of an equal rate and shall in no case exceed seven per centum per annum and shall be payable half-yearly to the several persons entitled thereto unless otherwise provided by the conditions of such securities respectively.

Sinking fund.

CCXXIX. The board of every district so borrowing shall from and out of the rates so chargeable as aforesaid in each and every year from the first raising of any sums of money under the authority hereof until the whole amount so raised and the interest thereon shall have been duly paid set apart as a sinking fund a sum equal to two per cent. per annum on the amount borrowed or such additional sums of money as to the board shall seem sufficient to pay the amount of the principal money so raised and such sums shall be paid over by the board as soon as they shall be so set apart to three persons to be appointed from time to time by the Superintendent of Otago to act as trustees thereof and such sums shall be by such trustees invested in such securities as the Superintendent shall from time to time direct and the annual profits of such sums so invested shall be in like manner invested and such sums so invested and the proceeds of the securities on which they have been invested and the annual increase thereof shall be applied in payment of the principal moneys so raised but the interest on the moneys so raised shall be paid annually or otherwise by the board out of the district funds not set apart and such interest shall not be paid out of the sinking fund the trustees of the said sinking fund shall when directed by the Superintendent so to do make sale of and realize the securities upon which

such sums of money so set apart as aforesaid have been invested and pay thereout such of the moneys raised by such board and the interest thereon as shall be due or payable and for the payment of which the moneys invested in securities were set apart.

Application of rates charged with money borrowed.

CCXXX. The moneys raised by the rates hereby authorized to be charged with such securities as aforesaid shall be applicable first to the payment of interest on all principal money borrowed and secondly to the specified and general purposes of this Ordinance.

(16.) *General Miscellaneous.*

Obstruction &c. of officers.

CCXXXI. Any person who shall obstruct or attempt to obstruct the board or any person employed by them in the performance of anything which they are respectively empowered or required to do by this Ordinance or any other Ordinance shall upon conviction forfeit and pay for every such offence a penalty not exceeding ten pounds.

Provisions for Sundays and holidays.

CCXXXII. Whenever any day provided or appointed by or under this Ordinance for any purpose shall in any year happen on a Sunday New Year's Day Good Friday or Christmas Day or any day proclaimed as a public holiday then such provision and appointment shall take effect as for the following day.

Justices Judges &c. to hear and determine though liable to be rated &c.

CCXXXIII. Any justice or resident magistrate and any judge of any district court and any judge of the supreme court notwithstanding that such justice resident magistrate or judge is or is liable to be rated within any district under any of the provisions in this Ordinance contained or is a resident or is owner or occupier of land within any such district may hold any court or do any act matter or thing or adjudicate in the recovery of rates and in appeals against rates and in revising lists of voters and may hear and determine informations and complaints and hear and adjudicate upon all other matters and things which such justice resident magistrate judge of a district court or a judge of a supreme court might hold do or adjudicate upon if he had not been or been liable to be so rated or had not been such resident owner or occupier.

Recovery of penalties.

CCXXXIV. Every offence hereby or by any bye-law made hereunder punishable by a penalty shall be prosecuted and all fines and penalties and other sums of money imposed by or made recoverable under this Ordinance or any bye-law made hereunder shall if not otherwise expressly provided for be recoverable in a summary way before any two or more justices of the peace in the manner provided by "The Justices of the Peace Act 1866."

Superintendent may make regulations and orders.

CCXXXV. In all cases in which no provision or no sufficient provision is in the opinion of the Superintendent made by this Ordinance it shall be lawful for the Superintendent from time to time for the purpose of facilitating or more effectually carrying into execution any of the objects thereof to make and prescribe all such regulations and orders either general or applicable to particular cases only as he shall think fit and such regulations and orders from time to time to revoke or alter as to the Superintendent shall appear to be requisite and all such regulations and orders shall be published in the Provincial Government *Gazette* and being so published shall have the force of law and if any dispute shall arise between the board of any district and the governing body of any borough city town or place or any other persons or body as to the right to receive tolls or rates or to the possession care or control of any bridge road toll-house or other property the Superintendent shall alone and finally decide the same upon such inquiry as he shall think fit to make and in such manner as he shall think fit.

CCXXXVI. The Superintendent shall in doing any act matter or thing hereunder or exercising any power conferred on him hereby act by and with the advice and consent of his Executive Council.

Superintendent to act with advice of Executive Council.

CCXXXVII. Every person who acts as a member of a district board being incapacitated under the provisions hereof to be and continue such shall save in cases of incapacity proceeding from unsoundness of mind be liable for every such offence to a penalty of fifty pounds and such penalty may be recovered by any person with full costs of suit in any court of competent jurisdiction and in every such action the person sued shall prove that at the time of so acting he was qualified under the provisions of this Ordinance to be a member of such board or he shall pay the said penalty and costs without any other evidence being required from the plaintiff than that such person had acted as a member of such board in the execution of this Ordinance nevertheless all acts as a member of any person incapacitated as aforesaid done previously to the recovery of the penalty shall be as valid as if such person had been capable.

Penalty on persons incapacitated acting as members.

Acts nevertheless to be valid.

CCXXXVIII. No misnomer or inaccurate description contained in this Ordinance or any proclamation made thereunder shall in anywise prevent or abridge the operation of this Ordinance with respect to the subject of such description provided the same shall have been designated so as to be understood.

Misnomer &c. not to prejudice.

CCXXXIX. Petitions for constitution of districts under this Ordinance may be repeated from time to time until granted and the presentation of one petition shall not be deemed to prevent the presentation of another petition having the same or a like prayer or from the same or the same together with other petitioners.

Petitions may be repeated till granted.

CCXL. If it shall be credibly represented to the Superintendent where any petition has been presented to him that any of the signatures to such petition are not the signatures of the persons whose they purport to be or that any of the persons purporting to sign the same are not persons entitled to sign in that behalf or that in any other respect the provisions hereof with regard to such petition have not been complied with or if it shall seem expedient to ascertain the truth of any matter to which such petition shall refer it shall be lawful for the Superintendent to cause such inquiry to be made with respect to the particulars aforesaid as may seem necessary in that behalf and the consideration of the matter of said petition shall be adjourned until such inquiry shall have been made.

Scrutiny of signature.

CCXLI. For the purpose of every such inquiry it shall be lawful for such one or more persons as the Superintendent shall appoint in that behalf to hear receive and examine evidence and by summons under their hands to require all such persons as they may think fit to appear personally before them at a time and place to be fixed in and by such summons and to produce to them all such books and papers in their possession or under their control as may appear necessary for their examination and any person so required as aforesaid who shall without just excuse neglect or refuse to comply with the tenor of such summons or who having appeared before the persons so appointed shall without just excuse refuse to be examined on oath or affirmation concerning the premises or to take such oath or affirmation or having taken such oath or affirmation to answer such questions concerning the premises as shall be put to him shall and may be dealt with by the said persons and otherwise in all respects as by any Ordinance in force for the time being persons so refusing or neglecting in cases in which justices have summary jurisdiction may be dealt with.

Power to take evidence.

Issue of proclamation of district to be conclusive evidence that petition has been duly signed &c.

CCXLII. Whenever a district shall have been proclaimed by the Superintendent under the provisions of this Ordinance the publication of any such proclamation shall be conclusive evidence that the petition praying for the proclamation of such district has been duly signed by the requisite number of persons entitled to sign the same and that all the preliminary proceedings and matters required by this Ordinance have been had taken and complied with.

Ordinances in Schedule sixteen to cease to have effect on first elections hereunder. Schedule sixteen.

CCXLIII. From and immediately after the first election or first appointment of members of the district board of any district under this Ordinance the several Ordinances mentioned in the sixteenth Schedule hereto shall within and so far as the same relate to such district cease to have any force operation or effect and be deemed to be repealed Provided that all proceedings matters and things lawfully had or done before any such first election or appointment under or in pursuance of the said repealed Ordinances or any of them shall subject to the provisions herein contained be of the same force and effect to all intents and purposes as if no such repeal had taken place.

Rates already due and penalties incurred.

CCXLIV. All rates which under any Ordinance specified in the Schedule shall at the time of the first election or first appointment of members of the district board of any district under this Ordinance be due or payable to or leviable by or for the local board of road trustees of any road district affected by this Ordinance for or on account or on behalf of any such road district shall be vested in the body corporate of the district into which such first-mentioned road district shall be converted under this Ordinance and shall be paid to received levied and recovered by such body corporate in manner by this Ordinance provided for the receipt and recovery of rates or in like manner as the same might have been paid to received levied and recovered by the local board of the road trustees of the said road district if this Ordinance had not been passed according to the option of the district board and such rates when received shall be applied in or towards payment of the liabilities (if any) of the local board of road trustees of the said first-mentioned road district and the surplus thereof after paying such liabilities shall be applied for the benefit of the district within which the property vested for payment of the same is situate and all penalties and forfeitures incurred or imposed before such first election or appointment of members as the case may be for any district under this Ordinance under any of the Ordinances specified in the said Schedule for or in respect of any act done or omitted within or in regard to the district converted into a district under this Ordinance shall and may be enforced as if this Ordinance had not been passed.

All rights liabilities &c. to attach to body corporate of district constituted hereunder

CCXLV. All rights liabilities contracts and engagements existing and all actions suits and proceedings pending of or by or against the local board of road trustees of any road district for or on behalf of such road district at the time of the first election or first appointment of members under this Ordinance for any district constituted hereunder shall immediately after such first election or appointment vest in and attach to and be enforced carried on and prosecuted by or against the body corporate of the district into which such first-mentioned road district shall have been converted under this Ordinance instead of the local board of road trustees of or for such road district and no such action suit or proceeding shall abate or be discontinued or prejudicially affected by the constitution of the area comprised in such first-mentioned road district into a district under this Ordinance.

Property of road districts converted into districts under this Ordinance.

CCXLVI. All real and personal property and all right title or interest in or to any such property and all right of management or control over any such property or over any land place or thing vested in the local board of any road district or in the general road board or in the Superintendent for

or on behalf of any district at the time of the first election of first appointment of members of the board under this Ordinance for any district constituted hereunder shall immediately on such first election or appointment as the case may be vest in the body corporate of the district constituted hereunder into which such road district shall have been converted instead of the local board general road board or Superintendent.

SCHEDULES.

FIRST SCHEDULE.—ROAD DISTRICTS 39.

Section 4.

1. Awamoko
2. Waitaki
3. Waiareka
4. Kakanui
5. Otepopo.
6. Hampden
7. Palmerston
8. Hawksbury
9. Waikouaiti
10. Blueskin
11. North-east Valley
12. Roslyn
13. Half-way Bush
14. North Taieri
15. Taieri
16. Outram
17. Waipori
18. Mount Stuart
19. Balmoral
20. Clydevale
21. Pomahaka
22. Clinton
23. Clutha
24. South Molyneux
25. Matau.
26. Crichton.
27. Kaitangata
28. Tokomairiro
29. Glenledi
30. Waihola
31. Kuri Bush
32. Sea Side
33. Grey
34. Kaikorai
35. Suburban
36. Caversham
37. Mornington
38. Peninsula
39. Portobello

Descriptions of Districts.

1.—Awamoko Road District.

Bounded towards the north by the Waitaki river towards the east by the Papakaio Survey District towards the south by the Watershed of the Awamoko Downs and towards the west by the western boundaries of the Kakanui and Maruwenua Hundreds.

Sub-divisions of Awamoko Road District.

Datchet Sub-division

Is bounded towards the north-east by the Waitaki River south-east by the Awamoko River and west by the outside boundary of the Maruwenua Hundred.

Eton Sub-division

Is bounded towards the north by the Awamoko and Waitaki Rivers towards the east by Papakaio Survey District south by the watershed of the Awamoko Downs and west by the outside boundary of the Maruwenua Hundred and Kakanui Hundred.

2.—Waitaki Road District.

Bounded towards the north by the Waitaki River east by the Ocean south by the town of Oamaru and west by the Oamaru Stream and the Awamoko Survey District.

Sub-divisions of the Waitaki Road District.

Weymouth Sub-division

Is bounded on the north by the Waitaki River south-east by the Ocean south-west by Landon Stream to block I Papakaio Survey District west by east boundary of blocks 1 3 and 6 Papakaio Survey District.

Papakaio Sub-division

Is bounded on the east by the Weymouth sub-division south by the Oamaru Survey District west by the Awamoko Survey District and block XIII Oamaru Survey District and north by the Waitaki River.

Landon Sub-division

Is bounded on the north by the Papakaio sub-division north-east by the Landon Stream south-east by the Ocean south by the town of Oamaru and west by the Oamaru Stream.

3.—Waiareka Road District.

Bounded towards the north by Awamoko Road District towards the east by the Waitaki Road District on the

south by the Main North Road Awamoa Stream Blocks V and IX Oamaru Survey District to the Kakanui River thence by the Kakanui River and Fuschia Creek to the boundary of the Hundred thence by the boundary of the Hundred and towards the west by the western boundary of the Kakanui Hundred.

Sub-divisions of Waiareka Road District.

Windsor Sub-division

Is bounded on the north by the Eton Sub-division east by the Papakaio Survey District south by the Oamaru Survey District and Kakanui River and west by outside boundary of Kakanui Hundred.

Teaneraki Sub-division

Is bounded on the north by the Awamoko Survey District on the west by the Waireka Stream on the south by Block V and part of Section 1 Block IV Oamaru Survey District on the south-west by the Awamoa Stream to the Main North Road on the south by the Main North Road and on the east by the Town of Oamaru and the Oamaru Stream.

Enfield Sub-division

Is bounded towards the north by the Windsor Sub-division towards the east by the Waiareka Stream towards the south by Block IX Oamaru District and Kakanui River Fuschia Creek and part of south boundary of Kakanui Hundred and west by outside boundary of said Hundred.

4.—Kakanui Road District.

Bounded towards the north by the Waiareka Road District and the town of Oamaru towards the east by the Ocean towards the south and west by the Kakanui River.

Sub-divisions of Kakanui Road District.

Lambton Sub-division

Is bounded on the north by block III and part of section 1 block II Oamaru Survey District on the west by the Waiareka Stream on the south-east by the Main North Road and on the east by the Awamoa Stream.

Lambourne Sub-division

Is bounded on the north by the Enfield Road District on the west and south by the Kakanui River on the east by sections 33 and 29 block VII Oamaru Survey District the Main North Road and the Waiareka Stream.

Totara Sub-division

Is bounded on the north-west by the Main North Road on the west by sections 15 19 21 23 and 24 block VII Oamaru Survey District south and west by the Kakanui River south-east by the Ocean on the east by the Awamoa Stream and sections 16 17 18 19 20 21 22 and part of 23 block IV Oamaru Survey District.

Awamoa Sub-division

Is bounded on the north by the Main North Road on the west by the Quarry Reserve and sections 7 8 9 10 and 11 block IV Oamaru Survey District and the Awamoa Stream to the Ocean on the south-east by the Ocean and on the north-east by the town of Oamaru.

5.—Otepopo Road District.

Bounded towards the north by the Fuschia Creek and Kakanui River towards the east by the Ocean towards the south by the Waianakarua River and towards the west by the western boundary of the Otepopo Survey District the Island Stream and the western boundary of the Otepopo Hundred.

Sub-divisions of Otepopo Road District.

Incholme Sub-division

Is bounded towards the north by the Fuschia Creek and Kakanui River towards the east by the Kakanui River towards the south by the Island Stream and towards the west by the outside boundary of the Otepopo Hundred.

Sydney Sub-division

Is bounded towards the north and north-west by the Island Stream towards the west by the outside boundary of the Otepopo Hundred towards the south by the north branch of the Otepopo River as far as eastern boundary of block 8 Otepopo Survey District towards the east by part of block 5 of the aforesaid district again towards the south by section 34 and part of the town of Herbert and towards the north-east by Main North Road to crossing at Island Stream.

Chelsea Sub-division

Is bounded towards the north and north-east by the Kakanui River towards the south-east by the Ocean towards the south by block III Otepopo Survey District and a district road to the south of sections 72 71 70 69 68 67 66 65 and 53 block VI Otepopo Survey District and towards the north-west by the Main North Road.

Allday Sub-division

Is bounded on the north by the Chelsea Sub-division towards the east by the Ocean towards the south by the Waianakarua River and towards the west by the Main North Road.

Copmanhurst Sub-division

Is bounded on the north by the Sydney Sub-division on the east by the Main North Road on the south-east by the Waianakarua River and on the west by the boundary of the Otepopo Survey District.

6.—HAMPDEN ROAD DISTRICT.

Bounded towards the north and north-west by the Waianakarua River towards the east by the Ocean towards the south-west and south by the watershed of Horse Range Blue Mountains and block VIII Moeraki Survey District and towards the west by the Shag River and the west boundary of the Moeraki Hundred.

Sub-divisions of Hampden Road District.

Wendover Sub-division

Is bounded towards the north by the Otepopo Survey District on the east by the Chalfont Sub-division towards the south by the Blue Mountains and block VIII Moeraki Survey District and towards the west by the outside boundary of the Moeraki Hundred.

Chalfont Sub-division

Is bounded towards the north by the Otepopo Survey District and the town of Hampden on the east by the Ocean south by block III Moeraki Survey District south-west by the watershed of the Horse Range west by block XIII and by a line due south of said boundary through block XI Moeraki Survey District to the Main North Road and thence by Main North Road.

Chalgrove Sub-division

Is bounded towards the north-west by the Waianakarua River towards the east by the Ocean and towards the south by the Moeraki Survey District.

7.—PALMERSTON ROAD DISTRICT.

Bounded towards the north-east by the Hampden Road District towards the south-east by the Ocean towards the south and west by Pleasant River Annan's Creek and the Main North Road to the Town of Palmerston thence to the western boundary of Hundreds by the Hawksbury Survey District and towards the north-west by the western boundary of Hundreds.

Sub-divisions of Palmerston Road District.

Goodwood Sub-division

Is bounded towards the north by the Moeraki Survey District towards the east by the Ocean towards the south-west by Annan's Creek and Pleasant River and towards the west by the Main North Road.

Blue Mountain Sub-division

Is bounded towards the north by Block XV Moeraki Survey District towards the north-east by the watershed of the Blue Mountains towards the south-east by the Main North Road and towards the south-west by the Shag River.

Meadow Bank Sub-division

Is bounded towards the north-east by the Shag River towards the south-east by the Main North Road towards the south by the Hawksbury Survey District and towards the north-west by the outside boundary of the Moeraki Hundred.

Bushey Sub-division

Is bounded towards the north-east and north by the Chalfont Sub-division, towards the east and south-east by the Ocean towards the south by the Hawksbury Survey District and towards the north-west by the Main North Road.

8.—HAWKSBURY ROAD DISTRICT.

Is bounded towards the north by the Palmerston Road District towards the east by the Goodwood sub-division and the Ocean and towards the south and west by the Waikouaiti River.

Sub-divisions of Hawksbury Road District.

Matanaka Sub-division

Is bounded towards the north by the estuary of the Pleasant River towards the east by the Ocean towards the south-west by the Waikouaiti Lagoon and towards the west by the Main North Road.

Cranbourne Sub-division

Is bounded towards the north by the Moeraki Survey District towards the east and south-east by the Main North Road south by the north boundary of block V Hawksbury Survey District and its continuation due east to Main North Road and due west to the Waikouaiti River and on the west by the Waikouaiti River (north branch).

Hawksbury Bush Sub-division

Is bounded towards the north by the Cranbourne District towards the east by the Waikouaiti Lagoon towards the south-east by the Ocean towards the south by the Waikouaiti River and towards the south-west and west by the Waikouaiti River.

9.—WAIKOUAITI ROAD DISTRICT.

Bounded towards the north-west and north by the Waikouaiti River (south branch) towards the east and south-east by the estuary of the Waikouaiti River and the Ocean towards the south by Blueskin Bay north part of Block II North Harbor and Blueskin Survey District and a line running due west to the Waikouaiti River.

Sub-Divisions of Waikouaiti Road District.

Clevedon Sub-Division

Is bounded towards the north-west by the south branch of the Waikouaiti River towards the north by the Waikouaiti River towards the east by the Main North Road and towards the south by Block I Waikouaiti Survey District and its continuation to the Waikouaiti River.

Merton Sub-Division

Is bounded towards the north-west by the Main North Road towards the east by the Maori Reserve towards the south-east by the Ocean and towards the south by Block I Waikouaiti Survey District.

Beaconsfield Sub-Division

Is bounded towards the north by Block III Waikouaiti Survey District and its continuation westward to the River Waikouaiti towards the east by the Ocean towards the south by Blueskin Bay north part of Block II North Harbor and Blueskin Survey District and a line running due west to the Waikouaiti River and on the west by the Waikouaiti River.

10.—BLUESKIN ROAD DISTRICT.

Bounded towards the north by Waikouaiti Road District Blueskin Bay and the Ocean towards the east and south by Otago Harbor the town of Port Chalmers the northern boundaries of sections 56 and 74 block VII North Harbor and Blueskin Survey District and the northern watershed of Mount Cargill to the boundary of the Hundred and towards the west by the boundary of Hundreds and Waikouaiti River (south branch).

Sub-divisions of Blueskin Road District.

Purakanui Sub-division

Is bounded towards the north by Blueskin Bay and the Ocean towards the east by the Ocean and Deborah Sub-division towards the south by the northern boundaries of sections 56 and 74 block VII North Harbor and Blueskin Survey District and towards the west by the Main North Road.

Waitati Sub-division

Is bounded towards the north by Beaconsfield Sub-division towards the east by Blueskin Bay and the Main North Road towards the south by the Mount Cargill watershed to the boundary of Hundreds and towards the west by the boundary of Hundreds and Waikouaiti River (south branch).

Deborah Sub-division

Is bounded towards the north and north-east by the Ocean towards the south by Otago Harbor towards the south-west by the Harlington sub-division and towards the north-west by the Mihiwaku watershed and Purakanui subdivision.

11.—NORTH-EAST VALLEY ROAD DISTRICT.

Bounded towards the north and east by Blueskin Road District towards the south-east by the town of Port Chalmers and Otago Harbour and towards the west by the city of Dunedin and the Water of Leith.

Sub-divisions of North-east Valley Road District.

Pine Hill Sub-division

Is bounded towards the north by Waitati sub-division towards the east and south by the Main North Road towards the west by the city of Dunedin and the Water of Leith—eastern branch.

Harlington Sub-division

Is bounded towards the north by the Purakanui sub-division towards the east by Block VI. North Harbour and Blueskin Survey District towards the south by the Port Chalmers Road and towards the west by the Main North Road.

Signal Hill Sub-division

Is bounded towards the north by the Main North Road from Dunedin to the Junction thence by the Port Chalmers road towards the east by Port Chalmers towards the south by Otago Harbour and towards the west by the city of Dunedin.

12.—Roslyn Road District.

Comprises all that area bounded towards the north-west by sections 10 block III and 17 16 15 14 13 12 11 and 10 block IV Upper Kaikorai Survey District and sections 1 2 3 4 5 and 6 block V Lower Kaikorai Survey District towards the south-west by a direct line from the southern angle of section 6 block V Lower Kaikorai Survey District to the Dunedin Town Belt at the southern angle of section 87 Block VI Town District and towards the north-east by section 5 block I. and sections 3 5 and 7 block III Upper Kaikorai Survey District.

13.—Half-way Bush Road District

Comprises all that area bounded towards the north by the boundary of Hundreds and block III North Harbor and Blueskin Survey District towards the east by the Water of Leith towards the south by the Roslyn and Kaikorai Road Districts and towards the west by the western boundary of block IV Dunedin and East Taieri District.

Sub-divisions of the Half-way Bush Road District.

Flagstaff Sub-division

Shall commence at Trig. Station S. on the northern boundary line of block V Dunedin and East Taieri Survey District and shall comprise all that area bounded on the north by portion of the northern boundary of said block and by northern boundary of block IV said Survey District on the west by western boundary of said block IV on the south by the southern boundary of said block to the south-east corner of section 8 said block thence by sections 41 40 39 37 35 33 31 30 29 27 25 and 23 Wakari Survey District on the east and south-east by sections 59 5 of 40 1 of 40 2 of 40 58 41 42 43 44 45 and by Bush Reserve to north-west angle of section 8 thence by section 1 block V Dunedin and East Taieri to starting point.

Wakari Sub-division.

Commencing at Trig. Station S. block V Dunedin and East Taieri Survey District and shall comprise all that area bounded on the west by the eastern boundary of Flagstaff Road District to the southern angle of section 56 block V Dunedin and East Taieri Survey District thence on the north by sections 56 57 32 and 31 said block V thence on the west by Quarry Reserve and section 50 block VI Dunedin and East Taieri towards the south-west by sections 160 and 149 Wakari Survey District and by the Kaikorai Stream to District Road between sections 9 and 10 block IV Upper Kaikorai thence by sections 9 8 7 6 5 4 3 2 1 block IV and section 8 block III on the west by sections 8 6 4 and 2 block III and section 4 block I Upper Kaikorai on the south by the Dunedin Town Belt to the Water of Leith Stream on the east by the Water of Leith to the northern boundary of block V Dunedin and East Taieri thence by the northern boundary of said block to Trig. Station S. to place of beginning.

14.—North Taieri Road District

Comprises all that area bounded towards the north by the boundary of Hundreds towards the east and south-east by Half-way Bush and Kaikorai Road Districts towards the south-west by the Saddle Hill and West Taieri Road towards the west by the Taieri River and the continuation through the Bush Reserve of the division line between sections 11 and 16 block I Dunedin and East Taieri Survey District and by sections 11 12 14 and 26 said block I section 57 irregular block sections 10 and 4 block XVI and section 10 block XI Taieri Survey District.

Sub-divisions of the North Taieri Road District.

North Plain Sub-division

Is bounded towards the north by the boundary of the Hundreds towards the east by Half-way Bush Road District towards the south-east by the line dividing sections 1 and 7 block XIV Taieri District and its continuation through blocks XIV IX X and XI to the Saddle Hill and West Taieri Road and towards the west by the Taieri River and the continuation through the Bush Reserve of the division line between sections 11 and 16 block I Dunedin and East Taieri Survey District and by sections 11 12 14 and 26 said block I section 57 irregular block sections 10 and 4 block XVI and section 10 block XI Taieri Survey District.

Wingatui Sub-division

Is bounded towards the north-west by North Plain sub-division towards the north-east by Half-way Bush and Kaikorai Road Districts towards the south-east by Kaikorai Road District and towards the south-west by the Saddle Hill and West Taieri Road.

15.—Taieri Road District.

Comprises all that area bounded towards the north-west by the Taieri River towards the north-east by the North Taieri Road District towards the south-east by the Main South Road and towards the west by Greytown and the Taieri River.

Sub-divisions of Taieri Road District.

East Taieri Sub-division.

Bounded towards the north-west by blocks XIX XI XII Taieri Survey District towards the north-east by Wingatui subdivision towards the south-east by the Main South Road and towards the south-west by sections 10 67 81 and 82 irregular block sections 3 and 13 block XX and 3 block XIX Taieri Survey District.

Owhiro Sub-division.

Bounded towards the north-west by 41 river section and sections 11 12 13 14 15 and 16 block XIX Taieri Survey District towards the north-east by the East Taieri sub-division towards the south-east by the Main South Road and towards the west by the Taieri River.

Breadalbane Sub-division

Is bounded towards the north and west by the Taieri River towards the south-east by section 40 river sections Taieri Survey District sections 8 7 6 5 4 3 2 and 1 block XIX Taieri Survey District sections 6 5 4 3 2 and 1 block XII Taieri Survey District and sections 6 5 4 block XI Taieri Survey District towards the north-east and north by section 9 block XI Taieri Survey District sections 3 and 9 block XVI and section 56 irregular block Taieri Survey District and sections 26A 24 15 and 16 block I Dunedin and East Taieri Survey District.

16.—Outram Road District

Comprises all that area bounded towards the north-west by Waipori Lake the Lea Canal and Maungatua sub-division to the boundary of Hundreds and thence by the boundary of Hundreds to the Taieri River towards the south-east by the Taieri River and towards the west by the Waipori River and Lake.

Sub-divisions of Outram Road District.

West Taieri Sub-division

Is bounded on the north-west by the boundary of Hundreds on the east and south-east by the Taieri River to the east corner of Block IV Maungatua Survey District on the south-west by the said block IV to section numbered 38 irregular block Taieri Survey District and towards the north-west by the Maungatua sub-division.

Henley Sub-division

Is bounded towards the north-east by the West Taieri sub-division towards the south-east by the Taieri River towards the west by the Waipori River and Lake and towards the north-west by the Waipori Lake and Lea Canal.

17.—Waipori Road District

Comprises all that area bounded towards the north-west by the boundary of the Hundreds towards the north-east by the north-eastern boundaries of section 9 Block VIII Maungatua Survey District and 17 irregular block and 7 block VI West Taieri District thence by the south-eastern boundaries of sections 7 8 9 10 and 11 block VI aforesaid thence by sections 5 block VI and 11 block II West Taieri Survey District thence by block III Maungatua Survey District by the Lea Canal and Waipori Lake to Waihola Lake thence by a line across the Lake to the south corner of section 5 block XXII Waihola Survey District towards the south-east by Waihola Road District to the southern angle of section 9 on the south by sections 10 3 and 2 Waihola Survey District north-west and west by Application 2130 thence by block I Table Hill Survey District to the north branch of the Tokomairiro River and by the said river to the boundary of Hundreds.

Sub-divisions of Waipori Road District.

Maungatua Sub-division

Is bounded towards the north-west and north-east by the north-western and north-eastern boundaries of the Waipori Road District above described and towards the south-west by the Waipori River.

Clarendon Sub-division

Is bounded towards the north-west by boundary of Hundreds towards the north-east by the Waipori River towards the east by the Waipori and Waihola Lakes and towards the south by an east and west line through Trig. Station M Clarendon Survey District.

Waihola West Sub-division

Is bounded towards the north by the Clarendon sub-division towards the south-east by the Waihola Road District and towards the west by the western boundary of the Waipori Road District before described.

18.—Mount Stuart Road District.

Comprises all that area bounded towards the north and west by the Waitahuna East Survey District southern boundary of Table Hill Survey District to the boundary of Hundreds and thence by said boundary to the north branch of the Tokomairiro River towards the east and south-east by the north branch of the said river and Tokomairiro Road District towards the south and west by the Crichton Road District.

Sub-divisions of Mount Stuart Road District.

Glenore Sub-division.

Bounded towards the north-west by the boundary of Hundreds towards the east and south-east by the north branch of the Tokomairiro River and Tokomairiro Road District and towards the south-west by the south branch of the Tokomairiro River.

Adamsthorpe Sub-division.

Bounded towards the north-east by Table Hill Survey District and the south branch of the Tokomairiro River towards the south-east by the Southern Trunk Road and towards the south-west by sections 10 and 3 block XXXIX XLIV XLV 10 and 7 block VII Hillend thence by the road line passing Trig. Stations V and U to the boundary of Waitahuna East Survey District.

Lovelsbrook Sub-division

Is bounded towards the north-east by Adamsthorpe sub-division towards the south and west by Crichton Road District and towards the north-west by Waitahuna East Survey District.

19.—Balmoral Road District.

Is bounded towards the north-east by the boundary of Hundreds towards the east by the Crichton Road District towards the south by the Main South Road and the town of Balclutha towards the south-west by the Clutha River.

Sub-divisions of Balmoral Road District.

Hillend Sub-division

Bounded towards the north-east by Stuart Hundred by Crichton Road District the Main South Road and the town of Balclutha towards the south-west by the Clutha River and towards the north-west by the Waitahuna River.

Waitahuna West Sub-division

Is bounded towards the north-east by the boundary of Hundreds towards the south-east by the Waitahuna River and towards the south-west by the Clutha River.

20.—Clydevale Road District

Comprises all that area contained within the boundaries of the Pomahaka Hundred.

21.—Pomahaka Road District

Comprises all that area bounded towards the north and east by the Pomahaka and Clutha Rivers towards the south by the Main South Road to Wairuna Stream thence by the Lake Road to the Wairuna Stream and towards the west by the said Wairuna Stream.

Sub-divisions of Pomahaka Road District.

Ashleydown Sub-division

Is bounded on the north and north-east by the Pomahaka River on the south-east by the Waiwera River on the south-west by the Lake Road to the crossing of the Wairuna Stream thence on the west by the said stream to the Pomahaka River.

Te Houka Sub-division

Is bounded on the north-east by the Clutha River from the confluence of the Waiwera Stream to the Main South Road on the south by the Main South Road to the Waiwera Stream and west by the Waiwera Stream to the Clutha River.

22.—Clinton Road District

Comprises all that area bounded on the north-east by Pomahaka Road District towards the east by the Clutha Road District towards the south-west by the boundary of the Hundreds and towards the north-west by the boundary of the Hundreds.

Sub-divisions of Clinton Road District.

Kaihiku Sub-division

Bounded towards the west by the eastern boundary of the Waiwera District towards the north by the Main South Road towards the east by the Warepa District and towards the south by the boundary of Hundreds.

Popotunoa Sub-division

Bounded towards the north-east by the Lake Road towards the east by the Waiwera River towards the south-west by the boundary of Hundreds and towards the north-west by the boundary of Hundreds.

Waiwera Sub-division

Is bounded on the north by the Main South Road to the Waiwera River on the west by the Waiwera River to the boundary of Hundreds south by the boundary of Hundreds and east by western side of section 12 block III Warepa Survey District thence to the south-east angle of section 10 block CIV Clutha Survey District and continuing the eastern boundary of section 10 to its junction with the Main South Road.

23.—Clutha Road District

Comprises all that area bounded towards the north and north-west by Clinton and Pomahaka Road Districts towards the east by the Clutha River towards the south by South Molyneux Road District and the Puerua Stream to its source thence by a direct line to the Waiwera River and towards the west by the Waiwera River.

Sub-divisions of Clutha Road District.

Warepa Sub-division.

Is bounded towards the north by the Main South Road towards the east by the Clutha River towards the south by Waitapeka and Puerua sub-divisions towards the south-west by the boundary of the Hundreds and towards the north-west by Kaihiku Stream the north-western boundary of section 12 block CII and by blocks LXXXI LXXXII and LXXXIII Clutha Survey District to the Main South Road.

Stream Head Sub-division

Is bounded towards the north-east by the boundary of Clutha Hundreds towards the south by Puerua Stream and a direct line to the Waiwera River and towards the west by the Waiwera River.

24.—South Molyneux Road District

Comprises all that area bounded towards the north and north-west by Run 129 and the Puerua Stream and the boundary line between blocks 16 and 12 Clutha Survey District continued to the Clutha River towards the east and south-east by the Clutha River and the Ocean towards the west by the western boundary line of Woodland Survey District and its continuation due north to Run 129.

Sub-divisions of South Molyneux Road District.

Catlin's River Sub-division

Is bounded towards the north and north-west by Run 129 and a direct line thence to the Watershed between the Ahuriri and Owake Valleys towards the north-east by the said Watershed towards the south-east by the Ocean and toward the west by the western boundary of Woodlands Survey District and its continuation due north to Run 129.

Ahuriri Sub-division

Is bounded towards the north by Glenomaru Stream towards the north-east by East Clutha Hundred towards the south-east by the Ocean and towards the south-west by Catlin's River sub-division before described.

Port Molyneux Sub-division

Is bounded towards the north by Glenomaru stream to its junction with the Puerua thence by the Puerua towards the east by the Ocean and towards the south-west by Ahuriri sub-division.

Puerua Sub-division

Is bounded towards the north and east by the Puerua Stream towards the south by the Glenomaru Stream and Catlin's River sub-division and towards the west by Puerua Stream.

Waitepeka Sub-division

Bounded towards the north-west by blocks 16 17 and 22 Clutha Survey District towards the north and east by the Clutha River south-east by the Clutha River and towards the south and west by the Puerua Stream.

25.—Matau Road District

Is bounded towards the north by Balmoral and Crichton Road Districts towards the east by Tuakitoto Lake Kaitangata Lake and their outlet to the Matau Branch of the Clutha River thence by the Matau to its junction with the Koau Branch of the Clutha River towards the south-west by the Koau branch to the Matau and towards the west by the Town of Balclutha.

Sub-divisions of Matau Road District.

North Molgneux Sub-division

Is bounded towards the north by Balmoral and Crichton Road Districts towards the east by Tuakitoto Lake Kaitangata Lake and their outlet to the Matau River towards the south and south-west by the Matau River and towards the west by the Town of Balclutha.

Inch Clutha Sub-division

Is bounded towards the north-east and east by the Matau branch of the Clutha River towards the south-east by the Matau branch towards the south-west by the Koau branch and towards the north by the Koau branch.

26.—Crichton Road District

Comprises all that area bounded towards the north by the Watershed west of Lovell's Creek the Main South Road and Southbridge sub-division towards the south-east by Kaitangata Road District and towards the south and west by the Kaitangata and Tuakitoto Lakes section 3 block X Tuakitoto Survey District and sections 7 8 16 15 and 14 block I Hillend Survey District and towards the west by the Main South Road to Trig. Station D thence by the road line along the Watershed through blocks VI III and XI Hillend Survey District to the south-eastern corner of block III Waitahuna East Survey District.

Sub-divisions of Crichton Road District.

Tuakitoto Sub-division

Is bounded on the north by a direct line from Mount Misery to the north-east angle of section 25 block II Kaitangata Survey District thence by section 24 and by a straight line from south-west angle of said section 24 through Trig. Station H to north-east angle of section 8 block IV North Tuakitoto thence by section 16 block XXXVIII Tokomairiro and sections 1 2 and 3 block X North Tuakitoto to Main South Road thence by the Main South Road to Lovell's Creek thence on the west by Lovell's Creek Kaitangata and Tuakitoto Lakes to north-west angle of section 3 block I South Tuakitoto thence on the north by section 4 block I North Tuakitoto thence on the east by the Kaitangata Road District.

Stony Creek Sub-division

Bounded towards the north-east by the western Watershed of Lovell's Creek from Waitahuna Hundred to the Main South Road and by the Main South Road to Lovell's Creek towards the east by Lovell's Creek and Tuakitoto Lake towards the south by sections 14 15 16 8 and 7 block I Hillend Survey District and section 3 block X South Tuakitoto Survey District and towards the west by the Main South Road to Trig. Station D thence by the road line along the watershed through blocks VI III and XI Hillend Survey District to the south-eastern corner of block III Waitahuna East Survey District.

27.—KAITANGATA ROAD DISTRICT

Comprises all that area bounded towards the north-east by the Tokomairiro River and Survey District towards the south-east by the Ocean towards the west by the Matau River and Kaitangata Creek to the north-west angle of section 3 block I South Tuakitoto Survey District thence on the north-west by a boundary line between sections 3 and 4 said block I and said line continued to the watershed thence by the said watershed to Two Stone Hill thence by a straight line to Trig. Station J thence by the eastern boundaries of blocks V and II and by sections 24 25 26 27 28 29 30 31 32 and 33 block I Kaitangata Survey District.

Sub-divisions of Kaitangata Survey District.

Coombe Hay Sub-division

Comprises all that area bounded on the west by sections 33 32 31 30 29 28 27 26 25 24 block I Kaitangata Survey District and sections 39 38 37 36 35 and 34 block II Kaitangata Survey District and by a road line forming a portion of western boundary of block III Kaitangata Survey District thence on the south by the northern boundary of the Wangaloa sub-division to the Ocean on the south-east by the Ocean to the Tokomairiro River and on the north-east by the Tokomairiro River and sections 4 5 6 7 and 8 block XXVIII Tokomairiro Survey District.

Wangaloa Sub-division

Bounded on the west by the Matau River and Kaitangata Creek to the north-west angle of section 3 block I South Tuakitoto Survey District thence on the north by a boundary line between sections 3 and 4 said block I and said line continued to watershed thence on the west by said watershed to Two Stone Hill thence on the north-west by a straight line to Trig. Station J thence on the north by blocks III and IV Kaitangata Survey District thence on the east by section 1 block XIV Coast District to the Ocean on the south by the Ocean to the Matau River the point of starting.

28.—TOKOMAIRIRO ROAD DISTRICT

Comprises all that area bounded towards the north-east by Waipori Road District and by Glenavon sub-division towards the south-east by the south-eastern boundary of block II Akatore Survey District sections 14 13 31 block I Akatore Survey District towards the east by sections 31 32 33 and 23 block I Akatore aforesaid and section 29 block VI said district towards the south-west by Kaitangata and Crichton Road Districts and towards the north-west by the Mount Stuart Road district.

Sub-divisions of Tokomairiro Road District.

Southbridge Sub-division

Is bounded on the north-east by section 33 block I Kaitangata Survey District section 12 block XXXVIII sections 2 3 8 block XXX Tokomairiro Survey District and the south branch of the Tokomairiro River on the north-west by the Main South Road on the south by section 8 block VI section 8 block V section 8 block IV North Tuakitoto Survey District thence by a straight line through sections 1 2 3 4 5 to Trig. Station H in section 22 block II Kaitangata on the south-east by section 25 block II Kaitangata and a straight line from the north-east angle of section 25 block II Kaitangata to Mount Misery thence from Mount Misery on the east by a road line to south-east corner of section 33 block I Kaitangata Survey District.

Helensbrook Sub-division

Is bounded towards the north-east by Milburn sub-division towards the south by Hillingdon sub-division towards the south-west by Milton sub-division and towards the west by block II Table Hill Survey District.

Milburn Sub-division

Is bounded on the north by the northern boundary of block I Table Hill Survey District on the west by the north branch of the Tokomairiro River to section 2 block II Table Hill Survey District on the south-west by sections 10 and 13 block I sections 39 46 51 58 63 70 76 and 80 Tokomairiro Survey District Sections 9 and 4 and a direct line through sections 1 and 2 to south-west angle of section 3 block II Akatore Survey District thence on the south and east by the southern and eastern boundary of said block II to the northern boundary of said block thence by said northern boundary to the eastern boundary of the Glenavon Road District thence on the east and north by the said Glenavon Road District to the Main South Road.

Milton Sub-division

Is bounded on the north-west by sections 50 49 and 48 block II Table Hill Survey District block XXIII Tokomairiro Survey District and section 198 block XXV Tokomairiro Survey District on the south-west by the Tokomairiro River to section 8 block XXX Tokomairiro Survey District section 1 block XXXII and parts of sections 3 and 11 and section 4 block XXXI Tokomairiro Survey District sections 32 20 and 19 block I Kaitan-

gata to Tokomairiro River thence by the said river to the south-east angle of section 30 block VI Akatore on the east by section 29 block VI Akatore and by sections 23 33 32 and 31 block I Akatore thence by Surveyed Road Line to north-east angle of section 30 thence on the north by northern boundary of said section 30 to south-east angle of section 3, block I Akatore thence on the east by eastern boundaries of said section to its north-east angle thence on the north by section 2 block I Akatore section 86 block X Tokomairiro Survey District sections 93 and 98 block XI sections 105 and 110 block XII section 117 block XII and section 127 block XV Tokomairiro Survey District.

29.—Glenledi Road District

Comprises all that area bounded towards the north by the Clarendon Survey District towards the south-east by the Ocean towards the south-west by the Tokomairiro River and towards the west and north-west by Tokomairiro Road district.

Sub-divisions of Glenledi Road District.

Akatore Sub-division

Bounded towards the north by the Clarendon Survey District towards the south-east by the Ocean towards the south-west by the Koaura or Shag Creek and towards the north-west by block II Akatore Survey District.

Hillingdon Sub-division

Bounded towards the north-east by the Akatore Sub-division towards the south-east by the Ocean towards the south-west by the Tokomairiro River west and north by the Tokomairiro Road District.

30.—Waihola Road District

Comprises all that area bounded towards the north-west by the Main South Road and the Waipori Road District towards the east by the Taieri River and the Ocean towards the south and south-west by Glenledi and Tokomairiro Road Districts.

Sub-divisions of Waihola Road District.

Waihola East Sub-division

Bounded towards the north-west by the Waipori Road District and the Main South Road towards the east by the Taieri River towards the south-east by the Watershed and towards the south-west by block II Waihola Survey District.

Taieri Beach Sub-division

Is bounded on the north-east by the Taieri River to the eastern boundary of the Waihola East Road District thence on the west by the said eastern boundary thence on the south and west by the northern and eastern boundary of the Glenavon Road District thence again on the south by the southern boundary of block VI Clarendon Survey District to the mouth of the Akatore River thence on the east by the Ocean.

Glenavon Sub-division

Is bounded on the north by sections 2 of 18 4 3 and 1 block III Clarendon sections 20 and 16 block II east by sections 11 and 12 block II and north by blocks II and IV Clarendon and east by block VI Clarendon south by sections 20 19 18 17 and 24 block II Akatore and section 73 Tokomairiro and on the north-west by sections 6 5 and 4 Tokomairiro thence by the continuation of the boundary line between sections 3 and 4 Tokomairiro Survey District to Main South Road thence again on the north-west by said road line.

31.—Kuri Bush Road District

Comprises all that area bounded towards the north-west by the Taieri River towards the north-east by Grey Road District sections 2 of 24 19 and 6 block III Otokia Survey District towards the south-east by the Ocean and towards the south-west by the Taieri River.

Sub-divisions of Kuri Bush Ro District.

Kurimoto Sub-division

Is bounded towards the north-west by the Motupipi sub-division towards the north-east by Grey and Seaside Road Districts towards the south east by the Ocean and towards the south-west by the Native Reserve.

Motupipi Sub-division

Is bounded towards the north-west by the Taieri River towards north-east by Grey Road District towards the south-east by the road line along the watershed between the Taieri River and the Ocean from section 34 block II Otokia Survey District to Trig. station T (Maori Reserve).

32.—Sea-side Road District.

Comprises all that area bounded towards the north-west by Grey Road District towards the north and east by Kaikorai Road District towards the south-east by Suburban Road District and the Ocean and towards the west by the Kuri Bush Road District.

Sub-divisions of Sea-side Road District.

Walton Sub-division.

Bounded towards the north-west by Saddle Hill sub-division towards the north and east by Kaikorai Road District towards the south-east by Suburban Road District and the Ocean and towards the west by Otokia Survey District.

Brighton Sub-division.

Bounded towards the north-west by Grey Road District towards the north-east by Walton sub-division towards the south-east by the Ocean and towards the west by the Kuri Bush Road District.

33.—Grey Road District

Comprises all that area bounded towards the north by the Taieri River and Taieri Road District and the Main South Road towards the east by sections 41 and 72 block VII Dunedin and East Taieri Survey District and section 26 Green Island West Survey District towards the south by section 71 block VII Dunedin and East Taieri Survey District and a direct line through section 34 and by sections 33 1 of 22 39 a line through section 30 sections 20 37 36 11 and 10 block VIII Dunedin and East Taieri Survey District thence on the east by block VIII aforesaid thence again on the south by sections 11 10 1 of 18 and a direct line through 2 of 18 1 of 19 and 20 block I Otokia Survey District 1 of 27 2 of 26 3 of 26 2 of 25 and 2 of 24 block III Otokia Survey District and towards the south-west by sections 23 2 of 22 30 and 1 of 22 block III and by sections 2 of 25 3 of 23 2 of 23 and 34 block II Otokia Survey District to a district road thence by the district road and the boundary line between river sections 6 and 7 Taieri District to the Taieri River.

Sub-divisions of Grey Road District.

Otokia Sub-division

Is bounded towards the north-west by the Taieri River and Main South Road towards the east by Saddle Hill and Walton sub-divisions towards the south by the southern boundary of Grey Road District and towards the south-west by the south-western boundary of the Grey Road District before described.

Saddle Hill Sub-division

Is bounded on the north and north-west by the Main South Road on the west by section 41 irregular block Taieri Survey District section 32 app. 19 sections 17 and 15 block I Otokia Survey District on the south by sections 10 11 36 37 and 20 a line through section 30 to the north-west angle of section 39 1 of 22 and 33 a line through section 34 block VIII Dunedin and East Taieri Survey District to its eastern boundary and by section 71 block VII in the said survey district and on the east by section 41 block VII Dunedin and East Taieri Survey District and by section 26 Green Island West Survey District.

34.—Kaikorai Road District

Comprises all that area bounded towards the north and north-east by the watershed of Abbots Creek and Kaikorai Stream and the Half-way Bush Road District towards the south-east and south by the Roslyn Mornington and Suburban Road District and on the south and west by the Main South Road.

Sub-divisions of the Kaikorai Road District.

Abbots Hill Sub-division

Comprises all that area bounded towards the north by the Dunedin and West Taieri Road towards the south-west and west by part of block XIII Taieri Survey District and sections 47 17 18 19 21 23 39 and 62 and part of 63 block VI Dunedin and East Taieri Survey District and section 76 block V Lower Kaikorai Survey District and that line continued to the Main South Road towards the south and south-east by the Main South Road towards the east by sections 42 46 47 57 56 55 54 53 52 and 51 block VI Town District and a continuation of the same line to the eastern angle of section 18 block V Kaikorai Survey District and by block IX Dunedin and East Taieri Survey District and towards the north-east and east by the Kaikorai Stream and sections 161 49 48 47 46 45 44 43 and 42 Wakari Survey District.

Abbottsford Sub-division

Bounded towards the north by the northern watershed of Abbotts Creek and Kaikorai Stream towards the east by section 75 block V Lower Kaikorai District thence by its continuation through section 63 and by the western boundaries of 41 40 34 24 and 22 block VI Dunedin and East Taieri Survey District and towards the south-west by the Main South Road.

35.—Suburban Road District

Comprises all that area bounded towards the north by Abbotshill and Abbotsford sub-divisions towards the east by Caversham and Mornington Road Districts towards the south by the Ocean and towards the west by Abbot's Creek.

Sub-divisions of Suburban Road District.

Corstorphine Sub-division

Is bounded towards the north by the Main South Road towards the west and north by section 83 Lower Kaikorai Survey District and sections 7 22 23 24 25 83 116 117 and 118 Green Island Bush Survey District and a line from the south-west angle of section 119 to the Ocean at the western angle of section 155 Green Island Bush Survey District towards the south by the Ocean towards the east by section 25 block VII Town Survey District and a direct line from thence to the east angle of section 23 Ocean Beach Survey District thence towards the south and east by sections 24 25 26 27 28 29 30 31 and 32 Ocean Beach Survey District and a continuation of that line to the Ocean.

Green Island Sub-division

Comprises all that area bounded towards the north by the Main South Road towards the west by Abbot's Creek towards the north-west by the river Kaikorai towards the south by the Ocean towards the east and south by section 82 Lower Kaikorai Survey District sections 8 21 88 87 86 85 84 115 127 126 and 125 Green Island Bush Survey

District and a line from the western angle of section 125 to the Ocean at the western angle of section 155 Green Island Bush Survey District.

36.—Caversham Road District.

Is bounded towards the north by sections 46 58 59 63 64 65 and 99 block VI and section 4 block VII Town District and the Main South Road to Cemetery Reserve thence by the Town Belt to the Anderson's Bay Road thence on the east by the said road to the north angle of section 69 block VII Town District thence on the south by the said section 69 thence on the east by sections 69 and 82 block VII and that line continued to the Ocean Beach thence on the south by the Ocean Beach to road line continued south from section 32 Ocean Beach District thence on the west by the said sections 23 22 and 21 and a direct line from northern angle of section 21 Ocean Beach District to south-west angle of section 28 block VI Town District thence by said section 28 to the Main South Road thence on the south by the Main South Road to section 45 of the said block VI thence on the west by the said section 45 and 31 Lower Kaikorai to point of commencement.

37.—Mornington Road District.

Comprises all that area bounded towards the north-west by part of block V Lower Kaikorai Survey District and sections 50 49 and 48 block VI Town Survey District towards the south by sections 42 41 38 37 34 33 31 30 27 26 23 22 19 18 11 10 9 8 7 6 and 5 block VI Town Survey District to section 4 block VI. Town Survey District thence towards the south-west by section 5 block VI. Town Survey District to Main South Road thence towards the south by the Main South Road to the Dunedin Town Belt towards the east by the Dunedin Town Belt and towards the north-east by the boundary line between sections 86 and 87 block VI Town District and a continuation of that line to the southern angle of section 6 block V Lower Kaikorai Survey District.

38.—Peninsula Road District.

Comprises all that area bounded towards the north-west by Otago Harbor towards the north-east by Portobello Road District towards the south-east by the Ocean and towards the south-west by the boundary line between sections 68 and 69 block VII Town District and its continuation in a direct line to the Ocean.

Sub-divisions of Peninsula Road District.

Anderson's Bay Sub-division

Is bounded towards the north-west by a road line Otago Harbor and the North-east Harbor Sub-division towards the east by a line proceeding from the eastern angle of section 45 Upper Harbor East Survey District in a direct line to the Tomahawk Survey District thence on the south-east by the Tomahawk Survey District to section 22 block VIII Anderson's Bay Survey District thence by sections 22 21 20 19 18 and 17 to section 10 block VIII thence along the boundary line between the said sections 10 and 17 and its continuation to the lagoon thence by the lagoon and the northern boundary of block VII Otago Peninsula Survey District to the line forming the boundary between sections 82 and 83 block VII Town District and thence towards the south-west by the said boundary line continued to the road line the starting point.

Tomahawk Sub-division

Is bounded towards the north-west by Anderson's Bay Sub-division towards the north-east by Highcliffe Sub-division towards the south-east by the Ocean and towards the south-west by a continuation of the boundary line between sections 82 and 83 block VII Town District to the Ocean.

N.E. Harbor Sub-division

Is bounded towards the north-west by Otago Harbor from the south-west corner of section 13 Upper Harbor East Survey District westward to the south-east angle of section 13 (Quarry Reserve) block V Anderson's Bay Survey District thence bounded on the south and south-east by sections 12 1 2 3 4 5 6 7 and 8 block V Anderson's Bay Survey District thence by sections 1 and 2 block VIII Anderson's Bay Survey District thence by applications 1326 1522 and 419 block I Otago Peninsula Survey District to the boundary line between sections 43 and 44 Upper Harbor East Survey District thence on the east by a continuation of that line to Main Portobello Road thence on the south-east by the said Portobello Road to the south-east angle of section 62 block I Otago Peninsula thence on the north east by sections 62 61 60 and 71 block I Otago Peninsula Survey District and section 13 Upper Harbor East Survey District to starting point.

Highcliffe Sub-division

Is bounded towards the north-west by North-east Harbor Sub-division towards the north-east by Sandymount Sub-division towards the south-east by the Ocean and towards the south-west by the Tomahawk Survey District.

39.—Portobello Road District.

Comprises all that area bounded towards the north-west by Otago Harbor towards the north-east by the Native Reserve towards the south-east by the Ocean and Hooper's Inlet and towards the south-west by sections 1 2 and 51 block III Otago Peninsula and the North-east Harbor sub-division.

Sub-divisions of Portobello Road District.

Portobello Bay Sub-division

Is bounded towards the north-west by Otago Harbor towards the north-east by the Native Reserve towards the south.east by the Ocean and towards the south-west by Hooper's Inlet Broad Bay Sub-division and Otago Harbor.

Sandymount Sub-division

Is bounded towards the north-west by North-east Harbor and Broad Bay Sub-divisions towards the north-east by Hooper's Inlet and the Ocean towards the south-east by the Ocean and towards the south-west by sections 1 2 and 51 block III Otago Peninsula Survey District.

Broad Bay Sub-division

Is bounded towards the north-west by Otago Harbor towards the north-east by sections 1 2 3 and 4 block V and 29 27 25 23 21 19 17 15 and 14 block IV Portobello Survey District and Hooper's Inlet towards the south-east by sections 30 and 31 block V Portobello Survey District and by block III Otago Peninsula Survey District and towards the south-west by the North-east Harbor Road District.

SECOND SCHEDULE.

Section 5.

To His Honor the Superintendent of Otago

We the undersigned being such number of persons as is required by the fifth section of the "Road Boards Ordinance 1870" respectfully request that your Honor will under the provisions of the said Ordinance constitute the district described in the Schedule hereto a road district under the said Ordinance.

And your Petitioners will ever pray &c.

THIRD SCHEDULE.

Section 7.

(Schedule above referred to).

PROXY PAPERS.

To A.B. of [*giving description and place of abode*]

By virtue of the provisions of the "Road Boards Ordinance 1870" I C.D. of [*state residence and description*] being a ratepayer enrolled on ratepayers' roll for [ ] district in respect of [*state shortly property for which rated*] [*or if no ratepayers' roll say*] being enrolled on the electoral roll for the district of in respect of [*state what property*] hereby authorize you to sign my name for me and on my behalf to a petition for the constitution of the district specified in the Schedule hereto into a road district under the said Ordinance.

Dated this day of 187 .

(Signed) C.D.

Signed before me at this day of

J.P.

FOURTH SCHEDULE.

Section 50.

FORM OF RATE.

An Assessment to the General District Rate [*or if the case be so* a Special Rate] made this day of in the year of our Lord 18 after the rate of pence in the pound by virtue of the "Road Boards Ordinance 1870."

No. on the rate.	Surname of person rated.	Christian name of persons rated.	Trade or Occupation.	Name of owner of rateable property.	Description and situation of rateable property.	Sub-divisions of district [*where district divided into sub-divisions.*]	Gross Annual Value.	Full Net Annual Value.	Rate at d. in the pound or per acre.

Signed by us this day of in the year of our Lord 18 .

A B
C D } Members of the Board of the District of
E F

Section 90.

FIFTH SCHEDULE.

VOTERS' List for the district of [*if for the sub-division of a district* for the sub-division of the district of].

Surname of Person supposed to be entitled to Vote.	Christian Names of same Person.	Trade or Occupation.	Description and situation of property giving title to vote.	Whether as owner or occupier.	Value at which property is assessed.	Number of votes.

(Signed) E.F.
Clerk of Board.

Section 93.

SIXTH SCHEDULE.

To the clerk of the board of the district of

I HEREBY give you notice that I claim to have my name inserted in the Voters' List for the district of [*or if the district has been divided into sub-divisions say* for the sub-division of the district of] in virtue of my qualification as under—

Surname of Claimant.	Christian Names of Claimant.	Trade or occupation.	Description and situation of property in respect of which vote is claimed.	Whether claiming as owner or occupier.	Value at which property is assessed to last rate or if not so assessed is valued by owner or occupier.	Number of votes claimed.

Dated this day of 18 .

(Signed) A.B. [*Christian names and surname in full*] of [*state residence*].

Section 93.

SEVENTH SCHEDULE.

To the clerk of the board of the district of and to A.B. of

I HEREBY give you notice that I object to the name of A.B. of being retained [*or if the objection be to the number of votes assigned to A.B, say* being retained as for any number of votes exceeding] on the Voters' List for the district of [*or if the district has been divided into sub-divisions say* for the sub-division of the district of] on the following grounds [*here state the grounds of objection*].

(Signed) C.D.

[*Objector must here state his name and description as inserted in the Voters' List*].

EIGHTH SCHEDULE.

Section 93.

LIST of Persons having claimed to be placed on the Voters' List for the district of *or if the district has been divided into sub-divisions say* for the sub-division of the district of] made in the year 18 .

Surname of persons in full.	Christian names of same person.	Trade or occupation.	Description and situation of property in respect of which vote is claimed.	Whether claimant claims as occupier or owner.	Value as stated in claim.	Number of Votes claimed.

(Signed) E.F.
Clerk to the Board.

NINTH SCHEDULE.

Section 93.

LIST of Persons whose names appear on the Voters' List for the district of [*or if the district has been divided into sub-divisions say* for the sub-division of the district of] against whom objections have been sent in.

Surname of Person objected to in full.	Christian Names of the same Person.	Description of Person objected to on Voters' List.	Christian Names and Surname of objector.	Substance and grounds of objection.

(Signed) E.F.
Clerk of the Board.

TENTH SCHEDULE.

Sections 100, 106.

VOTERS' Roll for the district of [*or if the district has been divided into sub-divisions*] for the sub-division of the district of for year ending October 18 .

Number.	Voters' Surname.	Voters' Christian Names.	Trade or Occupation	Description and situation of rateable property.	Annual Value.	Number of Votes to which Voter is entitled.
					£ s. d.	

(Signed) E.F.
Clerk of the Board.

Section 116.

ELEVENTH SCHEDULE.

To the Returning Officer of the Road District of [*or if divided into sub-divisions* for the sub-division of the Road District of]

I THE undersigned do hereby give notice that I withdraw myself as a candidate at the election of members of the district board to be held on the day of in and for the district of [*or* the sub-division of the district of]

Dated this day of in the year 18

[*Here follow the signatures of nominators.*]

(Signed) A.B.

Section 121.

TWELFTH SCHEDULE.

I A.B. do hereby solemnly declare that I will not either directly or indirectly by any means whatever publish or make known before the close of the poll the number of votes which may be given for any candidate at the present election.

(Signed) (A.B.)

Section 182.

THIRTEENTH SCHEDULE.

FORM OF A VALUATION AND RETURN.

District of

VALUATION by me a valuer for the above district of the undermentioned rateable properties therein situated.

Subdivision of District.	Christian Name of Occupier.	Surname of Occupier.	Occupier's Trade or Occupation.	Owner.			Trade or Occupation.	Description and situation of rateable property.	If let for what term and in what manner.	Gross Annual Value.	Full Net Annual Value.
				Surname.	Christian Name.	Residence.					

Returned this day of A.D. 18

(Signed) A.B.

Valuer.

Section 223

FOURTEENTH SCHEDULE.

FORM OF MORTGAGED RATES.

Mortgage number [ ]

District Board and Ratepayers of the [ ] District.

By virtue of an Ordinance intituled the "Road Boards Ordinance 1870," the District Board and Ratepayers of the District in the Province of Otago in consideration of the sum of paid to them by of for the purposes of the said Ordinance do grant and assign unto the said his executors administrators and assigns all (here describe the rates or moneys to be mortgaged) To hold to the said his executors administrators and assigns from the day of the date hereof until the said sum of with interest at the rate of per centum per annum for the same shall be fully paid and satisfied and it is hereby declared that the said principal sum shall be repaid on the day of and that in the meantime the interest thereof shall be paid on the day of and the day of in every year.

In witness whereof the said District Road Board and Ratepayers of the District have hereunto set their corporate seal this day of one thousand eight hundred and

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FIFTEENTH SCHEDULE.

Section 226.

Form of Transfer of Mortgage.

I A. B. in consideration of paid to me by C. D. of hereby transfer to the said C. D. his executors administrators and assigns a certain mortgage number made by the District Board and Ratepayers of the District by virtue of the "Road Board Ordinance 1870" bearing date the day of for securing the sum of and interest at the rate of per centum per annum and all my right to and interest in the money thereby secured and to the rates thereby assigned.

In witness whereof I have hereunto set my hand and seal this day of one thousand eight hundred and .

Signed sealed and delivered }
in the presence of }

SIXTEENTH SCHEDULE.

Section 243.

Ordinances Repealed.

"Otago Roads Ordinance 1865" No. 190 of Session XX.

"Otago Roads Ordinance 1865 Extension and Amendment Ordinance" No. 210 of Session XXI.

"Road Districts Loan Ordinance 1865" No. 223 of Session XXI.

DUNEDIN NEW ZEALAND.

Printed under the authority of the Provincial Government of Otago, by Mills, Dick and Co., of Stafford street, Printers to the said Provincial Government for the time being.

[COPY.]

"THE HAWKE'S BAY AND MARLBOROUGH RIVERS ACT 1868" REFERRED TO IN THE "MANAGEMENT OF RIVERS ORDINANCE 1870."

(Published for general information.)

AN ACT *to make provision for the Management of Rivers in the Provinces of Hawke's Bay and Marlborough.* [20TH OCTOBER 1868. Title.

WHEREAS it is expedient to make provision for the management of rivers in the Provinces of Hawke's Bay and Marlborough and for the construction and maintenance of works to lessen the damage which may be occasioned by the overflow of such rivers: Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

I. The Short Title of this Act shall be "The Hawke's Bay and Marlborough Rivers Act 1868." Short Title.

II. In interpreting this Act save where there is something in the context repugnant thereto or inconsistent therewith the following words and expressions shall mean or include the matters following—The word "Province" shall mean the Province of Hawke's Bay or Marlborough or any other Province within which this Act shall hereafter be brought into operation the word "Board" shall mean the Conservators for any district to be created under the provisions of this Act the word "Superintendent" shall mean the Superintendent for the time being of the Province of Hawke's Bay or Marlborough or the Superintendent for the time being of any other Province within which this Act shall be brought into operation. Interpretation.

III. For each district of the Province to be constituted as hereinafter mentioned there shall be a Board of Conservators who shall be elected as hereinafter provided. Board to be constituted.

IV. Upon the petition of the owners or occupiers of not less than three-fourths of the acreage of any district therein defined any part of the Province intersected or bounded by any river or rivers from the overflow of which damage may be apprehended the Superintendent shall by Proclamation in the Provincial *Gazette* declare that this Act shall come into operation within such part of the Province and shall by such Proclamation define the boundaries of the same and declare the same to be a district under this Act and shall also fix the name by which such district shall be known. Petition for constitution of Board.

V. The Superintendent shall also in such Proclamation determine the number of Conservators who are to constitute the Board for each such district but in no case shall the number be less than five nor more than seven. Number of Board.

VI. For the purpose of electing the first Board under the Act the Superintendent shall within one month after the Proclamation as aforesaid cause a list to be made of the owners or occupiers of property within such district and shall therein affix opposite to the name of each person in such list the number of acres owned or occupied by him and every person whose name shall appear therein shall be entitled to vote at the election of the first Board in the manner and according to the scale hereinafter provided. Election of first Board.

VII. As soon as the list as aforesaid is completed the Superintendent shall cause a copy thereof to be posted up in some conspicuous place in the district and shall within fourteen days by notice in some newspaper in general circulation within the district summon a general meeting of the voters at a convenient time and place within the district and the said voters having assembled and having appointed a chairman shall elect from amongst the persons qualified to vote at such meeting a sufficient number of persons to be the Board of the district Provided that if any candidate or elector shall demand a poll the polling shall take place on such day and at such place being not less than three nor more than seven days after the day of nomination as the chairman shall appoint and the mode of voting shall in all other respects be conducted in the same manner as is provided for the election of members of the Provincial Council and the chairman of such meeting or some person to be appointed by him shall preside at such polling and shall report in writing to the Superintendent the names of the persons so elected. Election of Board.

VIII. All questions and disputes which may arise concerning the election of any member of the Board shall be referred to the Superintendent by the petition in writing of not less than five electors setting forth the ground of dispute within fourteen days after the election and all questions respecting the vacancy of the office of members shall be referred to the Superintendent whose decision shall be final. Election disputes to be settled by Superintendent.

IX. Immediately after any such election as aforesaid the names of the persons elected as Conservators shall be published by the Superintendent in the Provincial *Gazette* and shall constitute the first board for the district. Names to be published.

New Board to be elected annually.

X. The members of the board shall continue in office for one year and at the expiration o one year from the date of the first general meeting for the election of the first Board and in every succeeding year and at a convenient place within each district to be fixed by the Board or if there be no Board then by the Superintendent the voters shall in manner herein provided elect a sufficient number of persons to be a Board for the district and the chairman of such meeting shall report in writing to the Superintendent the names of the persons so elected.

Vacancies how occasioned.

XI. If any Conservator shall resign or shall refuse to act or absent himself from the meetings of the Board for three months at any time without leave or become bankrupt or a public defaulter or be convicted of any crime he shall cease to be a Conservator and another person shall be elected as herein provided to supply the vacancy occasioned thereby.

Election and duties of Chairman.

XII. Every Board at its first meeting and from time to time whenever the office becomes vacant shall elect one of its members to be the Chairman thereof who shall preside at the meetings of the Board and shall have an original and also a casting vote thereat Provided that if the Chairman shall be absent from any meeting the members present shall appoint an acting Chairman who during such absence may exercise the powers of this Act vested in the Chairman.

Board how to meet.

Meetings.

XIII. The business of the Board shall be conducted at meetings to be held at such times and places as they shall appoint and a minute of every resolution agreed to shall be entered in a book to be kept for that purpose and signed by the Chairman and any two Conservators shall have power to convene a special meeting on giving five days' prior notice to the other Conservators stating therein the business to be transacted at such meeting.

Board to make rules for meetings.

XIV. At the first meeting of the Board they shall make such rules as may be necessary for the orderly conduct of their business but no meeting shall be deemed sufficient for the conduct of business unless three conservators shall be present.

Board to appoint Secretary &c.

XV. The Board may appoint a Secretary Treasurer and other necessary officers and may employ necessary servants and workmen and may fix the salaries and wages to be paid to each.

Rivers under control of Board.

XVI. All rivers streams and watercourses within any district constituted under this Act shall whether the same be navigable or not so far as may be requisite for the construction or maintenance of any works necessary to prevent or lessen any damage which may be occasioned by the overflow or the breaking of the banks of the same be to all intents and purposes within and subject to the jurisdiction of the Board.

Powers of Board.

XVII. The Board shall in addition to any other powers given to them by this Act have and possess the following powers that is to say—

(1.) They may without any previous agreement with the owner or occupier of any land within the district enter upon any such land whether the same shall be waste lands of the Crown or not and take levels of the same.

(2.) They may enter upon take and hold any such land for the purposes of this Act.

(3.) They may from time to time make maintain alter or discontinue any defence works or any other works whatsoever upon any land to be taken as aforesaid or upon any land bounded or intersected by any stream or river under their control or within their jurisdiction or upon any such stream or river for the purpose of preventing or lessening any damage which may be threatened or which may actually have occurred by the overflow of any such streams or rivers or from the breaking of the banks of the same.

(4.) They may from time to time divert impound or take away any water from any such streams or rivers or alter the course of the same.

(5.) They may for any of the purposes aforesaid at all reasonable times by themselves their servants or workmen and with or without carriages loaded or unloaded enter into and pass through and over any lands within the district for the purpose of carrying out any works to be constructed under the provisions of this Act and for the purpose of maintaining and repairing any existing works doing thereby no unnecessary or unavoidable damage to such lands.

(6.) They may lay or deposit upon any such lands any materials whatsoever to be used in the maintenance or construction of any such works and may erect thereon any temporary shelter for any workmen or persons engaged in such maintenance or construction causing thereby as little damage or inconvenience as may be.

Compensation to owners of land.

XVIII. In exercising the powers of compulsory taking of or entering upon or using lands hereinbefore conferred upon them the Board shall make to the owners and to persons having any lesser estate or interest therein compensation for such lands and for all damages sustained by such owners or other persons by reason of the powers vested in the Board by this Act the amount whereof shall be ascertained in the manner set forth in "The Lands Clauses Consolidation Act 1863."

XIX. All land permanently taken for the purposes of this Act shall be conveyed to or vested in the Superintendent to be held by him upon trust for the purposes of this Act for the district within which the same shall be situated Provided always that upon any alienation of such lands whether absolute or otherwise the moneys to accrue from such alienation shall be paid over to the Board for the time being to be appropriated by them for the purposes of this Act. Land to be vested in Superintendent.

XX. For the purpose of creating and maintaining works to be constructed and maintained by any Board under the provisions of this Act and for the purpose of enabling the Board to carry out any other powers given to them by this Act there may be levied upon all lands within the district except as hereinafter provided the rates following that is to say upon lands in the district situated outside the limits of any town a rate not exceeding in any one year the sum of three shillings per acre and upon lands situated within the limits of any town comprised in such district a rate not exceeding one shilling in the pound upon the annual value of the same to be assessed as hereinafter mentioned. Lands to be rated.

XXI. It shall not be lawful to levy any rates on any lands belonging to or in the occupation of Her Majesty or the Provincial Government or on any lands used or set apart exclusively for public charitable religious literary or scientific purposes unless in the occupation of private persons. Lands exempt.

XXII. For the purposes of such rating all lands without the limits of a town shall be annually classified by the Board or by some person appointed by them in that behalf into the following classes that is to say— Classification of lands outside towns.

(1.) Lands liable to great actual damage.

(2.) Lands liable to less actual damage.

(3.) Lands not liable to actual damage.

XXIII. The rate payable in any one year in respect of lands outside the limits of a town shall be levied upon the several classes of land aforesaid in the proportion following, that is to say— Rate on classified land.

Class 1 shall be rated at double the amount per acre payable by class 2.

Class 2 shall be rated at one-half the amount per acre payable by class 1.

Class 3 shall be rated at one-fourth the amount per acre payable by class 1.

XXIV. The Board may from time to time by warrant under their hands at a meeting to be held for that purpose appoint one or more fit person or persons to examine and report upon all lands to be classified or to classify the same in manner aforesaid and such person or persons shall within thirty days after the delivery to them of the warrant of appointment report to the Board thereon and the classification of such lands shall thereupon forthwith be made either by the Board or by such person or persons as aforesaid as the Board may direct. Classification how made.

XXV. When any classification shall have been made as aforesaid the Board shall sign the same at a meeting of the Board and the Board shall immediately thereafter cause public notice of such classification to be published in some newspaper generally circulated within the district and of a place where the same may be inspected for a period of twenty-one days and the person in whose custody such classification shall be shall permit the same to be inspected by the owner or occupier of any land included therein during office hours. Classification to be published.

XXVI. For the purpose of fixing and determining the rates to be paid in respect of lands within the limits of any town comprised within the district the board may from time to time either themselves assess or by warrant under their hands at a meeting to be held for that purpose appoint one or more fit person or persons to be assessor or assessors to assess all such lands and such assessor or assessors shall within thirty days after the delivery to them of the warrant of appointment return to the Board an assessment for the said town. Rating of lands in towns.

XXVII. When any assessment shall have been made the Board shall sign the same at a meeting of the Board and shall cause public notice to be given of the same in some newspaper published or generally circulated in the town so assessed and of a place in the said town where the same may be inspected for the period of twenty-one days and the person in whose custody such assessment shall be shall permit the same to be inspected by every owner or occupier of property included therein during office hours. Assessment to be published.

XXVIII. Every such classification and assessment as aforesaid shall specify the lands comprised therein and the names of the owners and occupiers where known. Classification &c. to specify lands &c.

XXIX. If any person shall think himself aggrieved by such classification or assessment respectively upon any of the grounds expressly applicable thereto as hereinafter mentioned such person may appeal against the same on giving to the Board three days' notice of such appeal in Appeal.

the form set forth in the Schedule hereto such notice to be given within seven days next after the expiration of the twenty-one days appointed for the publication of the same and the grounds of appeal shall be as follows and no others—

That the classification does not fairly specify the actual liability to damage of the land of the appellant.

That the land of any person is assessed below its full annual value.

That the land of the appellant is assessed beyond its full annual value.

That any land liable to be classified or assessed is omitted from the classification or assessment.

Appeal to be heard by Justices.

XXX. Within three days after the expiration of such seven days as last aforesaid in case any notices of appeal shall have been given as aforesaid the Board shall publish a notice in some newspaper published and generally circulated as aforesaid of a day for the hearing of such appeals and such appeals may be heard at the nearest Resident Magistrate's Court or Court of Petty Sessions to be notified in such notice and such Court may after hearing such appeals cause the classification or assessment to be amended in such manner as may appear to them to be reasonable and shall sign such amended classification or assessment and the determination of the said Court shall be final and conclusive.

Costs of Appeal.

XXXI. In case upon any appeal as aforesaid the classification or assessment as the case may be shall be confirmed all costs and expenses whatsoever necessarily incurred by the Board in supporting such classification or assessment shall be paid and defrayed by the appellant and may be recovered as costs awarded upon such appeal and subject thereto the Court by which any appeals shall be heard shall have full power to award the costs incident to such appeal and the hearing thereof to either of the parties.

Classification &c. when confirmed conclusive.

XXXII. Every classification and assessment when signed by the Board as aforesaid in case there be no appeal and when signed by the Court as aforesaid after any appeal shall for the purpose of any proceedings for the recovery of rates payable under this Act be conclusive evidence of the liability of the person named therein.

Rates by whom payable.

XXXIII. All rates payable under this Act shall in the first instance be paid by the occupiers of the property rated but where any occupier shall hold the land rated for any term of which less than five years shall be unexpired he shall be entitled notwithstanding any contract to the contrary to deduct such rate from the rent payable by him to his immediate landlord unless by virtue of such contract he shall either during or at the expiration of his term be entitled or compellable to purchase the said land.

Rates to whom payable.

XXXIV. Every rate shall be paid by the person liable for the same to some person to be appointed by the Board for that purpose on a day and at a place or places to be fixed for that purpose by the Board by public notice in some newspaper published or generally circulated within the district the day of payment not being less than twenty-one days after the notification of such notice.

List to be published.

XXXV. The Board shall cause to be posted up at each place appointed for the payment of rates on the day of publication of such notice of payment as aforesaid a list setting forth the names of the persons liable for the payment of such rates and the sum payable by each person which list may be inspected during office hours on each day during the twenty-one days aforesaid by any person requring to inspect the same.

Rates recoverable summarily.

XXXVI. If the rate or any part thereof payable by any ratepayer shall not be paid on the day fixed for that purpose the same may be recovered in a summary way before any Justice of the Peace at the suit of the person appointed by the Board to receive the same.

Board may borrow.

XXXVII. The Board may from time to time as occasion shall require borrow and take up at interest any sum or sums of money on the security of the rates both general and special to be raised within the district to be applied for the purposes of this Act and may thereupon give to the person advancing or lending the same a mortgage for securing the amount advanced with interest thereon in the meantime after such rate as the Board may think reasonable Provided always that every sum so advanced shall be made re-payable and shall be re-paid by not less than ten nor more than fifteen yearly instalments exclusive of the annual interest from time to time payable in respect of the moneys remaining due upon the security.

Special rate.

XXXVIII. The Board may at the request of a majority of the ratepayers of the district for the purpose of providing for the re-payment of any such loan as aforesaid make and levy in addition to the ordinary rates hereinbefore authorised to be raised a special rate chargeable in respect of the lands within the district in the same proportion in all respects and payable and recoverable in like manner as the ordinary rates to be levied under this Act but no such special rate shall in any year exceed the amount of principal and interest money payable for such year by virtue of such mortgage.

XXXIX. All moneys received under this Act shall be paid over by the person receiving the same to the Board for the district for which the same shall be received and shall be appropriated by such Board in carrying out the objects and purposes of this Act. **Money to be paid to Board.**

XL. It shall be lawful for the Superintendent if he shall think fit to commit to the Board for any district the expenditure of any moneys especially appropriated by the Provincial Council to purposes within the provisions of this Act and to pay over the same to such Board to be expended accordingly. **Superintendent may commit works to Board.**

XLI. All works involving the expenditure of any sum exceeding ten pounds shall be carried out under contract in writing and all contracts for works entered into by the Board shall be in the name of one of the Conservators who shall sue and be sued on such contracts in his own proper name in like manner as if such contracts were personal contracts by such Conservator but no execution upon mesne or final process in any action upon or arising out of such contract shall be issued or enforced against the person or property of such Conservator. **Works exceeding £10 to be by contract.**

XLII. No action against any Conservator upon or in relation to any such contract shall abate by his death or by reason that he has ceased to be a Conservator but the same may proceed against or in the name of any Conservator to be appointed or elected in his place or stead upon his being made a party to the said action by suggestion either as plaintiff or defendant as the case may be. **Actions not to abate.**

XLIII. In case any moneys shall become payable under any order or decree in any action by or against such Conservator it shall be the duty of the Board to pay and satisfy the same out of the first moneys at their disposal. **Judgment to be satisfied.**

XLIV. The plans specifications and estimates of any works intended to be carried out by the Board of any district where the estimated cost shall exceed the sum of five hundred pounds shall be submitted to the Superintendent of the Province before any contract for such works shall be made and such Superintendent snall for a period of twenty-one days thereafter have a power to veto such works and no contract for the construction of the same shall thereafter be entered into according to such plans and specifications. **Plans of works &c. exceeding value.**

XLV. The Superintendent and Provincial Council of the Province may by any Act or Ordinance to be passed by them in that behalf make all such provisions as may be necessary for ensuring the due protection of any works to be constructed or carried out by any Board and for imposing penalties upon persons obstructing interfering with or injuring such works Provided such provisions be not repugnant to the laws for the time being in force in New Zealand relating to the powers in that behalf of Superintendents and Provincial Councils. **Superintendent and Provincial Council to provide for protection of works.**

XLVI. For the purpose of the elections of Conservators after the first elections under the provisions of this Act all persons who at the time appointed for any such future election shall appear upon the classification or assessment as the case may be of lands within the district as owner or occupier of any lands liable to be rated shall be entitled to vote in the election of each Conservator in manner following that is to say— **Future election of Conservators.**

XLVII. In respect of lands outside the limits of a town where the voter shall be assessed **Voting at elections.**

For less than forty acres of land	one vote
For forty acres and less than one hundred acres	two votes
For one hundred acres and less than two hundred acres	three votes
For two hundred acres and less than five hundred acres	four votes
For five hundred acres and less than one thousand acres	five votes

And for every additional one thousand acres one additional vote And in respect of lands within he limits of a town where the amount of rate payable by the voter shall be

Under two pounds	one vote
Above two pounds and under five pounds	two votes
Above five pounds and under fifteen pounds	three votes
Above fifteen pounds and under thirty pounds	four votes
Above thirty pounds and under fifty pounds	five votes

And for every additional fifty pounds one additional vote.

XLVIII. In order to provide for the registration of electors under this Act and for the due and orderly conduct of elections of Conservators after the first election as aforesaid the Superintendent acting with the advice of the Executive Council shall make and publish in the *Gazette* of the Province and in some newspaper in general circulation in the district all such regulations as may be necessary for that purpose but so nevertheless that such regulations shall not be repugnant to or inconsistent with the provisions of this Act. **Superintendent and Executive Council to make regulations for elections.**

XLIX. The Board shall in books to be kept for that purpose enter true accounts of all sums of money by them received paid and expended and of the several matters in respect whereof such sums shall have been received paid and expended. **Accounts to be kept.**

L. At the first general meeting for the election of a Board and afterwards at the annual meeting in each successive year for the purpose aforesaid there shall be elected two or more Auditors to examine into and audit the accounts of the Board and in each successive year the **Auditors to be appointed.**

balance sheet as aforesaid so examined and audited shall be submitted to such meeting and a copy thereof signed by the Chairman shall be forwarded to the Superintendent Provided that in case of the resignation or otherwise of any Auditor it shall be competent for the Board to appoint an Auditor in his stead who shall act until the next general meeting of the ratepayers.

Moneys &c. to be paid over to new Board.

LI. All moneys found by such Auditor or Auditors to be due by any retiring Board together with all books of account vouchers and papers and all plans and other documents and all other property whatsoever belonging to or in the custody of the retiring Board shall be forthwith delivered and paid over to the Board for the time being.

Members of Board not to be contractors.

LII. No member of the Board shall during the continuance of his office become a contractor under or hold any paid office in the gift of the Board.

Judge &c. not to be disqualified.

LIII. No Judge Resident Magistrate or Justice of the Peace shall be disqualified from acting in pursuance of any of the provisions of this Act by reason of his being assessed as a ratepayer under this Act.

Fines how to be recovered.

LIV. All fines forfeitures and penalties imposed by this Act or by any Act of the Provincial Council passed under the provisions of this Act shall be recovered before any Resident Magistrate or any two Justices of the Peace at the suit of any Conservator for that purpose appointed at a meeting of the Board and shall be paid over to the Board to be expended by them for the purposes of this Act and it shall be lawful for the Board out of moneys received by them under the provisions of this Act to indemnify any Conservator suing as aforesaid from any costs charges or expenses necessarily incurred by him in respect of any such action or suit.

Superintendent and Provincial Councils of other Provinces may adopt act.

LV. It shall be lawful for the Superintendent and Provincial Council of any Province in the Colony by any Act or Ordinance in that behalf to bring this Act into operation within such Province and thereupon this Act shall come into operation in such Province in like manner to all intents and purposes as if the name of such Province had been inserted therein in lieu of the Provinces of Hawke's Bay and Marlborough.

Contracts to be by tender if above twenty pounds.

LVI. Every contract above twenty pounds entered into under this Act shall be by public tender and all tenders received in every case shall be published within three months after acceptance of the contract in the Government *Gazette* of the Province wherein the work contracted for is to be undertaken.

Schedule.

SCHEDULE.

To the Clerk of the Resident Magistrate (*or* Petty Sessional District) of I HEREBY give you notice that I object to the following portion of the Ratepayers' Roll 18 [*here state part or parts objected to*] and the following is the ground of my objection [*state ground of objection*] and that I shall appear in support of such objection at the meeting of Justices to be holden under the provisions of this Act.

Signature A.B.
Description
Place of abode

Dated this day of 18 .

DUNEDIN, NEW ZEALAND:

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ORDINANCES

OF THE

PROVINCE OF OTAGO, N.Z.

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

SESSIONS XXVI (SPECIAL) 1869, AND XXVII., 1870.

DUNEDIN: NEW ZEALAND.

PRINTED UNDER THE AUTHORITY OF THE PROVINCIAL GOVERNMENT OF OTAGO, BY MILLS, DICK & CO.,
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OF OTAGO FOR THE TIME BEING.

INDEX TO OTAGO ORDINANCES.

SESSIONS XXVI and XXVII—1869-70.

SESSION XXVI (SPECIAL)—1869.

SESSION XXVII—1870.

* Left to its operation.—See Otago *Gazette* 1870, page 135.

† Assent withheld.—See Otago *Gazette* 1870, page 270.

‡ Assented to.—See Otago *Gazette* 1870, pages 135 and 139.

APPROPRIATION ORDINANCE (No. 2) 1869-70.

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

SESSION XXVI., No. 294.

ANALYSIS.

AN ORDINANCE *to Appropriate certain Sums out of the Ordinary Revenue of the Province of Otago and other Moneys for the Service of the Twelve Months commencing on the first day of April one thousand eight hundred and sixty-nine and ending on the thirty-first day of March one thousand eight hundred and seventy.* [23rd DECEMBER, 1869.] Title.

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

I. This Ordinance shall be termed and may be cited and referred to as the "Appropriation Ordinance (No. 2) 1869-70." Short Title.

II. Out of the Revenues of the Province of Otago subject to the appropriation of the Provincial Council there may be issued and applied the sum of twenty-three thousand four hundred and eighty-seven pounds ten shillings or any sum or sums not exceeding the several sums for the several purposes hereafter particularly specified that is to say:— Certain sums to be applied out of Provincial Revenues.

No.		Salaries.	Contingencies.	Totals.
		£ s. d.	£ s. d.	£ s. d.
	PROVINCIAL COUNCIL.			
	Honorarium		500 0 0	
	Select Committees		25 0 0	
	Printing		600 0 0	
	Incidental Expenses		100 0 0	
				1,225 0 0
	GOLD FIELDS OFFICERS.			
4	Wardens at £550 per annum, 7 months ...	1,283 6 8		
7	Receivers of Revenue at £350 per annum, 7 months	1,429 3 4		
2	Receivers of Revenue at £300 per annum 7 months	350 0 0		
				3,062 10 0
	Mining Surveyor		500 0 0	
				500 0 0
	ROADS.			
	Repairing Main South Road		18,700 0 0	
				18,700 0 0
				23,487 10 0

Treasurer, &c., to pay moneys under warrant of the Superintendent, and to be allowed credit for all moneys so paid.

III. The Provincial Treasurer or other person having the custody or control of the Public Funds of the Province shall issue and pay from time to time any sum or sums of money for the purposes hereinbefore mentioned not exceeding in the whole the sums respectively above specified to such persons and in such proportions as the Superintendent for the time being shall by warrants under his hand directed to the Provincial Treasurer or such other person as aforesaid and certified by the Auditor or Deputy-Auditor in terms of the "Provincial Audit Act 1866" from time to time direct and such Treasurer or other person having the custody or control of the Public Funds of the Province shall in his accounts be allowed credit for all sums paid by him in pursuance of such warrants and the receipts of the persons to whom such sums shall have been paid shall be to him a full and valid discharge for the sum or sums for which such receipts shall have been given and the amount thereof shall be passed to his credit in account accordingly.

Saving of Section V. of Appropriation Ordinance 1869-70.

IV. Notwithstanding the present session of the Provincial Council has been convened prior to the thirty-first day of March one thousand eight hundred and seventy payments may still be continued and made up to the thirty-first day of May one thousand eight hundred and seventy under the provisions of the fifth section of the "Appropriation Ordinance 1869-70" as if this present session had not been so convened.

DUNEDIN, NEW ZEALAND,

Printed under the authority of the Provincial Government of Otago by Mills, Dick & Co., of Dunedin, Printers to the said Provincial Government for the time being.

CATTLE TRESPASS ORDINANCES AMENDMENT ORDINANCE 1869.

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

SESSION XXVI., No. 295.

ANALYSIS.

AN ORDINANCE *to Amend the "Cattle Trespass Ordinance* 1858" *and the "Cattle Trespass Ordinance* 1858 *Amendment Ordinance* 1868." Title.

[23rd DECEMBER, 1869.]

WHEREAS it is expedient to extend the operation of the "Cattle Trespass Ordinance 1858" and the "Cattle Trespass Ordinance 1858 Amendment Ordinance 1868" to the Incorporated Town of Lawrence: Preamble.

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

I. The short title of this Ordinance shall be the "Cattle Trespass Ordinances Amendment Ordinance 1869." Short Title.

II. The provisions of the said recited Ordinances shall extend to the incorporated town of Lawrence as the boundaries of the said town are defined by the proclamation of the Superintendent extending the provisions of the "Otago Municipal Corporations Ordinance 1865" to the said town. Provisions of Cattle Trespass Ordinances extended to Town of Lawrence.

III. If any owner of cattle shall suffer such cattle to stray or shall turn out keep or depasture such cattle anywhere within the said boundaries of the said town every such owner shall forfeit and pay for every such offence any sum not exceeding five pounds for each head of cattle so suffered to stray turned out kept or depastured. Penalty for allowing cattle to stray &c.

DUNEDIN, NEW ZEALAND,

Printed under the authority of the Provincial Government of Otago by MILLS, DICK & Co., of Dunedin, Printers to the said Provincial Government for the time being.

UNIVERSITY OF OTAGO ORDINANCE AMENDMENT ORDINANCE 1869.

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

SESSION XXVI. No. 296.

ANALYSIS.

AN ORDINANCE *to amend an Ordinance of the Superintendent and Provincial Council of the Province of Otago passed in the Twenty-fifth Session thereof (No. 280) intituled "An Ordinauce to Incorporate the University of Otago.* [23RD DECEMBER, 1869.] Title.

WHEREAS by the Fifth Section of the Ordinance of the Superintendent and Provincial Council of the Province of Otago intituled 'An Ordinance to Incorporate the University of Otago' it is provided that no question shall be decided at any meeting of the Council of the University thereby established unless nine members thereof be present: And whereas it has been found inconvenient to obtain the attendance of nine members at meetings of the said Council and it is therefore expedient to reduce the number of members necessary to constitute a meeting of the said Council to six members: Preamble.

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

I. This Ordinance may be cited and referred to as the "University of Otago Ordinance Amendment Ordinance 1869." Short Title.

II. Six members of the said Council shall constitute a meeting of the Council and a meeting of the said Council at which six members are present may decide any question which the Council would be competent to decide and Section V of the said recited Ordinance shall be read and construed as if the words "six members" had been inserted after the words "meeting of the said Council unless" in lieu of the words "nine members." Quorum of Council to be six members instead of nine.

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MOERAKI LANDS SALE ORDINANCE 1869.

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

SESSION XXVI., No. 297.

ANALYSIS.

AN ORDINANCE *to authorise the Sale of certain Lands in the Moeraki District in the Province of Otago.* [23rd DECEMBER, 1869.] Title.

WHEREAS by Deed bearing date the tenth day of November A D 1869 and made between Francis Dillon Bell of Dunedin in the Province of Otago in the Colony of New Zealand Esquire of the one part and the Superintendent of the Province of Otago of the other part the said Francis Dillon Bell for the considerations therein mentioned did convey and assure unto the Superintendent of the Province of Otago his successors and assigns the seven several pieces or parcels of land particularly described in the Schedule hereto with the appurtenances thereunto respectively belonging: And whereas it is expedient that the Superintendent should be empowered to sell or otherwise dispose of the said lands comprised in the said Deed and described in the said Schedule hereto: Preamble.

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:—

I. This Ordinance may be cited and referred to as the "Moeraki Lands Sale Ordinance 1869." Short Title.

II. It shall be lawful for the Superintendent of the Province of Otago at any time and from time to time after the passing of this Ordinance to offer for sale and to sell and dispose of the lands described or referred to in the Schedule hereto or any part or parts thereof respectively either altogether or in lots and either by public auction or by private contract and subject to such conditions (if any) as the said Superintendent may think fit. Superintendent authorised to sell.

III. Upon payment of the purchase money for the said lands or any part thereof the Superintendent may from time to time execute and do all necessary conveyances assurances and things for conveying and assuring every portion of the said lands which may be so sold as aforesaid to the purchaser or purchasers thereof his or their heirs and assigns for ever. And to convey.

Moneys arising from sale to be paid to the Provincial Treasurer.

IV. All moneys arising from the sale of the said lands and every or any part thereof respectively shall be paid to the Provincial Treasurer of the Province of Otago or other the person for the then time being having the custody or control of the public funds of the Province and shall form part of the ordinary revenue of the said Province and shall be appropriated in the same manner as the revenues of the said Province subject to the appropriation of the Provincial Council may now by law be appropriated but no purchaser of the said lands or any part or parts thereof shall be concerned to see to the application of his her or their purchase money or be answerable for the misapplication or non-application thereof or of any part thereof.

SCHEDULE.

All that piece or parcel of land containing by admeasurement twenty (20) acres three (3) roods and thirty-one (31) poles more or less situate in the Moeraki District in the said Province of Otago and being parts of sections numbered respectively fifteen (15) seventeen (17) and eighteen (18) Block seven (VII) on the map of the said district bounded towards the north by Section No. thirteen (13) one hundred and twenty (120) links and six hundred and thirty (630) links towards the east by a road line two thousand six hundred (2,600) links again towards the north by a road line one thousand two hundred and thirty (1,230) links towards the south by other part of the said section numbered eighteen (18) one thousand and ten (1,010) links and towards the west by other parts of the said sections numbers eighteen (18) seventeen (17) and fifteen (15) one thousand two hundred and forty (1,240) links and two thousand one hundred and sixty (2,160) links Secondly all that parcel of land containing by admeasurement fifty-five (55) acres and one (1) rood more or less situate in the Moeraki District aforesaid and being parts of sections numbered respectively thirty (30) thirty-two (32) thirty-four (34) thirty-six (36) and thirty-seven (37) Block seven (VII) aforesaid bounded towards the east by a road line five thousand four hundred and eighty-four (5,484) links towards the south by section number thirty-nine (39) one thousand nine hundred and forty (1,940) links and towards the west by other parts of the said sections numbers thirty-seven (37) thirty-six (36) thirty-four (34) thirty-two (32) and thirty (30) five thousand five hundred and sixty (5,560) links Thirdly all that parcel of land containing by admeasurement twenty-one (21) acres one (1) rood and twenty-eight (28) poles more or less situate in the Moeraki District aforesaid and being part of section numbered forty-seven (47) Block seven (VII) aforesaid bounded towards the north by a road line two thousand three hundred and twenty (2,320) links towards the east by a road line one thousand eight hundred and thirty-eight (1,838) links towards the south by section numbered forty-nine (49) one thousand six hundred and seventy (1,670) links and seven hundred and fifty (750) links and towards the west by other part of section numbered forty-seven (47) aforesaid three hundred and eighty (380) links Fourthly all that parcel of land containing by admeasurement forty-six (46) acres two (2) roods and thirty-two (32) poles more or less situate in the Moeraki District aforesaid being parts of sections numbered respectively forty-nine (49) and fifty-two (52) Block seven (VII) on the map of the said District bounded towards the north by section numbered forty seven (47) seven hundred and fifty (750) links and one thousand six hundred and seventy (1,670) links towards the south-east by a road line one thousand seven hundred and sixty-six (1,766) links towards the east by a road line one thousand three hundred and eight (1,308) links towards the south by section numbered sixty (60) one hundred and forty (140) links and three hundred and fifty (350) links and towards the south-west by other parts of the said sections numbered respectively forty-nine (49) and fifty-two (52) three thousand two hundred and fifty (3,250) links Fifthly all that parcel of land containing by admeasurement thirteen (13) acres one (1) rood and four (4) poles more or less situate in the Moeraki District aforesaid and being part of section numbered sixty-seven (67) Block seven (VII) aforesaid bounded towards the north by section numbered sixty (60) seven hundred and ninety (790) links towards the east by a road line one thousand nine hundred and twelve (1,912) links towards the south by section numbered seventy (70) two hundred and twenty (220) links andfour hundred and thirty (430) links and towards the south west and west by other part of the said section numbered sixty-seven (67) one thousand eight hundred and eighty (1,880) links Sixthly all that piece or parcel of land containing by admeasurement seven (7) acres two (2) roods and twenty (20) poles more or less situate in the Moeraki District aforesaid being parts of sections numbered respectively seventy (70) and seventy-eight (78) block seven (VII) aforesaid bounded towards the north by section numbered sixty-seven (67) four hundred and forty (440) links and two hundred and twenty (220) links towards the north-east by Reserve five hundred and thirty (530) links towards the east-north-east by a road line two thousand three hundred and sixty (2,360) links and towards the south-west by other parts of the said sections numbered respectively seventy (70) and seventy-eight (78) two thousand seven hundred and twenty (2,720) links also by a Reserve three hundred and seventy (370) links and intersected by three (3) road lines each fifty (50) links wide And Seventhly all that parcel of land containing by admeasurement sixty-six (66) acres three (3) roods and nine (9) poles more or less situate in the Moeraki District aforesaid and being section numbered twenty-seven (27) and parts of sections numbered respectively thirty (30) and thirty-five (35) the last mentioned section having been formerly known as land under application numbered two thousand eight hundred and four (2,804) on Run number eighty (80) block eight (VIII) on the map of the said district bounded towards the north by a tributary of the Waihemo or Shag River one thousand four hundred and fifty (1,450) links and by section nnmbered twenty-five (25) one thousand four hundred and fifty (1,450) links towards the east by a road line three thousand eight hundred (3,800) links towards the south by section numbered thirty-two (32) one thousand four hundred (1,400) links and towards the west by other parts of the said sections numbered thirty (30) and thirty-five (35) three thousand six hundred and twenty (3,620) links and by the Waihemo or Shag River six hundred (600) links.

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EDUCATION RESERVES MANAGEMENT AND LEASING ORDINANCE (NO. 2.) 1869.

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

SESSION XXVI. No. 298.

ANALYSIS.

AN ORDINANCE *to provide for the management and administration of certain Education Reserves and to empower the Superintendent of the Province Otago to lease the same.* Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 23RD DECEMBER, 1869.]

WHEREAS the lands specified in the Schedule hereto have under and by virtue of the Public Reserves Act 1854 been granted by the Governor of New Zealand in the name and on behalf of Her Majesty to the Superintendent of the Province of Otago and his successors in trust for the establishment and maintenance of a University in Dunedin and of Public Schools in different parts of the Province and whereas it is expedient to make provision for the administration and management of the said lands and to empower the Superintendent to lease the same or any of them for a longer term than three years : Preamble.

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

I. This Ordinance may be cited and referred to as the "Education Reserves Management and Leasing Ordinance (No. 2) 1869." Short Title

II. It shall be lawful for the Superintendent from time to time to demise and grant leases of the said lands specified in the Schedule hereto or of any of them at such annual rents and for such terms of years not exceeding terms of twenty-one years from the making thereof as he may think fit. Superintendent empowered to lease for 21 years.

III. All leases made or granted under this Ordinance shall be by Deed signed by the Superintendent and sealed with the Public Seal of the said Province as by the "Public Reserves Act 1854" is provided. Leases to be by deed under the public seal of the Province of Otago.

IV. The management and administration of the said Lands subject to the provisions of this Ordinance shall be carried on and conducted by the "Otago Education Board" established under and by "The Education Ordinance 1864" or by any Board Committee or Body to which the powers duties and authorities vested in the said Otago Education Board may be transferred by any Ordinance of the Province of Otago. Education Board to have management of the lands.

Superintendent to set apart lands as sites for schools, playgrounds for scholars, and residences for masters, as well as glebe lands for such masters, &c.

V. It shall be lawful for the Superintendent of the said Province to appropriate and set apart any of the said Lands as sites for Public Schools and School Buildings and as play-grounds for the use of scholars attending such schools and as sites for the residences of masters of such schools and as glebe lands in connection with such residences for the use occupation and benefit of such masters and whenever any of the said lands have been actually appropriated to or set apart for any of the said purposes it shall not be lawful for the Superintendent to demise or grant leases of any lands so appropriated or set apart except under the authority of a Special Ordinance of the Provincial Council of Otago passed for that purpose.

Rents and profits of such reserves to be accounted for to the Provincial Treasurer.

VI. All the rents issues profits and proceeds arising from any of the said lands shall after deducting therefrom the expenses of the management and administration thereof be from time to time paid over and accounted for to the Provincial Treasurer of the Province of Otago for the time being or other the person having the custody or control of the Public Funds of the Province and shall be appropriated in such manner as the Superintendent and Provincial Council of the said Province shall by Ordinance direct: Provided that all such rents issues profits proceeds and other moneys received by the Provincial Treasurer or such other person as aforesaid under this Ordinance shall be kept separate from the Ordinary Revenue of the Province.

Education Board to keep accounts of the disbursements in connection with the management.

VII. The said Education Board or such other body as aforesaid shall keep accurate accounts of all costs charges expenses and disbursements in connection with the management and administration of the said lands and also of all sums of money paid or received as rents issues profits or proceeds of or from the said lands and shall cause such accounts to be made up quarterly or otherwise as the Superintendent shall direct and shall prepare a balance sheet of the said accounts and the Superintendent shall cause such accounts and balance sheet to be forwarded for the examination of the Provincial Auditor in manner prescribed by the "Provincial Audit Act 1866" and the said "Provincial Audit Act 1866" shall apply to the rents issues profits and proceeds of or from the said lands and to the management and administration of the said lands to the same extent and in the same manner as if the said rents issues profits and proceeds formed part of the Ordinary Revenue of the said Province.

SCHEDULE.

District.	Section.	Block.	Acreage. a.	r.	p.
Akatore	38	I	10	0	0
Glenkenich ...	28, 30, 36 & 37	XI	228	2	16
,, ...	17	XIII	13	3	24
Wyndham	1 & 2	X	7327	2	17
Kaitangata	3	V	154	0	0
Leaning Rock ...	33	I	14	2	4
,, ...	19	II	24	3	0
,, ...	57	II	23	3	12
,, ...	81	II	7	0	17
Shotover	21	III	9	2	0
,, ...	36	IV	59	3	24
,, ...	3	V	22	2	5
,, ...	2	V	46	3	0
,, ...	34	VI	60	0	29
,, ...	16	VII	29	2	3
Shotover	17	VII	15	0	38
,, ...	7	VIII	11	3	0
,, ...	8	VIII	42	0	0
,, ...	16	VIII	10	0	0
,, ...	22	VIII	34	0	0
,, ...	17	IX	43	0	0
,, ...	8	X	33	3	28

Township.	Section.	Block.	Acreage. a.	r.	p.
Tapanui	8, 9, 10, 11 & 12	V	1	1	0
Alexandra	12,13,14, 15 & 16	VI	1	1	0

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DUNEDIN RESERVES MANAGEMENT ORDINANCE 1869.

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

SESSION XXVI., No. 299.

ANALYSIS.

AN ORDINANCE *to transfer to and vest in the Corporation of the City of Dunedin certain lands now vested in the Superintendent of the Province of Otago in trust for purposes of Public utility for the Town of Dunedin and its Inhabitants.* Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 23RD DECEMBER, 1869.]

WHEREAS the lands tenements and hereditaments described in the Schedule to this Ordinance are vested in the Superintendent of the Province of Otago and his successors subject to the provisions of certain Acts passed by the General Assembly of New Zealand intituled the "Public Reserves Act 1854" and the "Public Reserves Act Amendment Act 1862:" And whereas under the provisions of an Ordinance passed by the Superintendent and Provincial Council of the said Province intituled the "Otago Municipal Corporations Ordinance 1865" the citizens of Dunedin were created a Corporate Body under the style of the "Corporation of the City of Dunedin:" And whereas by the "Public Reserves Act Amendment Act 1862" it is provided that it shall be lawful for the Superintendent and Provincial Council of any Province by any Act or Ordinance to be from time to time duly passed in that behalf to direct and declare that any land vested or which might thereafter be vested in the Superintendent of any Province under the provisions of the said "Public Reserves Act 1854" upon Trust for any public purposes should be transferred to and vested in and held by any Corporation Commission or other person or persons having Corporate succession to be named in such Act or Ordinance in trust for the like or for any other public purpose to be specified and declared in such Act or Ordinance in such manner and with such powers of lease management and disposition over the same and over all rents issues profits and proceeds thereof and other powers provisions and conditions as should in such Act or Ordinance be expressed or declared: And whereas it is expedient that the lands and hereditaments so vested in the Superintendent of the said Province of Otago as aforesaid and described in the said Schedule hereto should be transferred to Preamble.

and vested in the "Corporation of the City of Dunedin" upon the Trusts and with and subject to the powers provisions and conditions hereinafter declared ;

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

Short Title.

I. This Ordinance shall be intituled and may be cited and referred to as the "Dunedin Reserves Management Ordinance 1869."

Lands described in Schedule to be vested in the Corporation of the City of Dunedin.

II. The lands and hereditaments mentioned and described in the Schedule hereto shall be and the same are hereby transferred to and vested in the "Corporation of the City of Dunedin" and its successors as a Corporate Body to be held by the said Corporation and its successors in Trust for purposes of Public Utility for the City of Dunedin and its inhabitants.

Corporation to manage lands described in Schedule under certain provisions.

III. It shall be lawful for the said "Corporation of the City of Dunedin" to manage the said lands and hereditaments in such manner in every respect as to them shall seem fit and with the sanction and consent of the Superintendent for the time being of the Province of Otago to lease the same lands and hereditaments at such rents issues and profits as it may deem expedient so that such leases be for any term not exceeding twenty-one years to take effect from the time of the execution thereof.

Moneys to be applied as provided by the 94th Section of the "Otago Municipal Corporations Ordinance, 1865."

IV. All moneys received by the said "Corporation of the City of Dunedin" for the rents issues and profits of the said lands and hereditaments shall be managed by the said Corporation and shall be applied and disposed of in manner provided by the ninety-fourth section of the "Otago Municipal Corporations Ordinance 1865."

Commencement of Ordinance.

V. This Ordinance shall not come into operation nor have any effect until the time in which by law the same may be disallowed by the Governor of New Zealand shall have expired.

SCHEDULE.

Reserve for Public Wharves and Quays, and other purposes connected therewith, of Public Utility to the Town of Dunedin and its Inhabitants.

All that area in the Province of Otago, containing by admeasurement one (1) acre two (2) roods and thirty-four (34) poles, more or less, situate in the Town of Dunedin, being Reserve for Public Wharves and Quays, and other purposes connected therewith of public utility to the Town of Dunedin and its Inhabitants, and numbered eleven (11) on the Map of the said Town : bounded towards the west-north-west by Princes street, one thousand two hundred and ninety (1290) links ; towards the north north-east by Reserve numbered ten (10), one hundred and eighteen (118) links ; and towards the south and east by area granted for Harbor Reclamation, one thousand four hundred and thirty (1430) links be the same more or less.

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IV.—Secretary for Lands and Works—*(Continued.)*

NO.		SALARIES. £ s. d.	CONTINGENCIES. £ s. d.	TOTALS. £ s. d.
	Brought forward ...			25,114 3 4
	Division No. 20.			
	ROADS AND WORKS.			
1	Chief Engineer	450 0 0		
3	District Engineers, 2 at £350, 1 at £300 ...	1,000 0 0		
1	Assistant Engineer	300 0 0		
1	Draughtsman	100 0 0		
1	Apprentice	30 0 0		
				1,880 0 0
	Sub-Division No. 21.			
	Travelling Expenses		500 0 0	
	Printing and Stationery		60 0 0	
	Instruments		10 0 0	
	Incidental Expenses		20 0 0	
				590 0 0
	Division No. 21.			
	GENERAL ROAD BOARD.			
1	Inspector of Works	250 0 0		
1	Draughtsman	275 0 0		
1	Do. Assistant	75 0 0		
				600 0 0
	Sub-Division No. 22.			
	Incidental Expenses		20 0 0	
				20 0 0
	Total Secretary for Land and Works ...			28,204 3 4
	Total from Provincial Treasurer ...			81,349 8 4
				£109,553 11 8

V.—PROVINCIAL TREASURER (GENERAL).

		£ s. d.	TOTALS. £ s. d.
	Division No. 22.		
	Sub-Division No. 23.		
	LOANS.		
	Interest on Loan 1861-2	3,300 0 0	
	Do. 1862	8,800 0 0	
	Interest on Harbor Loan	3,700 0 0	
	Do. Public Buildings Loan	3,300 0 0	
	Sinking Fund on do.	1,210 5 0	
	Do. Harbor Loan	1,362 0 0	
	Do. Loan 1862	1,455 0 0	
	Do. „ 1861-2	1,233 0 0	
	Waterworks Guaranteed Interest	2,000 0 0	
	Otago Dock Trust do.	3,000 0 0	
	Floating Dock do.	380 0 0	
	Port Chalmers Railway do.	4,500 0 0	
		34,240 5 0	

V.—Provincial Treasurer General—(*Continued.*)

	£ s. d.	Totals. £ s. d.
Brought forward	34,240 5 0	
LOANS—*Continued.*		
Interest on Converted Debentures	26,700 0 0	
Expenses of Conversion	4,367 18 9	
Interest, Exchange and Commission	2,500 0 0	67,808 3 9
Division No. 23.		
STEAM SERVICE		2,200 0 0
Division No. 24.		
HOME AGENCY		1,000 0 0
Division No. 25.		
IMMIGRATION		12,000 0 0
Sub-Division No. 24.		
IMMIGRATION AGENT		1,000 0 0
Division No. 26.		
GRANTS-IN-AID.		
Benevolent Institution and Country Hospitals at rate of £2 to £1 ...	6,000 0 0	
Supplemented Roads	20,000 0 0	
Municipalities	3,500 0 0	
Dunedin City Corporation	2,000 0 0	
Port Chalmers Corporation	130 0 0	
Hampden Mechanics' Institute, £ for £	100 0 0	
Sludge Channels, at rate of £2 to £1	1,600 0 0	33,330 0 0
Division No. 27.		
Sub-Division No. 25.		
MISCELLANEOUS.		
Volunteers	400 0 0	
Burial of Paupers	100 0 0	
Expenses of Returning Officers	200 0 0	
Advertising	150 0 0	
Printing and Stationery	200 0 0	
Printing Gazette	900 0 0	
Prospecting	500 0 0	
Fuel and Light	150 0 0	
Collecting Dog Tax	250 0 0	
Compensation for Deviation of Roads, Purchase of Land and Runs, and Agricultural Land Blocks	4,000 0 0	
Relief to Destitute	600 0 0	
Acclimatisation Society	500 0 0	
Auctioneers' Expenses	600 0 0	
Introduction of Salmon and Trout	400 0 0	
Botanical Gardens	500 0 0	
Prizes to Pastoral, Agricultural and Horticultural Societies ...	500 0 0	
Encouragement to New Industries	1500 0 0	
Arbitrations and Actions	300 0 0	
Assessors and Collectors under Waste Land Act	400 0 0	
Public Vaccinators	250 0 0	
Cleaning and Repairing Clocks	75 0 0	
General Contingencies	1,000 0 0	
Unforeseen Contingencies	1,000 0 0	
Water and City Rates	150 0 0	
Carry forward	13,725 0 0	117,338 3 9

V.—Provincial Treasurer General—(*Continued.*)

	£ s. d.	TOTAL. £ s. d.
Brought forward		117,338 3 9
MISCELLANEOUS—*Continued.*	13,725 0 0	
Witnesses' Expenses	70 0 0	
Woollen Manufacture, first 5000 yards	1,500 0 0	
Board of Health and Rations	200 0 0	
Premiums on Guarantee Policies...	30 0 0	
Electric Telegraph Messages	300 0 0	
Compensation to Officers on Retirement from the Public Service ...	500 0 0	
Otago Museum	200 0 0	
Lawrence Athenæum	100 0 0	
Milton do.	300 0 0	
Waitahuna do.	100 0 0	
Dunedin do.	500 0 0	
Oamaru do.	50 0 0	
Refund of Rent, University Reserves	1,331 1 0	
Refund of Rent to Walter Miller...	164 16 0	
Preliminary Expenses, Port Chalmers Railway	94 12 4	
Compensation to W. Tulloch	50 0 0	
Do. Mrs. Cameron	200 0 0	
Do. W. Mitchell	100 0 0	
Do. J. Nelson	50 0 0	
Labor Agency Office	200 0 0	
University Chair of Mineralogy and Agricultural Chemistry ...	300 0 0	
Subsidy to Vessels, Martin's Bay	300 0 0	
Whitworth's Pamphlet	50 0 0	
Refund of Expenses incurred by James Reid *re* Traquair Hundreds. .	100 0 0	
Fencing Cemeteries	300 0 0	
Southern Trunk Railway Preliminary Expenses	1,000 0 0	
Civil Service Commission	200 0 0	
		22,015 9 4
Total Provincial Treasurer General		139,353 13 1
Total from Secretary for Land and Works		109,553 11 8
Total carried to Roads and Works		248,907 4 9

ROADS AND WORKS.

	£ s. d.	TOTAL. £ s. d.
Division No. 28.		
ROADS.		
Sub-Division No. 26.		
MAIN NORTH ROAD.		
Dunedin to Waikouaiti	4,300 0 0	
Waikouaiti to Palmerston	2,040 0 0	
Palmerston to Oamaru	1,980 0 0	
Oamaru to Waitaki	150 0 0	8,470 0 0
Sub-Division No. 27.		
MAIN SOUTH ROAD.		
Dunedin to East Taieri Bridge	16,000 0 0	
East Taieri Bridge to Tokomairiro	9,000 0 0	
Tokomairiro to Clutha	3,700 0 0	
Clutha to Mataura	2,700 0 0	31,400 0 0
		39,870 0 0

ROADS AND WORKS—(*Continued.*)

	£ s. d.	TOTAL. £ s. d.
Brought forward		39,870 0 0
ROADS—*Continued.*		
SUB-DIVISION No. 28.		
CENTRAL INTERIOR.		
Saddle Hill to West Taieri Bridge	3,000 0 0	
West Taieri Bridge to Rock and Pillar	600 0 0	
Rock and Pillar to Dunstan	300 0 0	
Dunstan to Cromwell	1,000 0 0	
Cromwell to Queenstown	1,400 0 0	6,300 0 0
SUB-DIVISION No. 29.		
SOUTHERN INTERIOR.		
Tokomairiro to Tuapeka	5,000 0 0	
Tuapeka to Teviot	900 0 0	
Teviot to Alexandra	1,500 0 0	7,400 0 0
SUB-DIVISION No. 30.		
NORTHERN INTERIOR.		
Palmerston to Eweburn	2,700 0 0	
Eweburn to Dunstan	650 0 0	
Oamaru to Lindis	500 0 0	
Lindis to Wanaka	300 0 0	
Cromwell to Wanaka	150 0 0	4,300 0 0
SUB-DIVISION No. 31.		
MAIN BRANCH ROADS.		
Northern Trunk to Port Chalmers	150 0 0	
Do. to Moeraki	150 0 0	
Do. to Oamaru Port...	100 0 0	
Dunedin to North Taieri	600 0 0	
Do. to Portobello	750 0 0	
Naseby to Eden Creek	600 0 0	
Lees Stream to Waipori	200 0 0	
Southern Trunk to Port Molyneux	1,000 0 0	
Do. to Hogg's Bridge	400 0 0	
Tuapeka to Switzers	300 0 0	
Southern Trunk to Kaitangata	900 0 0	
Roads and Bridges Lower Mataura District	1,700 0 0	
Clinton to Waipahi	450 0 0	
Waipahi to Tapanui	70 0 0	
Tapanui to Moa Flat	100 0 0	
Waipahi to Pyramids	100 0 0	
Glenomaru to Catlin's River	400 0 0	
Main North Road Telegraph Line	150 0 0	8,120 0 0
MISCELLANEOUS ROADS.		
Main Road through Dunedin	600 0 0	
Do. through Port Chalmers	77 10 0	
Port Chalmers to Blueskin	150 0 0	
Peninsula Beach Road	150 0 0	
Pine Hill Road...	100 0 0	
Dunedin to Blueskin *viâ* Water of Leith	150 0 0	
Waihemo to Macraes	50 0 0	
Macraes to Hyde	50 0 0	
Hyde to Kyeburn	50 0 0	
Carry forward	1,377 10 0	65,990 0 0

ROADS AND WORKS—*Continued.*

	£	s.	d.	TOTAL. £	s.	d.
Brought forward				65,990	0	0
ROADS—*Continued.*	1,377	10	0			
MISCELLANEOUS ROADS—*Continued.*						
Tapanui to Waikaka	60	0	0			
Round Hill to Waitahuna Township	50	0	0			
Lawrence to Wetherstones	100	0	0			
Beck's to Dunstan Creek	50	0	0			
Hill's Creek to Dunstan Creek	70	0	0			
Lauder Creek to Drybread	40	0	0			
Dunstan to Nevis	50	0	0			
Cromwell to Nevis	50	0	0			
Cromwell to Bendigo Gully	250	0	0			
Albertown to Cardrona	50	0	0			
Arrow to Hayes Lake and Morven Ferry	80	0	0			
Queenstown to Arrow *via* Arthur's Point	500	0	0			
Arrow to Twelve-mile Creek	100	0	0			
Queenstown to Moke Creek	400	0	0			
Do. Maori Point and Skipper's	200	0	0			
Do. Head of Lake Wakatipu	200	0	0			
Newcastle to Head of Wanaka Lake	50	0	0			
Gladstone to Head of Hawea Lake	150	0	0			
Arrow to Cardrona	50	0	0			
Crawford and Rattray streets, Dunedin	100	0	0			
Roads and Bridges on Gold Fields	1,500	0	0			
Lake Wakatipn to Lake M'Kerrow	1,500	0	0			
Pine Hill to Waitati	500	0	0			
Waihola to Taieri Beach	150	0	0			
Waipori to Main South Road	200	0	0			
Catlin's River to Owake Flat	250	0	0			
Lawrence to Blue Spur	250	0	0			
Roxburgh to Campbell's and Pomahaka	150	0	0			
Arrowtown Roads	200	0	0			
Main Road to Government Township, Waikouaiti	25	0	0			
Glenomaru Road to Run No. 122	150	0	0			
Approaches to Puerua Bridge	100	0	0			
Do. Moeraki Jetty	1,700	0	0			
Lindis Road to Ohau Lake	50	0	0	10,702	10	0
DIVISION No. 29.						
MISCELLANEOUS.—WORKS AND BUILDINGS.						
Lunatic Asylum	600	0	0			
Hospital	200	0	0			
Residence for Rector of High School	3,000	0	0			
District Police Stations	500	0	0			
Immigration Barracks	50	0	0			
Gaol, Dunedin	100	0	0			
Repairs to Buildings	200	0	0			
Tools and Materials for Prisoners' Labor	1,400	0	0			
Flood Gates, Anderson's Bay Road	100	0	0			
District Gaols	550	0	0			
Gold Fields Buildings	300	0	0			
Court House, Dunedin	50	0	0			
School Buildings	2,500	0	0			
Works not Provided for	1,500	0	0			
Unforeseen Contingencies	2,000	0	0			
District Court Houses	100	0	0			
Girls' Seminary, High School	1,200	0	0			
Provincial Buildings	400	0	0			
Waitaki Ferry	125	0	0			
Snow Poles and Shelter Sheds	150	0	0			
Carry forward	15,025	0	0	76,692	10	0

Roads and Works—*Continued.*

	£	s.	d.	TOTAL. £	s.	d.
Brought forward				76,692	10	0
	15,025	0	0			
MISCELLANEOUS.—WORKS AND BUILDINGS *Continued.*						
Court House, Cromwell	550	0	0			
Do. Tapanui	100	0	0			
Industrial School	1,200	0	0			
Volunteer Drill Shed	300	0	0			
Repairs to Waikawa Jetty	100	0	0			
Fencing Flagstaff, Port Chalmers	25	0	0			
Ford, Taieri River, near Hamilton's	100	0	0			
Soundings and Borings, Otago Heads	100	0	0			
School House, Kaikorai	350	0	0			
Tokomairiro Grammar School	600	0	0	18,450	0	0
Division No. 30.						
BRIDGES.						
Tokomairiro Gorge	130	0	0			
Shotover	347	4	4			
West Taieri	200	0	0			
Gentle Annie	10	0	0			
Roaring Meg	20	0	0			
Kawarau	200	0	0			
Puerua	440	0	0			
Shotover above Maori Point	50	0	0			
Kaihiku	250	0	0			
Waitaki	20	0	0			
East Taieri	450	0	0			
Tokomairiro, Main North Branch	200	0	0			
Woolshed	50	0	0			
Waipahi	70	0	0			
Waikoikoi	50	0	0			
Balclutha	30	0	0			
Shag River, Main North Road	100	0	0			
Waitahuna	378	13	6			
Paiwata	500	0	0			
Mataura	20	0	0			
Pleasant River	201	16	7			
Salmond's Creek	45	0	0			
Waitati	105	6	6			
Hampden (2)	90	18	9			
Ross Place and Whitehaven street	112	17	5			
Winding Creek...	200	0	0			
Tois Tois Hundred (2)	40	0	0			
Pomahaka Foot Bridge	200	0	0			
Foot Bridge between Switzer's and Welshman's	100	0	0			
Tuapeka Mouth	50	0	0			
Kilmog	1,400	0	0			
Kakaho	500	0	0			
Waikouaiti (temporary)	600	0	0			
Foot Bridge across Creek at Evan's Flat	200	0	0			
Shotover, at Arthur's Point	100	0	0			
West Taieri (timber approaches)...	2,000	0	0	9,461	17	1
Division No. 31.						
JETTIES AND HARBORS.						
Dunedin (4)	1,000	0	0			
Port Chalmers	30	0	0			
Moeraki	2,500	0	0			
Port Molyneux	100	0	0			
Shag Harbor	800	0	0			
Dock, Oamaru	10,100	0	0			
Dredging Harbor	3,000	0	0			
Kakanui Harbor	1,700	0	0	19,230	0	0
				123,834	7	1

Total Road Works	123,834	7	1
Total from Provincial Treasurer General	248,907	4	9
	£372,741	11	10

III. The Superintendent with the advice and consent of his Executive Council is hereby authorised to transfer any sum or sums of money from one item of any subdivision to another item in the same subdivision and to transfer from the vote "Unforeseen Contingencies" any sum or sums of money to any vote or votes requiring to be supplemented by reason of unforeseen emergency or to any new headings in cases of apparent omission or unforeseen expenditure necessary to be incurred provided that a statement of all such transfers together with a statement of the expenditure under the head of unforeseen contingencies be laid by the Provincial Auditor before the Provincial Council at its next Session.

Superintendent authorised to transfer one item to another of the same subdivision.

IV. If the General Assembly shall authorize a loan to be raised for the service of the Province of Otago and if such loan shall be raised accordingly there may be applied out of such loan for the purposes hereinafter mentioned any sum not exceeding the sum of six hundred and fifty thousand pounds for the following purposes:—

Certain sums to be appropriated out of loan if authorised.

Southern Trunk Railway	£400,000
Water Supply on Gold Fields	100,000
Immigration	50,000
Embankment of Rivers	50,000
Oamaru Dock	20,000
Waitaki Bridge (or out of revenue)	10,000
Kakanui Harbor	6,000
Waikouaiti Wharf	8,000
Shag River Bridge	4,000
Lower Mataura Bridge	2,000
	£650,000

V. If in the opinion of the Superintendent the interests of the Public Service of the said Province will be promoted by not convening a Session of the Provincial Council until after the thirty-first day of March one thousand eight hundred and seventy-one there may be issued and applied out of the revenues of the said Province subject to appropriation by the Provincial Council any sum or sums of money for the purpose of defraying the charges of the Government of the said Province during a period of not exceeding two months from the said thirty-first day of March one thousand eight hundred and seventy-one not exceeding in the whole such sum or sums respectively as shall be in proportion for such period of two months to the sum or sums appropriated for the like payments during the twelve months ending on the thirty-first day of March aforesaid.

Provision for continuing payments to 31st May 1871.

VI. The Provincial Treasurer or other person having the custody or control of the Public Funds of the Province shall issue and pay from time to time any sum or sums of money for the purposes herein mentioned not exceeding in the whole the sums respectively hereinbefore specified to such persons and in such proportions as the Superintendent for the time being shall by warrants under his hand directed to the Provincial Treasurer or such other person as aforesaid and certified by the Auditor or Deputy-Auditor in terms of the "Provincial Audit Act 1866" or any other Act for the time being in force regulating the audit of Public Accounts in the Province of Otago from time to time direct and such Treasurer or other person having the custody or control of the Public Funds of the Province shall in his accounts be allowed credit for all sums paid by him in pursuance of such warrants and the receipts of the persons to whom such sums shall have been paid shall be to him a full and valid discharge for the sum or sums for which such receipts shall have been given and the amount thereof shall be passed to his credit in account accordingly.

Treasurer &c. to pay moneys under warrant of the Superintendent and to be allowed credit for all moneys so paid.

DUNEDIN, NEW ZEALAND:
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DUNEDIN AND PORT CHALMERS RAILWAY AGREEMENT VALIDATION ORDINANCE 1870.

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

SESSION XXVII. No. 307.

ANALYSIS.

AN ORDINANCE *to validate a certain agreement made between James Macandrew Esquire Superintendent of the Province of Otago of the one part and David Proudfoot of Dunedin in the said Province Contractor and John Thomas Chaplin of the same place Coach Proprietor of the other part relative to the construction of a Railway between Dunedin and Port Chalmers and other works connected therewith.* Title.

[13TH JUNE 1870].

WHEREAS the Provincial Council of Otago in Session assembled did on the eleventh day of May 1869 adopt the following resolutions that is to say: "1st That in the opinion of this Council the construction of a Railway between Dunedin and Port Chalmers should be proceeded with without delay 2nd That to place the Government in a position to provide for such work being carried out power should be given to the Superintendent with the advice and consent of his Executive to enter into an agreement with a company formed for the purpose to hand over to such company jetty dues to an amount annually not exceeding eight per cent. of the capital required to be employed as a fund to encourage the investment of a sufficient amount of capital 3rd That to place at the disposal of the Government further facilities for enabling the necessary capital to be raised a block of land should be set apart as a reserve to be used if necessary as a security for raising money" And whereas in pursance of the said resolutions His Honor James Macandrew as and being such Superintendent of the Province of Otago as aforesaid entered into the agreement with the said David Proudfoot and John Thomas Chaplin set forth in the Schedule hereunto annexed And whereas doubts are entertained as to the power of the Superintendent to enter into the said agreement And it is expedient to set such doubts at rest and to validate the said agreement: Preamble.

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.

I. The short title of this Ordinance shall be the "Dunedin and Port Chalmers Railway Agreement Validation Ordinance 1870."

Agreement in Schedule Validated.

II. The said agreement so made and entered into by the said James Macandrew as and being such Superintendent as aforesaid and a copy of which agreement is set forth in the schedule to this Ordinance annexed shall be and be deemed to have been from the time of the making thereof as valid and effectual to all intents and purposes as if the said Superintendent had prior to making the said agreement been expressly authorised by an Ordinance of the Superintendent and Provincial Council of the Province of Otago to enter into the said agreement and all the clauses and provisions thereof.

Superintendent may by Proclamation set apart moneys collected at wharves and jetties at Dunedin and Port Chalmers for purposes of agreement.

III. It shall be lawful for the Superintendent of the Province of Otago and he is hereby authorised to set apart by proclamation in the Government *Gazette* of the said Province as soon as the railway works in the said agreement mentioned shall have been commenced the whole of the moneys thenceforth to be collected or received at or from or by means of the various jetties or wharves in or at the Port of Dunedin in the said Province and in or at the Port of Port Chalmers in the said Province and which were at the date of the said agreement paid or payable to the Provincial Treasurer of the said Province of Otago and formed part of the revenue of the said Province and such proclamation shall notwithstanding the same has not been made prior to the commencement of the present session of the said Council be deemed valid and effectual for the intents and purposes in the said agreement set forth.

SCHEDULE.

THIS DEED made the twenty-fifth day of January one thousand eight hundred and seventy between James Macandrew Esquire Superintendent of the Province of Otago of the one part and David Proudfoot of Dunedin in the Province of Otago and Colony of New Zealand contractor and John Thomas Chaplin of the same place coach proprietor of the other part *Whereas* the making and maintaining a railway from Port Chalmers in the said Province of Otago to the City of Dunedin in the same Province and the construction of wharves jetties and other necessary erections for the purpose of enabling ships and vessels to load and discharge their cargoes and land and take in passengers from and to such railway would be of great public utility and highly beneficial to the said Province of Otago *And whereas* the said David Proudfoot and John Thomas Chaplin have proposed to the Superintendent of the Province of Otago to make and maintain such a railway and to construct wharves jetties and other necessary erections in connection therewith and to provide the necessary capital therefor *And whereas* it has been deemed advisable by the Provincial Government of Otago to encourage the investment of an amount of capital sufficient for the making and maintaining of the said railway and the construction of such wharves jetties and other necessary erections as aforesaid *And whereas* the Provincial Council of Otago in Session assembled did on the eleventh day of May one thousand eight hundred and sixty-nine adopt the following resolutions namely—

1st. "That in the opinion of this Council the construction of a railway between Dunedin and Port Chalmers should be proceeded with without delay."

2nd. "That to place the Government in a position to provide for such work being carried out power should be given to the Superintendent with the advice of his Executive to enter into an agreement with a company formed for the purpose to hand over to such company jetty dues to an amount annually not exceeding eight per cent. of the capital required to be employed as a fund to encourage the investment of a sufficient amount of capital."

3rd. "That to place at the disposal of the Government further facilities for enabling the necessary capital to be raised a block of land should be set apart as a reserve to be used if necessary as a security for raising money."

And whereas the said David Proudfoot and John Thomas Chaplin have applied to the said James Macandrew as such Superintendent as aforesaid to enter into an agreement with them to hand over or secure to them the jetty dues henceforth to be collected at the several jetties in the Ports of Dunedin and Port Chalmers so as to form a fund out of which payment of interest at and after the rate of eight pounds per centum per annum on the amount of the capital required to be employed by the said David Proudfoot and John Thomas Chaplin in carrying out and constructing the said works and in connection therewith may be secured to them the said David Proudfoot and John Thomas Chaplin *And whereas* the said James Macandrew as such Superintendent as aforesaid by and with the advice and consent of his Executive Council (as he the said James Macandrew doth hereby testify and declare) has consented and agreed to enter into such agreement and to execute the covenants on his part hereinafter contained

Now this deed witnesseth that for the purposes aforesaid and in consideration of the premises and of the covenants by and on behalf of the said David Proudfoot and John Thomas Chaplin which are herein contained he the said James Macandrew as such Superintendent of the Province of Otago as aforesaid and so as to bind himself as Superintendent and his successors in office so far as he lawfully may or can do so but not so as to charge himself his heirs executors or administrators or his or their own proper lands tenements goods or chattels with or for the performance of all or any of the covenants conditions or agreements herein contained doth hereby for himself and his successors Superintendents of the Province of Otago (he the said James Macandrew as such Superintendent and his successors being hereinafter called "the said Superintendent") covenant promise and agree with and to the said David Proudfoot and John Thomas Chaplin their executors administrators and assigns in manner following that is to say That he the said Superintendent will so soon as the railway works hereinafter mentioned shall have been commenced set apart by Proclamation in the Government *Gazette* of the said Province of Otago or by such other means as he lawfully may the whole of the moneys thenceforth to be collected or received at or from or by means of the various jetties and wharves in or at the Port of Dunedin in the said Province and in or at the Port of Port Chalmers in the said Province and which are now paid to the Provincial Treasurer of the said Province of Otago and form part of the revenue of the said Province *And* that from and after the publication of such Proclamation in the said Government *Gazette* the moneys so collected or received at from or by means of the said jetties and wharves shall be placed to the credit of a separate account in the books of the Provincial Treasury at Dunedin aforesaid to be called "The Port Chalmers Railway Guarantee Account" and that the moneys so placed to such account shall be applied to the payment of the interest hereinafter mentioned *And* that he the said Superintendent will thereafter on the first day of April and the first day of October in each year until the said railway shall be constructed and in actual working order pay to the said David Proudfoot and John Thomas Chaplin out of the moneys so placed to the credit of "The Port Chalmers Railway Guarantee Account" interest upon the amount of the capital which shall from time to time have been actually expended or employed by the said David Proudfoot and John Thomas Chaplin in the construction of the said railway at and after the rate of eight pounds per centum per annum *Provided always* that the amount upon which interest shall be so paid as aforesaid shall in no case exceed the sum of seventy thousand pounds whatever the actual capital expended or employed by the said David Proudfoot and John Thomas Chaplin in the construction of the said works may amount to *And also* will after the said railway shall have been constructed and shall be in working order and whilst the same shall be regularly worked in accordance with the provisions hereinafter contained for the carriage of goods and passengers pay to the said David Proudfoot and John Thomas Chaplin out of the moneys so placed to the credit of the said Port Chalmers Railway Guarantee Account yearly and every year on the half-yearly days aforesaid for the term of fifteen years to be computed from the date of the completion of the said works interest at such a rate as when added to the nett income derived by the said David Proudfoot and John Thomas Chaplin from the said railway will amount in every year to a sufficient sum to increase the interest upon the entire capital not exceeding the said sum of seventy thousand pounds employed in the construction of the said railway and other works to the rate of eight per cent per annum *And also* that if the said moneys will not suffice to increase the interest to that rate then that the said Superintendent shall from time to time alter and increase the rates and charges payable at such jetties and wharves to a sufficient sum to cover the amount necessary to make up the interest on the said capital to the rate aforesaid or will otherwise provide for the payment of such interest out of the ordinary revenues of the said Province but this proviso is not to be held to interfere with or be held to prejudice or affect the security of the said David Proudfoot and John Thomas Chaplin their executors administrators and assigns in respect of the dues to be received or payable at such jetties and wharves *Provided always* that until the said Superintendent or his successors shall have exercised the power of purchase hereinafter contained the present rates and charges payable at such jetties and wharves shall not be reduced *Provided always and it is hereby expressly agreed* by and between the said parties hereto that until the said Superintendent or his successeors shall have exercised the power of purchase hereinafter contained no toll dues and wharfages shall be levied under the provisions of the "Jetties and Wharves Ordinance 1858" or any other Law or Ordinance now in force or which hereafter during the continuance of these presents may be in force on any goods that may arrive at the Port of Otago whether landed at Port Chalmers or Dunedin or any other intermediate place between Port Chalmers and Dunedin and which shall be carried by over or upon the said railway without the previous consent in writing of the said David Proudfoot and John Thomas Chaplin their executors administrators or assigns first had and obtained *And further* that he the said Superintendent will do or cause to be done all acts matters and things necessary and proper for obtaining and paying the said interest and every part thereof when and so often as the same shall become payable under and by virtue of this deed *And further* that he the said Superintendent will do or cause to be done all acts matters and things necessary to authorise and empower the said David Proudfoot and John Thomas Chaplin to construct a railway wharf at Port Chalmers aforesaid and will use his best endeavours to obtain for the said David Proudfoot and John Thomas Chaplin any authority or permission which may be required for that purpose *And further* that he the said Superintendent will use every endeavour to have passed by the said Provincial Council of Otago at and during the Session of the said Provincial Council which shall be held next after the making of such Proclamation setting apart the said monies so to be collected and received at the said jetties and wharves as aforesaid an Ordinance validating the aforesaid Proclamation and making provision for setting apart and payment of the money collected and received at on or by means of the various jetties and wharves at the Ports of Dunedin and Port Chalmers as hereinbefore covenanted and agreed to be set apart and paid *And further* that if at any time hereafter the said David Proudfoot and John Thomas Chaplin shall for the purposes of the making and construction of the said Railway and other works as aforesaid require any land theretofore granted by the Crown in the said Province and shall signify such desire to the said Superintendent and shall also require him the said Superintendent to cause an Ordinance to be passed by the said Provincial Council of Otago under the authority of "The Provincial Compulsory Land Taking Act 1866" authorizing the compulsory taking of such land then that he the said Superintendent will use every endeavour to procure to be passed at and during the then present or next Session of the said Provincial Council of Otago an Ordinance authorising the said David Proudfoot and John Thomas Chaplin to take compulsorily such land as may be so required as aforesaid *And* will thereafter immediately use every endeavour to obtain to such Ordinance the assent of the Governor of New Zealand for the then time being *And* that he the said Superintendent will so often as the said David Proudfoot and John Thomas Chaplin shall for the purpose of the making and construction of and as a part of the site of the said railway or other works require any lands already vested or which may be hereafter vested in the Superintendent of the Province of Otago (and whether such lands be situate above high water mark or be situate on the shore of the Otago Harbor in the said

Province below high water mark or be altogether covered by the waters of the said Harbor) use his best endeavors to get passed at the then present or next Session of the said Provincial Council of Otago an Ordinance authorising the free grant and conveyance to the said David Proudfoot and John Thomas Chaplin of the said lands so granted and will thereupon immediately use every endeavor to obtain the assent of the said Governor to the said Ordinance and thereupon will convey to the said David Proudfoot and John Thomas Chaplin all such lands the subject of the said Ordinance free of all purchase money costs charges and expenses *And further* that he the said Superintendent will pay to the said David Proudfoot and John Thomas Chaplin their executors administrators or assigns for any term not exceeding three months during which the sum of five thousand pounds shall remain in the hands of the Provincial Treasurer as hereinafter mentioned interest at and after the rate of eight pounds per centum per annum on the said sum of five thousand pounds required to be deposited by the said David Proudfoot and John Thomas Chaplin as hereinafter mentioned *And further* that he the said Superintendent will at all times hereafter at the costs and charges of the said David Proudfoot and John Thomas Chaplin make do and cause to be done every act deed matter and thing necessary and proper for effectuating all and every the ends intents and purposes hereinbefore mentioned or referred to and will use every endeavor to procure all and every such further Ordinance or Ordinances to be passed by the said Provincial Council of Otago at all and every time or times hereafter when occasion shall require and to obtain the assent to such Ordinance or Ordinances of the said Governor (when necessary) and generally to do or cause to be done every other act matter and thing requisite and necessary in and about the premises *And further* that the said Superintendent will not hereafter assist any person or persons company or corporation who may undertake the construction of a line of railway between Dunedin and Port Chalmers to the prejudice of the said David Proudfoot and John Thomas Chaplin their executors administrators or assigns by guaranteeing the payment of interest to such person company or corporation upon the whole or any part of the capital necessary to be employed in the construction of such line *Provided always and it is hereby expressly agreed and declared* between and by the parties hereto that nothing herein contained shall extend to charge the person of the said James Macandrew as such Superintendent as aforesaid or the heirs executors or administrators of the said James Macandrew or any of his or their own proper lands tenements goods or chattels with or for the performance of all or any of the covenants conditions or agreements in these presents contained on the part of the said James Macandrew as such Superintendent as aforesaid or his successors in office to be observed and performed.

And this deed also witnesseth that in consideration of the premises and of the covenants by and on behalf of the said Superintendent which are hereinbefore contained the said David Proudfoot and John Thomas Chaplin for themselves their heirs executors administrators and assigns do and each of them doth hereby covenant promise and agree with and to the said Superintendent as follows (that is to say) The said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns will at their own cost construct complete maintain and work for public traffic a single line of railway from Port Chalmers in the said Province of Otago to the City of Dunedin in the same Province with all works approaches public and occupation roads bridges and crossings sidings stations workshops fixed and rolling stock and all other works and appliances which may be necessary for the construction and convenient and safe working of the said line and also all wharves jetties and other necessary erections for the purpose of enabling ships and vessels to load and discharge their cargoes and land and take in passengers from and to such railway And that the commencing point of the said railway shall be a point in the harbor of Port Chalmers particularised on the plan marked with the letter "A" and signed by the said parties hereto And that the point of termination of the said railway shall be a point in the site reserved for a central railway station at Dunedin aforesaid consisting of two acres and indicated by a red color on the said plan marked "A" and that an engineer to be appointed by the Superintendent shall have and exercise a general supervision and control on behalf of the Province in all matters relating to the construction maintenance and general management and working of the said line of railway and who is hereinafter referred to by the title of "Inspecting Engineer" *And* that the line of the said intended railway shall be within the lines of deviation shewn on the said plan *And* further that the said David Proudfoot and John Thomas Chaplin will forthwith deposit with the Provincial Treasurer for the time being of the Province of Otago aforesaid the sum of five thousand pounds to be held by the said Provincial Treasurer and his successors in office or other the person or persons for the time being having the custody or control of the public funds of the said Province as and by way of security for the due completion by the said David Proudfoot and John Thomas Chaplin of the said railway and other works in accordance with these presents such sum to be returned to the said David Proudfoot and John Thomas Chaplin so soon as the said Inspecting Engineer shall certify to the said Superintendent that the said David Proudfoot and John Thomas Chaplin have performed works upon and constructed the said line to the extent in value of five thousand pounds but to be absolutely forfeited to the said Superintendent unless such works to the extent of five thousand pounds shall not be so constructed within eighteen months from the day of the date hereof *And further* that the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns will commence the works in connection with the construction of the said line of railway within six weeks from the day of the date hereof and will from the time of the commencement of the said works uniformly and regularly carry on the same and will complete the same to the satisfaction of the Inspecting Engineer and will obtain a certificate from him that the whole length of the said railway is completed and provided with rolling stock and is ready and fit to be used for public traffic within one year and six months from the commencement of the said works It being expressly agreed that unless the said works shall be so completed as aforesaid within the said term of one year and six months all payments of guarantee shall cease until the Inspecting Engineer shall have certified that the whole length of the railway is completed and provided with rolling stock and ready and fit to be used for public traffic *And further* that the said David Proudfoot and John Thomas Chaplin their executors administrators and assigns shall and will make construct and finish the said works in accordance in every respect with the specification contained in the Schedule hereto annexed and shall and will for each and every case for which the said specifications do not make provision or for which the provision made is insufficient or improper submit to the Inspecting Engineer working drawings and specifications describing the mode in which the different works are proposed to be constructed and will procure the written approval of the Inspecting Engineer to the same before the commencement of any of the several works to which the drawings and specifications specially relate and that duplicates of all documents submitted for approval shall be forwarded therewith and may be retained by the Inspecting Engineer *And further* that the gauge of the said railway shall be four feet eight and a half inches and no gradient in the said line shall be steeper than one in sixty and no curve sharper than ten chains radius and that

the works on the said railway shall be substantially constructed and the whole of the materials workmanship plant and appliances provided shall be of the best and most approved description and the whole railway shall be completed in the most workmanlike manner and properly provided and equipped with all necessary and contingent works and appliances *And further* that the said David Proudfoot and John Thomas Chaplin their executors administrators or assigns will acquire at their own cost the land required for the said line of railway and also all lands required for sidings stations or other contingent works or purposes other than the lands hereinbefore mentioned or referred to and except the Dunedin terminus of the said railway which they shall be allowed to use and occupy free of charge *And further* that the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns will secure by and permanently enclose and protect throughout with good and substantial fencing constructed and erected so as to form a legal fence for great and small cattle under the provisions of the laws in the Province of Otago aforesaid for the time being in force relating to fencing the whole line of the said railway and works *And further* that the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns will at their own cost provide for the said line a sufficient quantity of rolling stock for the convenient and safe working of the traffic on the said railway *And further* that the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns will at all times during the continuance of the guarantee on the part of the Superintendent hereinbefore contained keep and maintain the said line of railway and all works stations buildings machinery and plant connected therewith in thorough good order and repair and will at all times during the term aforesaid regularly work the said railway for public traffic under such provisions and regulations as shall be approved of by the Superintendent and will run at least six trains each way per day throughout the whole length of the line at a rate of not less than fifteen miles per hour including stoppages *Provided* that if in the opinion of the Inspecting Engineer the traffic upon the said line shall from time to time or at any time not be sufficient to require six trains per day to be run then the said David Proudfoot and John Thomas Chaplin their executors administrators or assigns shall run such lesser number of trains each way per day as shall in the opinion of the Inspecting Engineer be sufficient during such time or times as shall from time to time be fixed by the said Inspecting Engineer by writing under his hand *And further* that the said David Proudfoot and John Thomas Chaplin will charge such rates of fares and charges for passengers and for goods and other things conveyed as the said Superintendent with the advice and consent of his Executive Council may from time to time by Proclamation in the Provincial Government *Gazette* fix and approve of and no other rates whatsoever *Provided* that the charges for general merchandise shall not be reduced below four shillings and sixpence per ton and the rates of fares and charges for passengers below one shilling and sixpence for a single and two shillings and sixpence for a return ticket for first-class passengers and one shilling for a single and one shilling and sixpence for a return ticket for second class passengers without the consent in writing of the said David Proudfoot and John Thomas Chaplin first obtained for that purpose *And further* that the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns will from the time of the due completion of the said line after deducting out of the income arising from the said railway all reasonable expenses payable thereout and the cost of the maintenance of the said line and other works apply the clear surplus of such income if sufficient and if insufficient then so far as the same will extend in payment of interest at the rate of eight pounds per centum per annum on the entire capital not exceeding seventy thousand pounds employed in the construction of the said railway and other works so as to reduce as far as possible the amount payable by the said Superintendent under the guarantee hereinbefore contained *And further* that the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns shall one calendar month at least before each half yearly day of payment of interest as hereinbefore is mentioned make out and submit to the said Superintendent a statement in writing of the receipts and expenditure on account of income for the current half year and shall at the same time notify in writing to the said Superintendent the amount required to be applied out of the said "Port Chalmers Railway Guarantee Account" to pay or make up the deficiency of the surplus income of the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns for payment of the interest then becoming payable and the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns will from time to time when required by the said Superintendent furnish to him proper statements and accounts to enable him to ascertain the position of the affairs of the said David Proudfoot and John Thomas Chaplin their executors administrators or assigns and in verification thereof will at all reasonable times produce their accounts books for inspection by the said Superintendent or any person authorized by him in that behalf and will properly vouch such statements if required so to do *Provided always and it is hereby mutually agreed and declared* that no surplus or deficiency shall be carried from the accounts of one year to those of another but that should the nett income in any one year exceed the amount of the guarantee the surplus income shall belong to the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns but should the nett income in any year be less than the amount of the guarantee the Superintendent shall be liable under these presents for an amount equal to the difference between the amount of the nett income and the amount of the guarantee but should the expenditure in any year be greater than the receipts so as to show a loss the Superintendent shall be liable only to the extent of the guarantee *Provided also and it is hereby also agreed and declared* that should the said David Proudfoot and John Thomas Chaplin their executors administrators or assigns at any time during the continuance of these presents cease to work the said railway for the carriage of goods and passengers according to the provisions herein contained all payments of guarantee under these presents shall cease during any time or times the said railway shall not be worked in accordance with such provisions *And* for the considerations aforesaid the said David Proudfoot and John Thomas Chaplin for themselves their heirs executors administrators and assigns doth hereby further covenant promise and agree with and to the said Superintendent that they the said David Proudfoot and John Thomas Chaplin their executors or administrators will not assign transfer or otherwise part with their interest in the said railway and works or in this agreement without the consent in writing of the said Superintendent first had and obtained for that purpose except upon and subject to the terms of this agreement and more especially to the covenant hereinafter contained *And further* that if the said Superintendent shall at any time after the expiration of five years from the date upon which the said railway and other works shall have been formed and constructed as aforesaid be desirous of purchasing from the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns at the then marketable value the interest of the said David Proudfoot and John Thomas Chaplin their executors administrators and assigns in the said railway and other works and under this agreement and of such desire shall give twelve months notice to the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns either personally or by leaving the same at their usual or last known place

of business or abode in the Province of Otago aforesaid then and in such case the marketable value of the interest of the said David Proudfoot and John Thomas Chaplin their executors administrators and assigns in the said railway and other works and under this agreement shall be ascertained by three competent persons one to be chosen by the said Superintendent and another by the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns and the third by the two arbitrators so chosen And the said arbitrators in making their said valuation shall take into consideration the value of the improvements made by the said David Proudfoot and John Thomas Chaplin their executors administrators and assigns upon all lands which shall have been conveyed to them by the Superintendent or his successors free of charge or which shall at the time of such valuation be held by them or him of the said Superintendent or his successors in office and shall not take into their consideration the value of such lands And the award of the said arbitrators or of any two of them shall be conclusive as to such value and the costs of such valuation shall be borne equally be tweenthe said Superintendent and the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns And the value awarded shall be paid within three calendar months after notice of the award shall be given by the said Superintendent and upon payment of such valuation the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns shall well and effectually convey and assure all the lands hereditaments and premises upon which the line of railway shall be constructed and which shall be held in connection therewith and the inheritance thereof in fee simple together with the said railway and other works and shall assign and transfer all rolling and other stock plant and effects of the said railway or of the said David Proudfoot and John Thomas Chaplin their heirs executors administrators or assigns used in connection therewith unto the said Superintendent or as he shall direct *Provided also and it is hereby further declared and agreed* that in case any question shall at any time arise between the said parties hereto touching the construction of these presents or any clause matter or thing herein contained or any other matter or thing arising out of or under these presents such question difference or dispute shall be referred to the arbitration of two indifferent persons one to be named by the said Superintendent and the other by the said David Poudfoot and John Thomas Chaplin and the award of such arbitrators or in case they disagree of an umpire to be chosen by them before they shall proceed in such reference shall be final conclusive and binding upon them *And* in case either of the parties hereto or their respective representatives shall neglect or refuse to appoint or name an arbitrator in his or their behalf for the space of fourteen days after he or they shall have been required to do so by notice in writing from the other so to do (such notice to be served personally or to be left for him or them or sent by post to his or their usual or last known place of business or abode in the Province of Otago) it shall be lawful for the party so requiring such nomination to appoint an arbitrator on the part of the party so neglecting or refusing and the decision or award of such two arbitrators or of such umpire shall be binding and conclusive on the parties to these presents and their respective representatives *And* it is hereby declared that such submission and reference shall at the instance of either of the said parties be made a Rule of the Supreme Court of New Zealand *In witness* whereof James Macandrew Esquire as such Superintendent of the Province of Otago as aforesaid hath hereunto set his hand and caused the Public Seal of the said Province to be hereunto affixed and the said David Proudfoot and John Thomas Chaplin have hereunto set their hands and seals the day and year first before written.

THE SCHEDULE ABOVE REFERRED TO.

Specification and particulars of the several descriptions of work to be performed in the construction of the Dunedin and Port Chalmers Railway :—

Earthwork.

All the cuttings shall be at least 10 feet in clear width at formation level with slopes in ordinary soil of 1 to 11 but if in rock a less slope may be made.

Embankments shall be at least 12 feet in width at formation level with slopes of 1½ horizontal to 1 vertical excepting in any portion of the line in which the contractor may elect to retain them by walls of masonry when the slope can be reduced to suit the nature of the ground and the foundations to be obtained.

Sidings and portions of the line partly in cutting aud partly in embankment shall be 11 feet in width at formation level the slopes being the same as in the two former clauses.

Culverts.

Culverts shall be of stone brick or iron If in stone of good substantial bluestone rubble masonry set in Oamaru lime mortar above the line of high water spring tides and in Portland cement below that level The lime mortar to be in the proportion of 1 of lime to 2 of clean sharp sand and the cement to be used in the proportion of 1 to 3 of clean sharp sand All the culverts above 2 feet opening to be arched with coursed and radiating stones springing from proper skewbacks.

The inverts shall also be of coursed and radiated stones set and grouted in cement.

If in brickwork they shall be built with the best kiln-burnt hard stock bricks set in mortar or cement of the description and in accordance with the foregoing clause The arches of culverts in brickwork shall be semicircular and the inverts shall be set and grouted with cement.

The ends of culverts shall be faced and wing walls carried out in rubble masonry or brickwork.

The aprons to be rough pitched and grouted.

Bridges, &c.

Bridges and viaducts shall be of timber of the several sizes required for the different spans They shall be in all cases strongly and substantially erected being firmly strapped braced framed and strutted in every part and securely bolted where required.

The timber used shall be either totara black pine or manuka All the ironwork shall be of the best description with clean cut screws and nuts and well forged heads to all bolts.

Wharves, &c.

The wharf at Port Chalmers shall be of sufficient length to give berthing room for six (6) vessels of a carrying capacity of 1000 tons each.

This shall be extended from time to time as the increase of traffic may demand.

The portion of wharf next the shore shall be formed with a strong timber retaining face the area within being reclaimed.

The portion extending into the harbor shall be of timber of the several sizes required and shall be substantially and strongly built in every part.

The timber and iron work shall be the same as described for bridges.

All the piles shall be shod with iron and driven until a firm and solid bottom is obtained.

The timber face of reclamation shall have ground piles driven on shore and to be tied in with iron tie rods. The wharf to be provided with all necessary mooring and fender piles.

Tunnels.

The tunnels shall be lined with stone or brick work in mortar as before described should the nature of the ground require such a course to be adopted either in the entire length or any portion of them The entrances of tunnels shall be faced with stone or brick work.

Stations.

The stations sheds &c. shall be all of timber and iron plainly and substantially built of the necessary sizes to provide for the traffic and provided with passenger and goods platform offices &c.

Rails.

Weight of rails shall not be less than 55lbs. (fifty-five pounds) per lineal yard.

All roads or streets crossed or interferred with by the said David Proudfoot and John Thomas Chaplin shall be restored by them to as good condition as they were in before they commenced operations Any alterations of line or levels thereof and all bridges or other crossings shall be done to the satisfaction of the several Local Boards Corporations or other parties having charge of such roads the said David Proudfoot and John Thomas Chaplin to provide accommodation for the traffic along these roads during the operations and to be responsible for any accident or damage to person or property caused by that accommodation being insufficient.

The cost of the maintenance of the line and works shall not for any purpose connected with this specification or the agreement hereto annexed include the cost of repair of any damage or injury to works arising from insufficient material construction or foundations.

Signed by the said James Macandrew Esquire as such Superintendent of the said Province of Otago and sealed with the public seal of the said Province in the presence of B. C. HAGGITT, Solr., Dunedin.

J. MACANDREW,
Supt.

Signed sealed and delivered by the said David Proudfoot and John Thomas Chaplin the alterations and interlineations opposite to which the said David Proudfoot and John Thomas Chaplin have set their initials in the margin having been previously made in the presence of H. D. MADDOCK, Solr., Dunedin.

DAVID PROUDFOOT.
JOHN THOMAS CHAPLIN.

DUNEDIN, NEW ZEALAND:

Printed under the authority of the Provincial Government of Otago by MILLS, DICK and Co., Stafford-street, Printers to the said Provincial Government for the time being.

DUNEDIN AND PORT CHALMERS RAILWAY LANDS COMPULSORY TAKING ORDINANCE 1870.

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

SESSION XXVII. No. 308.

ANALYSIS.

AN ORDINANCE *for the compulsory taking of certain lands for the purpose of constructing a Railway from Port Chalmers in the Province of Otago to the City of Dunedin in the same Province and of constructing wharves and other works in connection therewith.* Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 13TH JUNE, 1870.]

WHEREAS the making and maintaining a railway from Port Chalmers in the said Province of Otago in the City of Dunedin in the same Province and the construction of wharves jetties and other necessary erections for the purpose of enabling ships and vessels to load and discharge their cargoes and land and take in passengers from and to such railway would be an undertaking of a public nature of great utility and highly beneficial to the said Province of Otago And whereas by the Provincial Compulsory Land Taking Act 1866 it is provided *inter alia* that it shall be lawful for the Superintendent and Provincial Council of every Province then or thereafter Preamble.

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 shall 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 David Proudfoot and John Thomas Chaplin by deed bearing date the twenty-fifth day of January 1870 and made between James Macandrew Esquire Superintendent of the Province of Otago of the one part and the said David Proudfoot and John Thomas Chaplin of the other part agreed with the Superintendent of the Province of Otago to make and maintain such a railway and to construct wharves jetties and other necessary erections in connection therewith in the said agreement more particularly specified and to provide the necessary capital therefor And whereas for the purposes aforesaid it is necessary that the lands specified and described in the Schedule hereto annexed or some part or parts thereof should be taken compulsorily for the purposes aforesaid and that the said David Proudfoot and John Thomas Chaplin their heirs and assigns should be authorised and empowered to make do and perform the several acts matters and things hereafter specified :

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.

I. The short title of this Ordinance shall be the "Dunedin and Port Chalmers Railway Lands Compulsory Taking Ordinance 1870."

Interpretation.

II. The following words and expressions used in this Ordinance and so far as lawfully may be in any Act or Ordinance hereinafter mentioned or referred to shall have the meanings hereby assigned to them unless there be something in the context repugnant to such construction that is to say—

The words "person" or "persons" shall include the Superintendent for the time being of the Province of Otago and a corporation aggregate or sold and any person or body of persons whether incorporated or unincorporated.

The word "railway" shall mean the railway and works connected therewith in the said agreement specified and authorised to be constructed and made by or under the provisions of this Ordinance.

The expression "the undertaking" shall mean the railway and works hereby authorised to be constructed and executed and the right to construct and maintain the same and where not inconsistent with the context all the powers and privileges belonging and appertaining thereto.

Power of promoters of undertaking to construct railway and works.

III. It shall be lawful for the said David Proudfoot and John Thomas Chaplin their heirs and assigns (hereinafter called the Promoters of the Undertaking) to make construct and maintain a railway with wharves jetties approaches and other necessary erections and conveniences connected therewith such railway to commence at a point at or near the junction of High street Crawford street and Rattray street in the City of Dunedin in the Province of Otago (being portion of reclaimed ground known as the Railway Reserve) and passing from in through or over the following city town and territorial divisions of the said Province namely—the City of Dunedin the North Harbor and Blueskin Districts Upper Harbor West District Sawyer's Bay District Town of Port Chalmers and Otago Harbor and terminating at a point situated in Koputai Bay in the Otago Harbor opposite the Harbor Reserve in the Town of Port Chalmers in the said Province as the

line of the said railway is set forth in the plan deposited with the Clerk of the Provincial Council of Otago before the commencement of the present Session of the said Council or within the limits of deviation set forth in the said plan and passing through over or under the several sections streets roads and places enumerated in the Schedule hereto annexed.

Power to take compulsorily lands.

IV. Subject to the provisions of this Ordinance and of the Act of the General Assembly of New Zealand shortly intituled "The Lands Clauses Consolidation Act 1863" the promoters of the undertaking may exercise all or any of the powers conferred by this Ordinance or the said Act for the construction of the said railway and works and may take compulsorily the lands required for the said railway and works set forth in the said plan or within the limits of deviation aforesaid.

Owners and others interested to be compensated.

V. All persons seized in fee or owners of or having any less estate of interest in any lands so taken under authority of this Ordinance and of the said Act or which may be damaged by the construction of the said railway and works shall be entitled to receive compensation for such land or damage the amount whereof shall be ascertained in the manner set forth in "The Lands Clauses Consolidation Act 1863."

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

VI. "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.

Promoters of undertaking not to be prejudiced by error or omission in certain cases.

VII. No advantage shall be taken of or against the promoters of the undertaking or any interruption be given during or after the making of the railway on account of any error or omission in such plan in any case in which it shall appear to the Superintendent for the time being of the Province of Otago to be certified by writing under his hand that such error or omission proceeded from mistake.

Power to deviate.

VIII. The promoters of the undertaking in constructing the railway may deviate from the line laid down in the plan but may not take or use for the purpose of such deviation any land not comprised within the limits of deviation referred to in section III. of this Ordinance or in the Schedule hereto annexed without the consent in writing of the owner of such land except for temporary occupation as hereinafter provided.

Works to be executed.

IX. Subject to the provisions and restrictions in this Ordinance and the said Lands Clauses Consolidation Act 1863 it shall be lawful for the promoters of the undertaking for the purpose of constructing the said railway or the accommodation works connected therewith respectively hereinafter mentioned to execute any of the following works (that is to say)—

Inclined planes, &c.

They may make or construct in upon across under or over any lands or any streets hills valleys roads tramroads rivers brooks streams or other waters within the lands described in the said plan such temporary or permanent inclined planes tunnels embankments aqueducts bridges roads ways passages conduits drains piers arches cuttings and fences as they think proper.

Alteration of course of rivers, &c.

They may alter the course of any rivers brooks streams or watercourses and of any branches of navigable waters within such lands for the purpose of constructing and maintaining tunnels bridges passages or other works over or under the same and divert or alter as well temporarily as permanently the course of any such rivers or streams of water roads streets or ways or raise or sink the level of any such rivers or streams roads streets or ways in order the more conveniently to carry the same over or under or by the side of the railway as they may think proper.

Drains, &c.

They may make drains or conduits into through or under any lands adjoining the railway for the purpose of conveying water from or to the railway.

Warehouses, &c.

They may erect and construct such houses warehouses offices, and other buildings yards stations wharves engines machinery apparatus and other works and conveniences as they think proper.

Alterations and repairs.

They may from time to time alter repair or discontinue the before mentioned works or any of them and substitute others in their stead and

General power.

They may do all other acts necessary for making maintaining altering or repairing and using the railway.

Proviso as to damages

Provided always that in the exercise of the powers by this Ordinance granted the promoters of the undertaking shall do as little damage as can be and shall make full satisfaction in manner herein and in the said Lands Clauses Consolidation Act 1863 provided to all parties interested for all damage by them sustained by reason of the exercise of such powers.

Power to take temporary possession of land without previous payment of price.

X. Subject to the provisions herein and in the Lands Clauses Consolidation Act 1863 contained it shall be lawful for the promoters of the undertaking at any time before the expiration of the period hereinafter limited for the completion of the railway without making any previous payment tender or deposit to enter upon any lands not being more than two hundred yards distant from the centre of the railway and not being a garden orchard or plantation attached or belonging to a house nor a planted walk avenue or ground ornamentally planted and not being nearer to the dwelling-house of the owner of any such lands than fifty yards therefrom and to occupy the said lands so long as may be necessary for the construction or repair of that portion of the railway or of the accommodation works connected therewith hereinafter mentioned and to use the same for any of the following purposes (that is to say)—

For the purpose of taking earth or soil by side cuttings therefrom.

For the purpose of depositing soil thereon.

For the purpose of obtaining materials therefrom for the construction or repair of the railway or such accommodation works as aforesaid or

For the purpose of forming roads thereon to or from or by the side of the railway:

And in exercise of the powers aforesaid it shall be lawful for the promoters of the undertaking to deposit and also to manufacture and work upon such lands materials of every kind used in constructing the railway and also to dig and take from out of any such lands any clay stone gravel sand or other things that may be found therein useful or proper for constructing the railway or any such roads as aforesaid and for the purposes aforesaid to erect thereon workshops sheds and other buildings of a temporary nature Provided always that nothing in this Ordinance contained shall exempt the promoters of the undertaking from an action for nuisance or other injury if any done in the exercise of the powers hereinbefore given to the lands or habitations of any party other than the party whose lands shall be so taken or used for any of the purposes aforesaid Provided also that no stone or slate quarry brick-field or other like place which at the time of the passing of this Ordinance shall be commonly worked or used for getting materials therefrom for the purpose of selling or disposing of the same shall be taken or used by the promoters of the undertaking either wholly or in part for any of the purposes lastly hereinbefore mentioned.

XI. In case any such lands shall be required for spoil banks or for side cuttings or for obtaining materials for the construction or repair of the railway the promoters of the undertaking shall before entering thereon (except in the case of accident to the railway requiring immediate reparation) give three weeks notice in writing to the owners and occupiers of such lands of their intention to enter upon the same for such purposes and in case the said lands are required for any of the other purposes hereinbefore mentioned the promoters of the undertaking shall (except in the cases aforesaid) give ten days like notice thereof and the promoters of the undertaking shall in such notices respectively state the substance of the provisions hereinafter contained respecting the right of such owner or occupier to require the promoters of the undertaking to purchase any such lands or to receive compensation for the temporary occupation thereof as the case may be.

Promoters to give notice previous to such temporary possession.

XII. The said notice shall either be served personally on such owners and occupiers or left at their last usual place of abode if any such can after diligent inquiry be found and in case any such owner shall be absent from the Province of Otago or cannot be found after diligent inquiry shall also be left with the occupier of such lands or if there be no such occupier shall be affixed upon some conspicuous part of such lands.

Service of notices on owners and occupiers of lands.

XIII. In any case in which a notice of three weeks is hereinbefore required to be given it shall be lawful for the owner or occupier of the lands therein referred to within ten days after the service of such notice by notice in writing to the promoters of the undertaking to object to the promoters of the undertaking making use of such lands either on the ground that the lands proposed to be taken for the purposes aforesaid or some part thereof or of the materials contained therein are essential to be retained by such owner in order to the beneficial enjoyment of other neighboring lands belonging to him or on the ground that other lands lying contiguous or near to those proposed to be taken would be more fitting to be used for such purposes by the promoters of the undertaking and upon objection being so made such proceedings may be had as hereinafter mentioned.

Power to owner to object that other lands ought to be taken.

XIV. If the objection so made be on the ground that such lands proposed to be taken or some part thereof or of the materials contained therein are essential to be retained by the owner in order to the beneficial enjoyment of other neighboring lands belonging to him it shall be lawful for the Superintendent on the application of such owner to summon the promoters of the undertaking to appear before him at a time and place to be named in the summons such time not being later than the expiration of the said twenty-one days notice and on the appearance of the promoters of the undertaking or in their absence upon proof of due service of the summons it shall be lawful for the Superintendent to inquire into the truth of such ground of objection and if it appear to him that for some special reason to be stated in the order after mentioned the lands so proposed to be taken or any part thereof or of the materials contained therein are essential to be retained by the owner of such lands in order to the beneficial enjoyment of other neighboring lands belonging to him and ought not therefore to be taken or used by the promoters of the undertaking it shall be lawful for the Superintendent by writing under his hand to order that the lands so proposed to be taken or some part thereof or of the materials contained therein to be specified in such order shall not be taken or used by the promoters of the undertaking and after service of such order on the promoters of the undertaking it shall not be lawful for them to take or use without the previous consent in writing of the owner thereof any of the lands or materials of which by such order they are ordered not to take or use.

Power to Superintendent to order that the lands and materials shall not be taken.

XV. Before entering under the provisions hereinbefore contained upon

The promoters to give sureties if required.

any such lands as shall be required for spoil banks or for side cuttings or for obtaining materials or forming roads as aforesaid the promoters of the undertaking shall if required by the owner or occupier thereof seven days at least before the expiration of the notice to take such lands as hereinbefore mentioned find two sufficient persons to be approved of by the Superintendent in case the parties differ who shall enter into a bond to such owner or occupier in a penalty of such amount as shall be approved of by the Superintendent in case the parties differ conditioned for the payment of such compensation as may become payable in respect of the same in manner herein mentioned.

Promoters to separate the lands before using them.

XVI. Before the promoters of the undertaking shall use any such lands for any of the purposes aforesaid they shall if required to do so by the owner or occupier thereof separate the same by a sufficient fence from the lands adjoining thereto with such gates as may be required by the said owner or occupier for the convenient occupation of such lands and shall also to all private roads used by them as aforesaid put up fences and gates in like manner in all cases where the same may be necessary to prevent the straying of cattle from or upon the lands traversed by such roads and in case of any difference between the owners or occupiers of such roads and lands and the promoters of the undertaking as to the necessity for such fences and gates such fences and gates as the Superintendent shall deem necessary for the purposes aforesaid on application being made to him in like manner as hereinbefore is provided in respect to the use of such roads.

Owners of lands may compel promoters to purchase lands so temporarily occupied.

XVII. In all cases in which the promoters of the undertaking shall in exercise of the powers aforesaid enter upon any lands for the purpose of making spoil banks or side cuttings thereon or for obtaining therefrom materials for the construction or repair of the railway it shall be lawful for the owners or occupiers of such lands or parties having such estates or interests therein as under the provisions in the said Lands Clauses Consolidation Act 1863 are mentioned would enable them to sell or convey lands to the promoters of the undertaking at any time during the possession of any such lands by the promoters of the undertaking and before such owners or occupiers shall have accepted compensation from the promoters of the undertaking in respect of such temporary occupation to serve a notice in writing on the promoters of the undertaking requiring them to purchase the said lands so temporarily occupied or the estates and interests therein capable of being sold and conveyed by them respectively and in such notice such owners or occupiers shall set forth the particulars of such their estate or interest in such lands and the amount of their claim in respect thereof and the promoters of the undertaking shall thereupon be bound to purchase the said lands or the estate and interest therein capable of being sold and conveyed by the parties serving such notice.

Compensation to be made for temporary occupation.

XVIII. In any of the cases aforesaid where the promoters of the undertaking shall not be required to purchase such lands and in all other cases where they shall take temporary possession of lands by virtue of the powers herein granted it shall be incumbent on the promoters of the undertaking within one month after their entry upon such lands upon being required so to do to pay to the occupier of the said lands the value of any crop or dressing that may be thereon as well as full compensation for any other damage of a temporary nature which he may sustain by reason of their so taking possession of his lands and shall also from time to time during their occupation of the said lands pay half-yearly to such occupier or to the owner of the lands as the case may require a rent to be fixed by the Superintendent in case the parties differ and shall also within six months after they shall have ceased to occupy the said lands and not later than six months after the expiration of the time by this Ordinance limited for the completion of the railway pay to such owner and occupier or deposit in the Provincial Treasury for the benefit of all

parties interested as the case may require compensation for all permanent or other loss damage or injury that may have been sustained by them by reason of the exercise as regards the said lands of the powers herein granted including the full value of all clay stone gravel sand and other things taken from such lands.

Compensation to be ascertained under the Lands Clauses Consolidation Act 1863.

XIX. The amount and application of the purchase money and other compensation payable by the promoters of the undertakng in any of the cases aforesaid shall be determined in the manner provided by the said "Lands Clauses Consolidation Act 1863" for determining the amount and application of the compensation to be paid fer lands taken under the provisions thereof.

Provision in cases where roads are crossed on a level.

XX. If the railway cross any public road or highway on a level the promoters of the undertaking shall erect and at all times maintain good and sufficient gates across such road or highway on each side of the railway where the same shall communicate therewith and shall employ proper persons to open and shut such gates and such gates shall be kept constantly closed across such road or highway on both sides of the railway except during the time when horses cattle carts or carriages passing along the same shall have to cross such railway and such gates shall be of such dimensions and so constructed as when closed to fence in the railway and prevent cattle or horses passing along the road or highway from entering upon the railway and the person entrusted with the care of such gates shall cause the same to be closed as soon as such horses cattle carts or carriages shall have passed through the same under a penalty of forty shillings for every default therein Provided always in any case that the gates on any level crossing over any such road may be kept closed across the railway instead of across the road and in such case such gates shall be kept constantly closed across the railway except when engines or carriages passing along the railway shall have occasion to cross such road in the same manner and under the like penalty as above directed with respect to the gates being kept closed across the road.

Construction of bridges over roads and over railways.

XXI. Every bridge to be erected for the purpose of carrying the railway over any road and every bridge erected for carrying any road over the railway shall respectively be built in conformity with such regulations as may be approved of by the Inspecting Engineer in the said agreement mentioned.

Width of bridges need not exceed width of road in certain cases.

XXII. Provided always that in all cases where the average available width for the passing of carriages of any existing roads within fifty yards of the points of crossing the same is less than the width which may be prescribed for bridges under or over the railway the width of such bridges need not be greater than such average available width of such roads but so nevertheless that such bridges be not of less width in the case of a public road or highway than twenty feet Provided also that if at any time after the construction of the railway the average available width of any such road shall be increased beyond the width of such bridge on either side thereof the promoters of the undertaking shall be bound at their own expense to increase the width of the said bridge to such extent as they may be required by the Superintendent not exceeding the width of such road as so widened or the maximum width which may be prescribed as aforesaid for a bridge in the like case over or under the railway.

Existing inclinations of roads crossed or diverted need not be improved.

XXIII. Provided also that if the mesne inclination of any road within two hundred and fifty yards of the point of crossing the same or the inclination of such portion of any road as may require to be altered or for which another road shall be substituted shall be steeper than the inclination which may be so required to be preserved by the promoters of the undertaking then the promoters of the undertaking may carry any such road over or under the

railway or may construct such altered or substituted road at an inclination not steeper than the said mesne inclination of the road so to be crossed or of the road so requiring to be altered or for which another road shall be substituted.

Before roads interfered with others to be substituted.

XXIV. If in the exercise of the powers by this Ordinance granted it be found necessary to cross cut through raise sink or use any part of any road whether carriage road horse road or tramroad either public or private so as to render it impassable for or dangerous or extraordinarily inconvenient to passengers or carriages or to the persons entitled to the use thereof the promoters of the undertaking shall before the commencement of any such operations cause a sufficient road to be made instead of the road to be interfered with and shall for twelve months from the time of the completion of such substituted road at their own expense maintain the same in a state as convenient for passengers and carriages as the road so interfered with or as nearly so as may be Provided always that in any case in which it shall be made to appear to the Superintendent before the commencement of any such operations as before mentioned to be impossible or extraordinarily inconvenient to cause such substituted road to be made before the commencement of the operations interfering with such existing road it shall be lawful for the Superintendent by writing under his hand to dispense with compliance with the provisions of this clause for such period as shall be named in such writing not exceeding one month from the time of commencement of such operations.

Penalty for not substituting a road.

XXV. If the promoters of the undertaking do not cause another sufficient road to be so made before they interfere with any such existing road as aforesaid or within the time which may be so limited by the Superintendent as aforesaid they shall forfeit twenty pounds for every day during which such substituted road shall not be made after the existing road shall have been interrupted.

Period for restoration of roads interfered with.

XXVI. If the road so interfered with can be restored compatibly with the formation and use of the railway the same shall be restored to as good a condition as the same was in at the time when the same was first interfered with by the promoters of the undertaking or as near thereto as may be and if such road cannot be restored compatibly with the formation and use of the railway the promoters of the undertaking shall cause the new or substituted road to be put into a permanently substantial condition equally convenient as the former road or as near thereto as circumstances will allow and the former road shall be restored or the substituted road put into such condition as aforesaid as the case may be within the period of six months after the first operation on the former road shall have been commenced unless the Local Board of the District in which such road is situate shall by writing under the hand of the chairman of the said Board consent to an extension of the period and in such case within such extended period.

Penalty for failing to restore road.

XXVII. If any such road be not restored or the substituted road so completed as aforesaid within the said period of six months or within such extended period as aforesaid the promoters of the undertaking shall forfeit and pay the sum of five pounds for every day after the expiration of such period respectively during which such road shall not be so restored or the substituted road completed.

Promoters to repair roads used by them.

XXVIII. If in the course of making the railway the promoters of the undertaking shall use or interfere with any road they shall from time to time make good all damage done by them to such road under a penalty not exceeding fifty pounds.

XXIX. If the railway shall cross any road or highway on the level the promoters of the undertaking shall at their own expense make and at all times maintain convenient ascents and descents and other convenient approaches with hand-rails or other fences and shall if such road or highway be a bridle-way erect and at all times maintain good and sufficient gates and if the same shall be a foot-way good and sufficient gates or stiles on each side of the railway where the road or highway shall communicate therewith under a penalty of five pounds for every day they fail to do so.

Promoters to make sufficient approaches and fences to bridle-ways and footways crossing on the level.

XXX. If the Corporation of the City of Dunedin or the Corporation of the Town of Port Chalmers or the Local Board of Road Trustees or other the governing body of any Road District through which the railway shall pass shall apprehend danger to the passengers on any street or road in consequence of horses being frightened by the sight of the engines or carriages travelling upon the railway it shall be lawful for such corporation trustees or other governing body respectively after giving fourteen days notice to the promoters of the undertaking to apply to the Superintendent with respect thereto and if it shall appear to the Superintendent that such danger might be obviated or lessened by the construction of any works in the nature of a screen near to or adjoining the side of such road or street it shall be lawful for him if he shall think fit to certify the works necessary or proper to be executed by the promoters of the undertaking for the purpose of obviating or lessening such danger and by writing under his hand to require the promoters of the undertaking to execute such works within a time to be named in such writing.

Screen for roads to be made if required by the Superintendent.

XXXI. Where by any such writing as aforesaid the promoters of the undertaking shall have been required to execute any such work in the nature of a screen they shall execute and complete the same within the period appointed for that purpose in such writing under a penalty of five pounds for every day during which such works shall remain uncompleted beyond the period so appointed for their completion.

Penalty for failing to construct.

XXXII. Where under the provisions of this Ordinance the promoters of the undertaking are required to maintain or keep in repair any bridge fence approach gates or other work executed by them it shall be lawful for the Superintendent on the application of the Corporation Trustees of the Local Road Board or other the governing body of the district where such work may be situate complaining that any such work is out of repair after not less than ten days notice to the promoters of the undertaking to order the promoters of the undertaking to put such work into complete repair within a period to be limited for that purpose by such Superintendent and if the promoters of the undertaking fail to comply with such order they shall forfeit and pay the sum of five pounds for every day that they fail so to do.

Superintendent to have power to order repair of bridges, &c.

XXXIII. In case any difference in regard to the construction alteration or restoration of any road or bridge or other public work of an engineering nature required by the provisions of this Ordinance shall arise between the promoters of the undertaking and the consulting engineer in the said agreement mentioned or any corporation local board of road trustees or other governing body of any city town district or place through which the railway shall pass it shall be lawful for either party after giving fourteen days notice in writing of their intention so to do to the other party to apply to the Superintendent to decide upon the proper manner of constructing altering or restoring such road bridge or other work and it shall be lawful for the Superintendent if he shall think fit to decide the same accordingly and to authorize by certificate in writing any arrangement or mode of construction in regard to any such road bridge or other work which shall appear to him either to be in substantial compliance with the provisions of this Ordinance or the said agreement or to be calculated to afford equal or greater accommodation to the public using such road bridge or other work and after

Superintendent empowered to modify the construction of certain roads, bridges, &c.

any such certificate shall have been given by the Superintendent the road bridge or other work therein mentioned shall be constructed by the promoters of the company in conformity with the terms of such certificate and being so constructed shall be deemed to be constructed in conformity with the provisions of this Ordinance and the said agreement Provided always that no such certificate shall be granted by the Superintendent unless he shall be satisfied that existing private rights or interests will not be injuriously affected thereby.

Accommodation works.

XXXIV. The promoters of the undertaking shall make and at all times thereafter maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway (that is to say)

Gates, Bridges, &c.

Such and so many convenient gates bridges arches culverts and passages over under or by the sides of or leading to or from the railway as shall be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway shall be made and such work shall be made forthwith after the part of the railway passing over such lands shall have been laid out or formed or during the formation thereof:

Fences.

Also sufficient posts rails hedges ditches mounds or other fences for separating the land taken for the use of the railway from the adjoining lands not taken and protecting such lands from trespass or the cattle of the owners or the occupiers thereof from straying thereout by reason of the railway together with all necessary gates made to open towards such adjoining lands and not towards the railway and all necessary stiles and such posts rails and other fences shall be made forthwith after the taking of any such lands if the owners thereof shall so require and the said other works as soon as conveniently may be:

Drains.

Also all necessary arches tunnels culverts drains or other passages either over or under or by the sides of the railway of such dimensions as will be sufficient at all times to convey the water as clearly from the lands lying near or affected by the railway as before the making of the railway or as nearly so as may be and such works shall be made from time to time as the railway works proceed:

Provided always that the promoters of the undertaking shall not be required to make such accommodation works in such a manner as would prevent or obstruct the working or using of the railway nor to make any accommodation works with respect to which the owners and occupiers of the lands shall have agreed to receive and shall have been paid compensation instead of the making them.

Accommodation works not to be required after three months.

XXXV. The promoters of the undertaking shall not be compelled to make any further or additional accommodation works for the use of owners and occupiers of land adjoining the railway after the expiration of three months from the time of the opening of the railway for public traffic.

Owners to be allowed to cross until accommodation works are made.

XXXVI. Until the promoters of the undertaking shall have made the bridges or other proper communications which they shall under the provisions herein or in the said agreement contained have been required to make between lands intersected by the railway and no longer the owners and occupiers of such lands and any other persons whose right of way shall be affected by the want of such communication and their respective servants may at all times freely pass and repass with carriages horses and other animals directly (but not otherwise) across the part of the railway made in or through their respective lands solely for the purpose of occupying the same

lands or for the exercise of such right of way and so as not to obstruct the passage along the railway or to damage the same nevertheless if the owner or occupier of any such lands have in his arrangements with the promoters of the undertaking received or agreed to receive compensation for or on account of any such communications instead of the same being formed such owner or occupier or those claiming under him shall not be entitled so to cross the railway.

Penalty on persons omitting to fasten gates.

XXXVII. If any person omit to shut and fasten any gate set up at either side of the railway for the accommodation of the owners or occupiers of the adjoining lands as soon as he and the carriage cattle or other animals under his care have passed through the same he shall forfeit for every such offence any sum not exceeding forty shillings.

Superintendent may convey certain lands to promoters.

XXXVIII. It shall be lawful for the Superintendent by deed under his hand and under the seal of the Province of Otago to grant and convey to the promoters of the undertaking free of all purchase money costs charges and expenses all lands already vested or which may hereafter be vested in the said Superintendent under the "Public Reserves Act 1854" or the "Public Reserves Act Amendment Act 1862" and which may be required for the purposes of the railway and also with the consent of the Corporation of the City of Dunedin to grant and convey to the promoters of the undertaking all lands now vested or which may hereafter be vested in the said Superintendent in trust for the said corporation at such price or prices as may be agreed on between the promoters of the said undertaking and the said corporation And also with the consent of the Corporation of the Town of Port Chalmers to grant and convey to the promoters of the undertaking all lands now vested or which may hereafter be vested in the said Superintendent in trust for the said Corporation of the Town of Port Chalmers at such price or prices as may be agreed on between the promoters of the undertaking and the said Corporation.

Ordinance to expire if railway not completed in three years.

XXXIX. This Ordinance shall cease to have force and shall expire at the expiration of three years from the time the same shall receive the Governor's assent unless the railway shall be completed within such period of three years.

Interpretation Ordinance 1865 incorporated.

XL. The Ordinance of the Superintendent and Provincial Council of the Province of Otago shortly intituled the "Interpretation Ordinance 1865" so far as the same shall not be varied by or be inconsistent with the provisions of this Ordinance or any Act herein mentioned or referred to shall be and the same is incorporated with this Ordinance and shall save as aforesaid form part of this Ordinance.

Penalties to be recovered in a summary way.

XLI. All proceedings for offences against the provisions of this Ordinance shall be had and taken in a summary way and all penalties hereby imposed shall be recovered in manner provided by the Act of the General Assembly of New Zealand intituled the Justices of the Peace Act 1866.

Maximum penalty.

XLII. No penalty to be imposed on any one conviction under the provisions of this Ordinance shall exceed the sum of one hundred pounds.

SCHEDULE.

City of Dunedin.

Sections 1 2 3 6 7 8 9 10 11 12 13 17 18 19 20 21 22 23 24 25 26 27 28 29 31 32 33 34 35 36 37 38 39 40 and 42 Block I Wharves and Quays Reserves crossings of Castle street Stuart street (crossing on Jetty) Albany street and proposed extensions of Beach street Hanover street and Forth street.

North Harbor and Blueskin District.

Sections 52 and 53 Block IX and crossing of District Road frontage to sections 52 and 53 Block IX.

Upper Harbor West District.

Sections 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32A 32B 33 34 35 36 37 38 39 40 41 42 43 44 and 45 and crossings of District Road frontage to Sections 2 to 45 both inclusive.

Sawyer's Bay District.

Sections 13 14 15 16 17 18 19 20 28 29 31 62 63 64 65 and 66 and crossings of District Road between Sections 29 and 31 and 28 and 30 and frontage to Sections 16 17 18 19 20 and 28.

Town of Port Chalmers.

Portion of Town Belt between Port Chalmers and Dunedin Main Road and high water mark and Sections 20 21 22 23 24 25 26 27 35 36 37 38 39 40 41 42 43 44 45 77 78 79 80 81 82 92 93 and 94 and crossings of Wickliffe terrace (continuation to George street) Grey street and Harbor Reserve.

Otago Harbor below high water mark that is to say:—

Portion between reclamation known as Railway Reserve and Beach street Dunedin portion in front of Sections 1 2 3 6 7 8 10 11 12 13 16 17 18 21 22 23 24 25 28 29 30 31 32 33 and 34 Block I. Wharves and Quays Reserve Dunedin portion between Albany street and Logan's Point being part of Pelichet Bay Dunedin portion in front of Sections 52 and 53 Block IX. North Harbor and Blueskin District portion in front of Sections 1 to 45 Upper Harbor West District portion in front of Sections 13 14 15 16 17 18 19 20 28 62 63 64 65 and 66 Sawyer's Bay District portion in front of Town Belt between Section 62 Sawyer's Bay District and south end of George street Port Chalmers portion in front of Harbor Reserve from Section 77 to 112 Port Chalmers.

DUNEDIN:]

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DISTRICT ROADS COMPULSORY LAND TAKING ORDINANCE 1870.

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

SESSION XXVII.—No. 309.

ANALYSIS:

AN ORDINANCE *to authorise the compulsory taking of certain Lands in the Goodwood Mornington Kurimoto and Pine Hill 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 13TH JUNE 1870.]

WHEREAS by "The Provincial Compulsory Land Taking Act 1866" 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: Preamble.

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:—

I. This Ordinance may be cited and referred to as the "District Roads Compulsory Land Taking Ordinance 1870." Short Title.

Power to take land described in First Schedule.

II. It shall be lawful for the Superintendent of the Province of Otago 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 Goodwood Road District of the Province of Otago aforesaid.

Power to take land described in Second Schedule.

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

Power to take land described in Third Schedule.

IV. 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 Kurimoto Road District of the Province of Otago aforesaid.

Power to take land described in Fourth Schedule.

V. It shall be lawful for the said Superintendent to take and hold the lands specified and described in the Fourth Schedule hereto for the purpose of opening and constructing certain public Roads in the Pine Hill Road District of the Province of Otago aforesaid.

Owners to be compensated.

VI. All persons being owners of or having any less estate or interest in the said lands specified or described in the said 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.

VII. "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 lands to cease unless exercised within 3 years from time of Governor's assent.

VIII. 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.

The First Schedule above referred to.

All that area situate in the Province of Otago containing by admeasurement one (1) rood and twenty-four (24) poles more or less being part of section thirty (30) block one (1) Hawksbury Survey District bounded towards the north-north-east by the remainder of section thirty (30) eight hundred (800) links towards the east-south-east by a road line between sections nineteen (19) and twenty-five (25) of the said block fifty (50) links towards the south-south-west by the remainder of section thirty (30) eight hundred (800) links and towards the west-north west by a main district road line fifty (50) links.

The Second Schedule above referred to.

All that area in the Province of Otago containing by admeasurement thirty-five (35) poles more or less situate in the Town District being parts of sections numbered respectively thirteen (13) and fourteen (14) block seven (VII) on the map of the said district bounded towards the north-west by a road line sixty (60) links towards the north east by other part of the said section numbered thirteen (13) three hundred and seventy (370) links towards the south-east by the Southern Trunk Road sixty (60) links and towards the south-west by other part of the said section numbered fourteen (14) three hundred and sixty (360) links.

The Third Schedule above referred to.

All that area in the Province of Otago containing by admeasurement one (1) acre three (3) roods and twenty-five (25) poles more or less situate in the Waihola District being part of section numbered (4) block twenty-seven (XXVII) on the map of the said district bounded towards the north-west by the road line between sections numbered respectively fifteen (15) and two of sixteen (2 of 16) block five (V) Otokia District fifty (50) links towards the north-east by other part of the said section numbered four (4) three thousand eight hundred and twenty-two (3822) links towards the south-east by a road line fifty (50) links and towards the south-west by other part of the said section numbered four (4) three thousand eight hundred and twenty-two (3822) links.

The Fourth Schedule above referred to.

1. All that area in the Province of Otago containing by admeasurement one (1) acre and twenty-eight (28) poles more or less situate in North Harbor and Blueskin District being part of section numbered sixteen (16) block ten (X) on the map of the said district bounded towards the north-west by other part of the said section numbered sixteen (16) two thousand three hundred and fifty-six (2356) links towards the north-east by section numbered seventeen (17) fifty (50) links towards the south-east by other part of the said section numbered sixteen (16) two thousand three hundred and fifty-six (2356) links and towards the south-west by section numbered thirteen (13) fifty (50) links.

2. All that area in the Province of Otago containing by admeasurement one (1) acre and four (4) poles more or less situate in North Harbor and Blueskin District being part of section numbered seventeen (17) block ten (X) on the map of the said district bounded towards the north-east by section numbered seventy-five (75) fifty-six (56) links towards the east by other part of the said section numbered seventeen (17) two thousand and sixty (2060) links towards the south-west by section numbered sixteen (16) fifty (50) links and towards the west by other part of the said section numbered seventeen (17) two thousand and sixty (2060) links.

3. All that area in the Province of Otago containing by admeasurement two (2) roods and one (1) pole more or less situate in North Harbor and Blueskin District being part of section numbered fifty-three (53) block eleven (XI) on the map of the said district bounded towards the north-west by other part of the said section numbered fifty-three (53) one thousand and ten (1010) links towards the north-east by section numbered fifty-one (51) fifty (50) links towards the south-east by other part of the said section numbered fifty-three (53) one thousand and ten (1010) links and towards the south-west by section numbered fifty-five (55) fifty (50) links.

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LICENSED THEATRES ORDINANCE 1870.

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

SESSION XXVII. No. 310.

ANALYSIS.

AN ORDINANCE *to amend the "Licensed Theatres Ordinance* 1862." [13TH JUNE 1870.] Title.

WHEREAS it is expedient to extend the provisions of the "Licensed Theatres Ordinance 1862" to places of public exhibition and entertainment other than and besides those mentioned in the said Ordinance and to amend the said Ordinance in other particulars: Preamble.

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

I. This Ordinance may be cited and referred to as the "Licensed Theatres Ordinance 1870." Short Title.

II. Sections one and three of the "Licensed Theatres Ordinance 1862" shall be and the same are hereby respectively repealed. Sections one and three of "Licensed Theatres Ordinance 1862" repealed.

III. If after the passing of this Ordinance any person or persons shall within the City of Dunedin or within any other place or places to which the provisions of the "Licensed Theatres Ordinance 1862" have since the passing of the said Ordinance been or to which the provisions of the said Ordinance as amended by this Ordinance shall hereafter be made applicable by Proclamation of the Superintendent in the Provincial Government *Gazette* (which Proclamation the Superintendent is hereby authorised from time to time to make) act represent or perform or cause to be acted represented or performed for hire gain or reward any stage play or other entertainment of the stage to which admission shall or may be procured by payment of money or by tickets or by the purchase of any article as a condition of admission or by any other means token or consideration as the price hire or rent of admission or if any person or persons shall take or receive or cause to be taken or received any money goods or valuable thing whatsoever Stage and other entertainments prohibited except in licensed Theatres.

by way of rent fee or reward for the use or hire of any house room building land tenement or place wherein any such stage play or other entertainment of the stage as aforesaid shall be acted represented performed made done or exhibited or being the owner thereof shall knowingly permit or suffer the same to be so used or applied every such person shall in case the place wherein such stage play or other entertainment shall be acted represented performed made done or exhibited without the written authority or license of the said Superintendent upon conviction forfeit and pay for every such offence any sum not exceeding £50 to be recovered in a summary way.

Fees for Licenses.

IV. Licenses under this Ordinance may be issued by the Provincial Treasurer on the authority of the Superintendent, either for one year or one month or for a single night only: The fee payable for a yearly license shall be the sum of thirty pounds and for a monthly license shall be sum of five pounds and for a license for a single night the sum of five shillings and all such license fees shall be paid to the Provincial Treasurer for the public service of the Province: Provided always that it shall be lawful for the Superintendent to authorise the issue of single night licenses without payment of any fee whatsoever in cases where it shall be shewn to his satisfaction that the proceeds or a proportion of the proceeds of the stage play or other entertainment of the stage proposed to be acted represented or performed are to be applied for the benefit of any public institution or to any benevolent or charitable purpose.

Licenses may be issued without fee in certain cases.

Interpretation.

V. The words "stage play or other entertainment of the stage" wherever used in this Ordinance or in the said "Licensed Theatres Ordinance 1862" shall extend to and include any interlude tragedy comedy play farce burlesque burletta melodrama pantomime opera musical entertainment singing ballet stage dancing jugglery tumbling horsemanship exhibition of animals or other similar exhibition and also that kind of entertainment known as the drawing room entertainment and every sort or kind of entertainment exhibition or amusement to which admission shall or may be procured by payment of money or by tickets or by the purchase of any article as a condition of admission or by any other means token or consideration as the price hire or rent of admission and this Ordinance shall be taken read and interpreted as part of and incorporated with the said "Licensed Theatres Ordinance 1862."

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THISTLE PREVENTION ORDINANCE 1862 REPEAL ORDINANCE 1870.

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

SESSION XXVII. No. 311.

ANALYSIS.

AN ORDINANCE *to repeal the "Thistle Prevention Ordinance* 1862." Title.

[13TH JUNE 1870.]

WHEREAS it is expedient to repeal an Ordinance of the Superintendent and Provincial Council of Otago intituled the "Thistle Prevention Ordinance 1862:" Preamble.

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

I. This Ordinance may be cited and referred to as the "Thistle Prevention Ordinance 1862 Repeal Ordinance 1870." Short Title.

II. The Ordinance of the Superintendent and Provincial Council of Otago intituled the "Thistle Prevention Ordinance 1862" is hereby repealed. "Thistle Prevention Ordinance 1862" repealed.

DUNEDIN, NEW ZEALAND:

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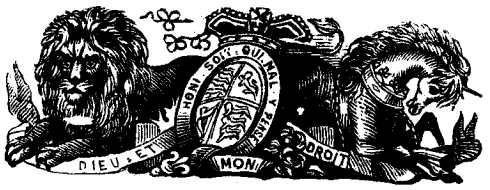

CEMETERIES MANAGEMENT ORDINANCE 1870.

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

SESSION XXVII. No. 312.

ANALYSIS:

AN ORDINANCE *to Provide for the Management of Cemeteries in the Province of Otago.* [13TH JUNE 1870.] Title.

Preamble.

WHEREAS by an Ordinance of the Superintendent and Provincial Council of the Province of Otago passed in the eighteenth Session of the said Council No. 146 and shortly intituled the "Cemetery Reserves Management Ordinance 1864" provision was made for the management of certain Lands specified in the Schedule to the said Ordinance which had theretofore been reserved from sale and set aside and appropriated to be used as Public Cemeteries for the interment of the dead: And whereas it is expedient to make general provisions for the Management of all Lands in the Province of Otago which have since the passing of the said Ordinance been set aside and appropriated to be used as Public Cemeteries and for which Crown Grants have been issued to the Superintendent And also for the Management of all Lands in the said Province which may hereafter be appropriated for such purposes and for which Crown Grants may hereafter be issued to the Superintendent in and for Public Cemeteries for the interment of the dead:

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

I. This Ordinance may be cited and referred to as the "Cemeteries Management Ordinance 1870." Short Title.

II. It shall be lawful for the Superintendent with the advice and consent of his Executive Council from time to time to appoint so many persons as he may think fit to be Managers of any Lands in the Province of Otago which since the passing of the "Cemetery Reserves Management Ordinance 1864" have been set aside and appropriated to be used as Public Cemeteries Superintendent may appoint Managers of Cemeteries set apart and Crown Granted since passing of "Cemetery Reserves Management Ordinance 1864."

for the interment of the dead and for which Crown Grants have been issued to the Superintendent in trust for the purposes of a Public Cemetery or for any similar purpose.

Superintendent may appoint Managers for Cemeteries hereafter to be set apart.

III. When and so often as any Lands shall hereafter be set aside and appropriated to be used as Public Cemeteries for the interment of the dead it shall be lawful for the Superintendent at any time after a Crown Grant shall have been issued to him for any such Lands in trust for the purposes of a Public Cemetery or for any similar purpose with the advice and consent of his Executive Council from time to time to appoint such and so many persons as he may think fit to be Managers of any such Lands.

Power to remove Managers and appoint others.

IV. The Superintendent with the advice and consent of his Executive Council shall have power from time to time to remove from the Management any person so appointed as and when it shall be deemed proper and upon the death resignation or removal of any Manager to appoint another in his stead and every such appointment and removal of a Manager shall be notified in the Provincial Government *Gazette*.

Managers appointed under this Ordinance to have same powers as if appointed under recited Ordinance.

Provisions of recited Ordinance extended to all Cemeteries.

V. The Managers of any Cemetery appointed under the provisions of this Ordinance shall have and exercise the like powers authorities rights and privileges as the Managers of any Cemetery appointed under the provisions of the said "Cemetery Reserves Management Ordinance 1864" and shall perform all duties imposed upon Managers of Cemeteries under the said Ordinance and all the Provisions of the said "Cemetery Reserves Management Ordinance 1864" shall after the appointment of Managers under this Ordinance for any Lands appropriated to be used as a Public Cemetery extend and be applicable to such Lands and to the Managers thereof as if such Lands had been included in the Schedule to the said Ordinance and the Managers appointed therefor had been so appointed under the provisions of the said Ordinance.

DUNEDIN, NEW ZEALAND:

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HOSPITALS ORDINANCE 1870.

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

SESSION XXVII. No. 313.

ANALYSIS.

AN ORDINANCE *to amend the "Hospitals Ordinance* 1862." Title.

[13TH JUNE 1870.]

WHEREAS it is expedient to amend the "Hospitals Ordinance 1862" in certain particulars: Preamble.

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

I. This Ordinance shall be termed and may be cited and referred to as the "Hospitals Ordinance 1870." Short Title.

II. Notwithstanding anything in the said "Hospitals Ordinance 1862" to the contrary no contributor to the funds of any Hospital shall be entitled to vote at any meeting of the election of the Committee or other officers of such Hospital unless such contributor shall be of the full age of twenty-one years and shall have paid his annual contribution of one pound at the least or an amount of ten pounds in one sum to the funds of such Hospital at least one month before the date at which such meeting shall be held. Who may vote at election of officers.

III. Section eleven of the said "Hospitals Ordinance 1862" shall be and the same is hereby repealed. Section 11 of "Hospitals Ordinance 1862" repealed.

IV. Every contributor qualified and intending to vote at any meeting for the election of the Committee and other officers and at the annual meetings or any special general meetings for elections or filling up vacancies agreeably to the rules of any Hospital shall deliver to the chairman of the meeting a ticket with the names of the persons written thereon for whom he intends to vote the number of such persons not being greater than the number of persons to be elected otherwise the said vote to be null and void and the said ticket signed by the person presenting it shall be forthwith deposited in a box and shall not be withdrawn therefrom until the same shall be delivered to scrutineers to be appointed by the chairman of the meeting. Conduct of elections of officers.

V. In any case where there shall be an equal number of votes for any two or more candidates for any office the chairman of the meeting shall have a casting vote. Chairman to have casting vote in case of equality.

VI. This Ordinance shall be read and construed with and shall form part of the "Hospitals Ordinance 1862." Interpretation.

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HIGH SCHOOL GROUNDS ORDINANCE 1870.

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

SESSION XXVII. No. 314.

ANALYSIS.

AN ORDINANCE *to enable the Superintendent of the Province of Otago to exchange parts of Sections twelve and thirteen Block XIII Dunedin for part of Smith street and part of Section eleven Block XIII Dunedin in order to complete the High School Grounds.* [13TH JUNE, 1870.] Title.

WHEREAS the lands described in the first and third Schedules to this Ordinance annexed are vested in the Superintendent of the Province of Otago and his successors subject to the provisions of certain Acts passed by the General Assembly of New Zealand intituled "The Public Reserves Act 1854" and "The Public Reserves Act Amendment Act 1862" and whereas the management and control of the lands described in the second Schedule hereto are vested in the Corporation of the City of Dunedin and the said lands form part of a public street in the said City known as Smith street and whereas the lands described in the fourth Schedule hereto are held by the Reverend Delphin Victor Moreau of Dunedin Roman Catholic priest in fee simple and whereas in order to complete the grounds of the High School of Dunedin it is expedient that the Superintendent should be authorised to exchange the lands described in the said third Schedule hereto with the said Delphin Victor Moreau for the lands described in the said fourth Schedule hereto and also to dedicate the lands described in the said first Schedule hereto as a public street in lieu of the lands described in the said second Schedule hereto and to vest the management of the said lands described in the said first Schedule in the said Corporation of the City of Dunedin and that the said Corporation of the said City of Dunedin should be authorised to transfer to and vest in the said Superintendent in trust for the said High School all their right title and interest in the lands described in the said second Schedule hereto: Preamble.

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

I. This Ordinance shall be intituled and may be cited and referred to as the "High School Grounds Ordinance 1870." Short Title.

Superintendent authorized to exchange lands in third Schedule for lands in fourth Schedule.

II. The said Superintendent of the Province of Otago is hereby authorised to sell to the said Delphin Victor Moreau the lands described in the said third Schedule to this Ordinance with their appurtenances free from incumbrances in consideration of the lands described in the said fourth Schedule to this Ordinance and from time to time to execute and do all necessary acts deeds conveyances and assurances in the law for conveying and assuring the said parcel of land to the said Delphin Victor Moreau his heirs and assigns or as he or they may direct.

Superintendent may purchase lands in fourth Schedule.

III. If the said Superintendent shall be unable to arrange an exchange with the said Delphin Victor Moreau as mentioned in the last preceding section of this Ordinance it shall be lawful for the said Superintendent to purchase from the said Delphin Victor Moreau or other the owner or owners of the said lands the said lands described in the said fourth Schedule hereto.

Superintendent may dedicate lands in first Schedule as a public road.

IV. It shall be lawful for the Superintendent by proclamation in the Government *Gazette* of the Province of Otago to dedicate to the public as a public highway or street the lands described in the said first Schedule hereto and thereupon the fee simple of the said lands 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 a public highway or street and to the powers conferred by law upon the said Corporation of the City of Dunedin with relation to the other streets in the said City of Dunedin.

Corporation may convey lands in second Schedule to Superintendent.

V. It shall be lawful for the said Corporation of the City of Dunedin by deed under their common seal to grant and convey to the said Superintendent of the Province of Otago and his successors all the estate right title and interest whatsoever of the said Corporation of the City of Dunedin in and to the said lands described in the said second Schedule hereto.

THE FIRST SCHEDULE:

All that area in the Province of Otago containing by admeasurement one (1) rood and eleven (11) poles more or less situate in the City of Dunedin being parts of sections numbered respectively twelve (12) and thirteen (13) block thirteen (XIII) on the Map of the said City: bounded towards the north-west by section numbered eleven (11) one hundred and ninety-one and five-tenths ($191\frac{5}{10}$) links towards the north-east by Dowling street two hundred (200) links towards the south-east by the other parts of the said sections twelve (12) and thirteen (13) two hundred and forty (240) links towards the south-south-east by Smith street sixty (60) links and towards the south-west by section numbered eleven (11) ninety (90) links.

THE SECOND SCHEDULE:

All that area in the Province of Otago containing by admeasurement one (1) rood and sixteen (16) poles more or less situate in the City of Dunedin being part of Smith street on the Map of the said City: bounded towards the north-west by sections numbered respectively twelve (12) and thirteen (13) block thirteen (XIII) two hundred and ninety-one (291) links towards the north-east by Dowling street one hundred and twenty-nine (129) links towards the south-east by sections numbered respectively fifty (50) and fifty-one (51) block thirteen (XIII) three hundred and ninety (390) links and towards the west by other part of Smith street one hundred and twenty (120) links.

THE THIRD SCHEDULE:

All that area in the Province of Otago containing by admeasurement six (6) poles more or less situate in the City of Dunedin being part of section numbered twelve (12) block thirteen (XIII) on the map of the said City: bounded towards the north-west by section numbered eleven (11) one hundred and seventy (170) links towards the north-east by Dowling street twenty-three and five-tenths ($23\frac{5}{10}$) links towards the south-east by other part of section numbered twelve (12) one hundred and ninety-one and five-tenths ($191\frac{5}{10}$) links and towards the south-west by section numbered eleven (11) thirty (30) links.

THE FOURTH SCHEDULE:

All that area in the Province of Otago containing by admeasurement six (6) poles more or less situate in the City of Dunedin being part of section numbered eleven (11) block thirteen (XIII) on the map of the said City: bounded towards the north-west by other part of section numbered eleven (11) one hundred and twenty-seven (127) links towards the north-east by section numbered twelve (12) ninety (90) links and towards the south-east by Smith street ninety (90) links.

DUNEDIN NEW ZEALAND.

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TAIERI FERRY LANDS SALE ORDINANCE 1870.

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

SESSION XXVII. No. 315.

ANALYSIS:

AN ORDINANCE *to authorise the Sale of a Parcel of Land in the Waihola District known as the Taieri Ferry Reserve.* [13TH JUNE 1870.] Title.

WHEREAS by a Crown Grant bearing date the twenty-second day of January one thousand eight hundred and fifty-five the parcel of land described in the Schedule hereto was granted to James Harrold of Waihola settler his heirs and assigns: And whereas by deed bearing date the tenth day of January one thousand eight hundred and fifty-six made between the said James Harrold and one Richard Craigie (therein described) of the one part and William Cargill the then Superintendent of the Province of Otago of the other part the said James Harrold and Richard Craigie in consideration of the sum of six hundred and thirty pounds sterling paid to them by the Provincial Treasurer of the Province of Otago conveyed and assured the said parcel of land unto the said William Cargill as such Superintendent of the Province of Otago and his successors in office for the public interest: And whereas it is expedient that the Superintendent should be authorised to sell the said parcel of land: Preamble.

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

I. This Ordinance may be cited and referred to as the "Taieri Ferry Lands Sale Ordinance 1870." Short Title.

II. It shall be lawful for the Superintendent and he is hereby authorised and empowered to sell the said parcel of land described in the said Schedule hereto or any part thereof either altogether or in lots and either by public auction or by private contract or by both of such means and subject to such conditions as the Superintendent and Executive Council may think fit and upon payment of the purchase money the Superintendent may from time to time execute all necessary conveyances and other assurances in the law for conveying and assuring any portion of the said parcel of land which may be so sold as aforesaid to the purchaser thereof his heirs and assigns. Superintendent authorised to sell.

Proceeds of sale to be paid to Provincial Treasurer and to be appropriated by Provincial Council.

III. All moneys arising from the sale of the said parcel of land shall be paid to the Provincial Treasurer for the time being of the Province of Otago and shall form part of the Revenue of the said Province and shall be appropriated in the same manner as the Revenues of the said Province subject to the appropriation of the Provincial Council may now by law be appropriated and the receipt of the said Provincial Treasurer for all or any part of the purchase moneys arising from any such sale shall be a sufficient discharge for the moneys thereby acknowledged to be received and shall discharge the purchaser or purchasers from any liability with respect to the application thereof.

THE SCHEDULE ABOVE REFERRED TO.

All that parcel of land situated in the district of Waihola containing two acres ten roods more or less being section numbered one (1) on the map of the said district bounded towards the north by a public reserve 700 links towards the east by the Suburban Reserve 1500 links towards the south by Crown lands 700 links and towards the west by the Suburban Reserve 1500 links.

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MANAGEMENT OF RIVERS ORDINANCE 1870.

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

SESSION XXVII. No. 316.

ANALYSIS.

AN ORDINANCE *to bring into operation within the Province of Otago an Act of the General Assembly of New Zealand intituled "The Hawke's Bay and Marlborough Rivers Act* 1868." [13TH JUNE 1870.] Title.

WHEREAS by an Act of the General Assembly of New Zealand which is shortly intituled "The Hawke's Bay and Marlborough Rivers Act 1868" it is enacted in the fifty-fifth section of the said Act that it should be lawful for the Superintendent and Provincial Council of any Province in the Colony of New Zealand by any Ordinance in that behalf to bring the said Act into operation within such Province and that thereupon the said Act should come into operation in such Province in like manner to all intents and purposes as if the name of such Province had been inserted therein in lieu of the Provinces of Hawke's Bay and Marlborough and whereas it is expedient to bring the said Act into operation within the Province of Otago aforesaid: Preamble.

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

I. This Ordinance may be cited and referred to as the "Management of Rivers Ordinance 1870." Short Title.

II. "The Hawke's Bay and Marlborough Rivers Act 1868" and all the clauses and provisions thereof shall extend and be applicable to the Province of Otago aforesaid and from and after the passing of this Ordinance the said Act shall come into operation within the Province of Otago aforesaid in like manner to all intents and purposes as if the name of the Province of Otago had been inserted in the said Act in lieu of the Provinces of Hawke's Bay and Marlborough. "The Hawke's Bay and Marlborough Rivers Act 1868" brought into operation in the Province of Otago.

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TOKOMAIRIRO SCHOOL RESIDENCE AND GLEBE LANDS SALE ORDINANCE 1870.

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

SESSION XXVII. No. 317.

ANALYSIS.

AN ORDINANCE *to authorise the sale of certain lands in the Town of Fairfax in the District of Tokomairiro vested in the Superintendent of the Pro- of Otago in trust for Educational purposes.* Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 13TH JUNE, 1870.]

WHEREAS by Crown Grant numbered 10693 bearing date the seventh day of January one thousand eight hundred and seventy all that parcel of land in the Province of Otago and Colony of New Zealand situate in the town of Fairfax containing by admeasurement five acres more or less and being block numbered thirteen on the map of the said town bounded as in the said Grant is particularly mentioned was granted to the Superintendent of the Province of Otago and his successors in trust for the establishment and maintenance of a University in the City of Dunedin in the Province of Otago and of public Schools in different parts of the said Province and for the general advancement of education in the said Province under the provisions of "The Public Reserves Act 1854" and "The Public Reserves Act Amendment Act 1862" And whereas by another Crown Grant numbered 10694 bearing date the seventh day of January one thousand eight hundred and seventy all that parcel of land in the Province of Otago aforesaid situate in the Town of Fairfax aforesaid containing by admeasurement ten acres more or less and being block numbered ten on the map of the said town bounded as in the said Grant is particularly mentioned was granted to the Superintendent of the Province of Otago aforesaid in trust for the like purposes as the firstly hereinbefore-mentioned parcel of land and under the provisions of the same Acts And whereas the said parcels of land comprised in the said recited Crown Grants have heretofore been used as a schoolmaster's residence and glebe for the Tokomairiro district And whereas the said parcels of land being found too distant from the centre of population of the said district, the Superintendent of the Province of Otago has at the request of the School Committee of the said district and by and with the advice and consent of the Executive Council of the Province of Otago Preamble.

purchased a more suitable site for the schoolmaster's residence of the said district and glebe lands connected therewith. And it is therefore expedient that the lands comprised in the said recited Crown Grants being no longer required for the purposes aforesaid the Superintendent of the Province of Otago should be authorised and empowered to sell the same:

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

Short Title.

I. This Ordinance may be cited and referred to as the "Tokomairiro School Residence and Glebe Lands Sale Ordinance 1870."

Superintendent authorised to sell.

II. It shall be lawful for the Superintendent and he is hereby authorised and empowered to sell the parcels of land comprised in the said recited Crown Grants respectively or any part or parts thereof either altogether or in lots and either by public auction or private contract or by both of such means and subject to such conditions as the Superintendent and his Executive Council may think fit and upon payment of the purchase money the Superintendent may from time to time execute all necessary conveyances and other assurances in the law for conveying and assuring every portion of the said parcels of land respectively which may be so sold as aforesaid to the purchaser or respective purchasers thereof his or their heirs and assigns for ever.

Superintendent's receipts sufficient discharges for purchase money.

III. The receipt of the Superintendent for any moneys arising from the sale of the said parcels of land respectively or any part or parts thereof shall be a sufficient discharge for the same and no purchaser shall be concerned to enquire as to the application or be responsible for the misapplication or non-application thereof.

Proceeds of sale to be paid to Provincial Treasurer and appropriated by Provincial Council.

IV. All moneys arising from the sale of the said parcels of land or any part or parts thereof respectively shall be paid to the Provincial Treasurer of the Province of Otago and shall form part of the revenue of the said Province and shall be appropriated in the same manner as the revenues of the said Province subject to the appropriation of the Provincial Council may now by law be appropriated.

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LAWRENCE ATHENÆUM AND MECHANICS' INSTITUTE RESERVE LEASING ORDINANCE 1870.

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

SESSION XXVII. No. 318.

ANALYSIS:

AN ORDINANCE *to authorise the Superintendent of the Province of Otago to Lease the Lawrence Athenæum and Mechanics' Institute Reserve.* Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 13TH JUNE, 1870.]

WHEREAS the parcel of land described in the Schedule to this Ordinance is vested in the Superintendent of the Province of Otago and his successors subject to the provisions of certain Acts passed by the General Assembly of New Zealand intituled the "Public Reserves Act 1854" and the "Public Reserves Act Amendment Act 1862" And whereas it is expedient that the Superintendent should be authorised to lease the said lands described in the said Schedule for a longer period than three years : Preamble.

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

I. This Ordinance shall be intituled and may be cited and referred to as the "Lawrence Athenæum and Mechanics' Institute Reserve Leasing Ordinance 1870." Short Title.

II. It shall be lawful for the Superintendent and he is hereby authorised and empowered from time to time to demise and lease the said parcel of land described in the said Schedule hereto or any part thereof at such annual rents and for such terms of years not exceeding terms of ninety-nine years from the making thereof as he may think fit. Superintendent empowered to lease.

III. All leases made or granted under this Ordinance shall be by deed signed by the Superintendent and sealed with the Public Seal of the said Province as by the "Public Reserves Act 1854" is provided. Leases to be by deed under the public seal of the Province.

Moneys how appropriated.

IV. All moneys arising from the rents issues and profits of the said parcel of land shall be paid over to the Committee of Management for the time being of the Lawrence Athenæum and Mechanics' Institute or other the person or persons for the time being having the management thereof and shall be applied and disposed of for the best interest and advantage of the said Athenæum and Institute.

THE SCHEDULE ABOVE REFERRED TO.

All that piece or parcel of land situate and being in the Town of Lawrence and being sections numbered respectively ten (10) and eleven (11) block forty-one (XLI) on the Map of the said Town containing by admeasurement seventeen (17) poles more or less bounded towards the north by Crown Lands fifty (50) links towards the north-east by Derwent street one hundred and fifty-four (154) links towards the south by Ross Place one hundred and seventy (170) links and towards the west by section numbered nine (9) one hundred (100) links.

DUNEDIN, NEW ZEALAND:

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OAMARU RACECOURSE RESERVE MANAGEMENT ORDINANCE 1870.

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

SESSION XXVII. No. 319.

ANALYSIS.

AN ORDINANCE *to provide for the Management of the Racecourse Reserve at Oamaru in the Province of Otago.* Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON 13TH JUNE 1870.]

WHEREAS the parcel of land particularly described in the Schedule hereto has under and by virtue of the "Public Reserves Act 1854" and "The Public Reserves Act Amendment Act 1862" been granted by the Governor of New Zealand in the name and on behalf of Her Majesty to the Superintendent of Otago and his successors and is now vested in him and them upon trust for public purposes: And whereas by "The Public Reserves Act Amendment Act 1862" it is provided that it shall be lawful for the Superintendent and Provincial Council of any Province by any Act or Ordinance to be from time to time duly passed in that behalf to direct and declare that any lands vested in the Superintendent of any Province under the provisions of the "Public Reserves Act 1854" upon trust for any public purposes shall be transferred to and vested in and held by any Corporation Commission or other person or persons having corporate succession to be named in such Act or Ordinance in trust for the like or for any other public purpose to be specified and declared in such Act or Ordinance in such manner and with such powers of lease management and disposition over the same and over all rents issues profits and proceeds thereof and other powers provisions and conditions as should in such Act or Ordinance be expressed or declared: And whereas it is expedient to make provision for the management of the said parcel of land in manner hereinafter appearing: Preamble.

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.

I. This Ordinance may be cited and referred to as the "Oamaru Racecourse Reserve Management Ordinance 1870."

Trustees of Oamaru Racecourse incorporated.

II. The Honorable John M'Lean of Oamaru runholder the Honorable Henry John Miller of Oamaru runholder George Murray Webster of Kakanui runholder William Frederick Ebbs of Oamaru surgeon Samuel Edward Shrimski of Oamaru auctioneer Edric Adolphus Julius of Oamaru solicitor and all such other persons as shall be hereafter appointed members under the provisions of this Ordinance and their successors shall be and they are hereby constituted a Corporate Body in fact and in law by the name and style of the "Trustees of the Oamaru Racecourse," and by that name they and their successors shall have perpetual succession and a common seal with full power and authority by the same name and style to sue and be sued plead and be impleaded defend and be defended in all Courts and in all causes and suits at law or in equity whatsoever with power to take purchase and hold to them and to their successors all goods chattels and personal property whatsoever: And also all such lands hereditaments and possessions as may be transferred to and vested in them as a site for a Racecourse or for any other purposes in connection therewith and also to do all other matters and things incidental to or appertaining to a corporate body subject nevertheless to any provisions in this Ordinance contained affecting such powers.

Power to remove and appoint trustees.

III. So often as any person so appointed shall die resign become incapable to act or be removed suspended or absent from the said Province for the space of six consecutive calendar months it shall be the duty of the said Superintendent to appoint by proclamation in the Otago Provincial Government *Gazette* either permanently or temporarily as occasion may require another or other fit and proper person or persons to be a trustee or trustees in the room or stead of the trustee or trustees so dying resigning becoming incapable or being absent as aforesaid.

Land in Schedule vested in trust.

IV. The said parcel of land described in the Schedule hereto shall be transferred to and vested in and held by the "Trustees of the Oamaru Racecourse" and their successors in trust for the purposes of a Racecourse subject to the powers provisions and conditions herein expressed and declared.

Superintendent authorised to convey.

V. It shall be lawful for the Superintendent to execute and make any conveyance or other assurance for transferring to and vesting in the "Trustees of the Oamaru Racecourse" and their successors the lands described in the said Schedule hereto and every or any part or parts thereof respectively.

Trust may set apart portion of said land as a Racecourse.

VI. It shall be lawful for the "Trustees of the Oamaru Racecourse" hereinafter referred to as the "Trust" to set apart a sufficient portion of the said parcel of land as and for the purposes of a Racecourse and from time to time to vary and alter the portion which may for the time being be set apart and to set apart another portion of the said parcel of land as a Racecourse in lieu thereof.

Trust may lease surplus land.

VII. It shall be lawful for the "Trust" by deed under their corporate seal to lease from time to time at such rent and on such conditions as they may think reasonable the whole or any part of the said parcel of land specified in the said Schedule hereto not required for the purposes of a Racecourse for any term or terms of years not exceeding seven years at any one time.

Application of moneys.

VIII. All moneys received by the "Trust" for the rents issues and profits of the said parcel of land shall after deducting therefrom all necessary expenses incurred in the management thereof be applied in and towards the cultivation and improvement of the said parcel of land and in rendering any part thereof that may be set apart as a Racecourse suitable for that purpose and in and towards providing prizes for races to be run on the

said Racecourse and generally in and towards the encouragement of the breeding of horses and for such other purposes as the "Trust" may from time to time determine to apply the same.

Trust to keep accounts and furnish balance-sheets to be audited.

IX. The "Trust" shall keep accurate accounts of all sums of money received for rents issues and profits on account of the said parcel of land and of all costs charges expenses and disbursements in connection with the management and maintenance thereof and on the thirty-first day of March in every year or within one week thereafter the "Trust" shall prepare accounts and a balance sheet showing the receipts and disbursements of the "Trust" during the previous year and the actual financial state of the "Trust" on the thirty-first day of March in that year and such accounts and balance sheet shall be forwarded in duplicate to the Superintendent who shall cause the same to be forwarded for examination by the Provincial Auditor in manner described by the "Provincial Audit Act 1866" and the Provincial Auditor is hereby required and empowered to examine and audit such accounts and balance sheet and such balance sheet shall be published in the Government *Gazette* of the Province immediately after the same shall have been so audited.

Trust may make rules.

X. It shall be lawful for the "Trust" and they are hereby authorised and empowered from time to time to make and alter rules for regulating their own proceedings for prescribing the conditions on which the public shall be permitted to have access to the said Racecourse upon any day when the same shall be used for racing purposes and for regulating the price for admission on such occasions for excluding the public from such parts of the said parcel of land as it may be found necessary or desirable to improve or lay down in artificial grasses for regulating the charges that may be made for the occupation of any portion of the said Racecourse for the erection of booths or stalls for the sale of refreshments merchandise goods or chattels and for the admission of horses and vehicles to the said Racecourse.

THE SCHEDULE ABOVE REFERRED TO.

All that area in the Province of Otago containing by admeasurement one hundred and ninety-one (191) acres more or less situate in Oamaru District being sections numbered respectively twenty-eight (28) twenty-nine (29) thirty-one (31) thirty-four (34) two of fifty-six (2 of 56) two of fifty-eight (2 of 58) two of sixty (2 of 60) and two of sixty-one (2 of 61) block one (I) on the Map of the said district bounded towards the north-east by sections numbered respectively one of sixty-one and thirty-seven (1 of 61 and 37) four thousand eight hundred and fifty (4850) links towards the south-east by a road line four thousand eight hundred (4800) links towards the south-west by section numbered twenty-six (26) three thousand two hundred and thirty (3230) links and towards the west by a road line five thousand one hundred (5100) links.

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ROADS DIVERSION ORDINANCE 1870.

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

SESSION XXVII. No. 320.

ANALYSIS.

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, 13TH JUNE, 1870.]

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 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 such 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 and portions of Roads passed: Preamble.

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

Short Title.

I. This Ordinance may be cited and referred to as the "Roads Diversion Ordinance 1870."

Superintendent authorised to stop up certain portions of roads.

II. 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 colored 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 &c.

III. 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 the 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 such 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 Roads 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.

IV. After the expiration of the said 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.

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

V. 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 empowered to exchange land.

VI. 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 Road 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.

Map of road to be deposited.

VII. 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.

Interpretation.

VIII. 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.

SCHEDULE.

1. Adamsthorpe Road District
2. Blueskin "
3. Breadalbane "
4. Beaconsfield "
5. Broad Bay "
6. Chalfont "
7. Deborah Bay "
8. Flagstaff "
9. Finegand "
10. Goodwood "
11. Glenore "
12. Glenavon "
13. Green Vale Survey District
14. Helensbrook Road District
15. Harlington "
16. Allday "
17. Mountroyal "
18. N. E. Harbor "
19. Pukeuri "
20. Popotunoa "
21. Saddle Hill "
22. Sydney "
23. Waihola West "
24. Cranbourne "
25. Warepa "
26. Windsor "
27. Waitahuna West "
28. Tuapeka "

Adamsthorpe Road District. (*No.* 1.)

1. All that area in the Province of Otago containing by admeasurement 2a. 0r. 16p. more or less being a road line situate in the Tokomairiro Survey District bounded on the west by section No. 6 block XLVII 3500 links more or less and on the east by section 1 block XLII 3500 links more or less.

Blueskin Road District. (No. 2.)

1. All that area in the Province of Otago containing by admeasurement 3a. 2r. 0p. more or less being a road line situate in the North Harbor and Blueskin Survey District bounded towards the north by sections numbered 1 and 2 block I 3050 links more or less and on the south by section No. 2 block I 3050 links more or less.

Breadalbane Road District. (No. 3.)

1. All that area in the Province of Otago containing by admeasurement 0a. 3r. 38p. more or less being a road line situate in the Taieri Survey District bounded on the north by section No. 61 irregular block 1650 links more or less and on the south by sections numbered 15 and 16 block XVIII East Taieri 1650 links more or less.

2. All that area in the Province of Otago containing by admeasurement 0a. 3r. 14p. more or less being a road line situate in the Taieri Survey District bounded on the west by section No. 62 irregular block and part of section No. 46 river section 1400 links more or less and on the east by section No. 61 irregular block and part of section No. 16 block XVIII East Taieri 1400 links more or less.

Beaconsfield Road District. (No. 4.)

1. All that area in the Province of Otago containing by admeasurement 1a. 2r. 24p. more or less being a road line situate in the Waikouaiti Survey District bounded on the west by section No. 33 block I 1650 links more or less and on the east by section No. 33 block I 1650 links more or less.

2. All that area in the Province of Otago containing by admeasurement 2a. 3r. 32p. more or less being a road line situate in the Waikouaiti Survey District bounded on the west by sections numbered 5 and 4 block I 2950 links more or less and on the east by sections numbered 5 and 4 block I 2950 links more or less.

3. All that area in the Province of Otago containing by admeasurement 2a. 2r. 0p. more or less being a road line situate in the Waikouaiti Survey District bounded on the north by section No. 5 block I 2500 links more or less and on the south by section No. 6 block I 2500 links more or less.

4. All that area in the Province of Otago containing by admeasurement 1a. 0r. 0p. more or less being a road line situate in the Waikouaiti Survey District bounded on the west by section No. 8 block I 1000 links more or less and on the east by section No. 8 block I 1000 links more or less.

5. All that area in the Province of Otago containing by admeasurement 0a. 1r. 32p. more or less being a road line situate in the Waikouaiti Survey District bounded on the north by sections numbered 10 and part of 11 block I 750 links more or less and on the east by section No. 10 block I 750 links more or less.

6. All that area in the Province of Otago containing by admeasurement 4a. 0r. 3p. more or less being a road line situate in the Waikouaiti Survey District bounded on the north by sections numbered 29 30 and part of 28 block I 6700 links more or less and on the south by sections numbered 29 30 and 38 block I 6700 links more or less.

7. All that area in the Province of Otago containing by admeasurement 3a. 0r. 28p. more or less being a road line situate in the Waikouaiti Survey District bounded on the north by sections numbered 36 38 and 39 block I 5300 links more or less and on the south by sections numbered 36 37 38 and 39 block I 5300 links more or less.

8. All that area in the Province of Otago containing by admeasurement 4a. 0r. 17p. more or less being a road line situate in the Waikouaiti Survey District bounded on the west by sections numbered 69 70 71 and 72 block I 6850 links more or less and on the east by sections numbered 69 70 71 and 72 block I 6850 links more or less.

9. All that area in the Province of Otago containing by admeasurement 1a. 2r. 19p. more or less being a road line situate in the Waikouaiti Survey District bounded on the east by sections numbered 85 and part of 84 block I 2700 links more or less and on the west by parts of sections numbered 34 and 33 block I 2700 links more or less.

10. All that area in the Province of Otago containing by admeasurement 5a. 3r. 8p. more or less being a road line situate in the Waikouaiti Survey District bounded on the east by sections numbered 76 and 79 block I 5800 links more or less and on the west by sections numbered 75 78 and 85 block I 5800 links more or less.

11. All that area in the Province of Otago containing by admeasurement 2a. 0r. 35p. more or less being a road line situate in the Waikouaiti Survey District bounded on the east by sections numbered 75 and 78 block I 3700 links more or less and on the west by section No. 39 block I 3700 links more or less.

12. All that area in the Province of Otago containing by admeasurement 2a. 1r. 38p. more or less being a road line situate in the Waikouaiti Survey District bounded on the north by sections numbered 78 79 and 85 block I 4150 links more or less and on the south by sections numbered 78 79 and 85 block I 4150 links more or less.

13. All that area in the Province of Otago containing by admeasurement 2a. 1r. 24p. more or less being a road line situate in the Waikouaiti Survey District bounded towards the north by sections numbered 60 61 62 63 and 24 block I 4000 links more or less and on the south by sections numbered 60 61 62 63 and 24 block I 4000 links more or less.

14. All that area in the Province of Otago containing by admeasurement 1a. 0r. 0p. more or less being a road line situate in the Waikouaiti Survey District bounded towards the north by section No. 80 block I 1000 links more or less and on the south by section No. 80 block I 1000 links more or less.

Broad Bay Road District. (No. 5.)

1. All that area in the Province of Otago containing by admeasurement 2a. 3r. 36p. more or less being a road line situate in the Otago Peninsula Survey District bounded on the east by sections numbered 53 54 and 55 block II 2976 links more or less and on the west by section No. 71 block II 2976 links more or less.

Chalfont Road District. (No. 6.)

1. All that area in the Province of Otago containing by admeasurement 5a. 3r. 0p. more or less being a road line situate in the Moeraki Survey District bounded on each side by sections numbered 2 4 6 60 24 35 and 38 block I 11,500 links more or less.

2. All that area in the Province of Otago containing by admeasurement 0r. 0p. 20p. more or less being a road line situate in the Moeraki Survey District bounded on the north by section No. 35 block I 250 links more or less and on the south by section No. 38 block I 200 links more or less.

Deborah Bay Road District. (No. 7.)

1. All that area in the Province of Otago containing by admeasurement 0a. 3r. 4p. more or less being a road line situate in the North Harbor and Blueskin Survey District bounded on the north-west by section No. 22 block VI 1300 links more or less and on the south-east by sections numbered 2 3 and part of 4 block II Lower Harbor West District 1300 links more or less.

Flagstaff Road District. (No. 8.)

1. All that area in the Province of Otago containing by admeasurement 0a. 2r. 0p. more or less being a road line situate in the Dunedin and East Taieri Survey District bounded on the west by section No. 32 block V 500 links more or less and on the east by section No. 32 block V 450 links more or less.

2. All that area in the Province of Otago containing by admeasurement 3a. 1r. 30p. more or less being a road line situate in the Dunedin and East Taieri Survey District bounded on the north-east by section No. 7 block XIII and section 1 block IV 3449 links more or less and on the south-west by sections numbered 1 and 7 block XIII and section 1 block VI 3449 links more or less.

Finegand Road District. (No. 9.)

1. All that area in the Province of Otago containing by admeasurement 4a. 1r. 36p. more or less being a road line situate in the Clutha Survey District bounded on the north by sections numbered 1 and 2 block XXXIII 7460 links more or less and on the south by sections numbered 11 and 12 block XXVII 7460 links more or less.

2. All that area in the Province of Otago containing by admeasurement 2a. 3r. 22p. more or less being a road line situate in the Clutha Survey District bounded on the east by sections numbered 12 10 8 and part of 6 block XXVII 4800 links more or less and on the west by sections numbered 7 9 11 and part of 5 block XXXII 4800 links more or less.

3. All that area in the Province of Otago containing by admeasurement 2a. 1r. 28p. more or less being a road line situate in the Clutha Survey District bounded on the east by sections numbered 2 4 and part of 6 block XXVII 4050 links more or less and on the west by sections numbered 1 3 and part of 5 block XXXII 4050 links more or less.

4. All that area in the Province of Otago containing by admeasurement 4a 3r. 8p. more or less being a road line situate in the Clutha Survey District bounded on the north by portion of section No. 2 block XXVII section No. 1 and portion of section No. 2 block XXXII 8000 links more or less and on the south by portion of section No. 12 block XXVI and section No. 11 and part of section No. 12 block XXXI 8000 links more or less.

5. All that area in the Province of Otago containing by admeasurement 2a. 3r. 25p. more or less being a road line situate in the Clutha Survey District bounded on the east by sections numbered 2 4 6 8 and part of 10 block XXXI 4850 links more or less and on the west by sections numbered 1 3 5 7 and part of 9 block XXXIX 4850 links more or less.

Goodwood Road District. (No. 10.)

1. All that area in the Province of Otago containing by admeasurement 6a. 1r. 8p. more or less being a road line situate in the Moeraki Survey District bounded on the north by sections numbered 64 69 72 and 73 block IV 10,500 links more or less and on the south by sections numbered 71 and part of 70 block IV 10,500 links more or less.

Glenore Road District. (No. 11.)

1. All that area in the Province of Otago containing by admeasurement 2a. 0r. 33p. more or less being a road line situate in the Tokomairiro Survey District bounded on the west by section No. 7 block XLVII and section No. 1 block XLVIII 4100 links more or less and on the east by section No. 12 block XLII 4100 links more or less.

2. All that area in the Province of Otago containing by admeasurement 4a. 3r. 8p. more or less being a road

line situate in the Table Hill Survey District bounded on the north by sections numbered 41 42 and 43 block II 8000 links more or less and on the south by sections numbered 44 45 and 46 block II 8000 links more or less.

3. All that area in the Province of Otago containing by admeasurement 3a. 1r. 17p. more or less being a road line situate in the Table Hill Survey District bounded on the east by sections numbered 45 46 and 47 block II 5600 links more or less and on the south-west by sections numbered 212 213 214 and 215 block XXVI Tokomairiro 5600 links more or less.

Glenavon Road District. (No. 12.)

1. All that area in the Province of Otago containing by admeasurement 3a. 1r. 4p. more or less being a road line situate in the Clarendon Survey District bounded on the north by section No. 17 block III 6050 links more or less and on the south by sections numbered 16 and part of 2 of 15 block III 6050 links more or less.

2. All that area in the Province of Otago containing by admeasurement 6a. 0r. 0p. more or less being a road line situate in the Clarendon Survey District bounded on the north by sections numbered 12 13 and 2 of 15 block III 12,000 links more or less and on the south by sections numbered 26 25 and 1 of 28 block II Akatore 12,000 links more or less.

Greenvale Survey District. (No. 13.)

1. All that area in the Province of Otago containing by admeasurement 2a. 3r. 8p. more or less being a road line situate in the Greenvale Survey District bounded on the west by sections numbered 4 and 46 block II 2800 links more or less and on the east by sections numbered 4 and 46 block II 2900 links more or less.

Helensbrook Road District. (No. 14.)

1. All that area in the Province of Otago containing by admeasurement 2a. 2r. 32p. more or less being a road line situate in the Tokomairiro Survey District bounded on the west by sections numbered 120 and part of 121 block XIV 4500 links more or less and on the east by sections numbered 40 41 and 42 block V 4500 links more or less.

Harlington Road District. (No. 15.)

1. All that area in the Province of Otago containing by admeasurement 1a. 3r. 22p. more or less being a road line situate in the North-east Valley Survey District bounded on the north by sections numbered 89 91 93 95 97 and part of 99 3150 links more or less and on the south by sections numbered 88 90 92 and 94 North-east Valley District 3150 links more or less.

2. All that area in the Province of Otago containing by admeasurement 2a. 0r. 6p. more or less being a road line situate in the North-east Valley Survey District bounded on the south-west by sections numbered 86 and 87 3400 links more or less and on the north-east by sections 88 and 89 North-east Valley District 3400 links more or less.

Allday Road District. (No. 16.)

1. All that area in the Province of Otago containing by admeasurement 1a. 1r. 12p. more or less being a road line situate in the Otepopo Survey District bounded on each side by section No. 82 and part of 114 block V 2650 links more or less.

Mountroyal Road District. (No. 17.)

1. All that area in the Province of Otago containing by admeasurement 2a. 0r. 0p. more or less being a road line situate in the Hawksbury Survey District bounded on the north by section No. 31 block II 4000 links more or less and on the south by section No. 32 block II 4000 links more or less.

2. All that area in the Province of Otago containing by admeasurement 1a. 3r. 0p. more or less being a road line situate in the Hawksbury Survey District bounded on the north-west by section No. 32 block II 3500 links more or less and on the south-east by section No. 33 block II 3500 links more or less.

3. All that area in the Province of Otago containing by admeasurement 0a. 2r. 16p. more or less being a road line situate in the Hawksbury Survey District bounded on each side by section No. 20 block II 1200 links more or less.

North-east Harbour Road District. (No. 18.)

1. All that area in the Province of Otago containing by admeasurement 0a. 3r. 33p. more or less being a road line situate in the Otago Peninsula Survey District bounded on the west by application No. 1162 block II 1600 links more or less and on the east by application No. 1162 block II 1600 links more or less.

Pukeuri Road District. (No. 19.)

1. All that area in the Province of Otago containing by admeasurement 0a. 2r. 0p. more or less being a road line situate in the Papakaio Survey District bounded on the west by parts of sections numbered 135 and 136 block II 250 links more or less and on the east by parts of sections numbered 135 and 136 block II 250 links more or less.

2. All that area in the Province of Otago containing by admeasurement 1a. 4r. 8p. more or less being a road line situate in the Papakaio Survey District bounded on the west by section 137 and part of 136 block II 1050 links more or less and on the east by section 137 and part of 136 block II 1050 links more or less.

Popotunoa Road District. (No. 20.)

1. All that area in the Province of Otago containing by admeasurement 1a. 3r. 0p. more or less being a road line situate in the Pomahaka Survey District bounded on both sides by section No. 67 block VII 1750 links more or less.

2. All that area in the Province of Otago containing by admeasurement 0a. 1r. 27p. more or less being a road line situate in the Pomahaka Survey District bounded on the west by section No. 27 block IX 700 links more or less and on the east by section No. 27 block IX 700 links more or less.

3. All that area in the Province of Otago containing by admeasurement 1a. 2r. 4p. more or less being a road line situate in the Pomahaka Survey District bounded towards the north by section No. 44 block IX 2550 links more or less and on the south by section No. 44 block IX 2500 links more or less.

4. All that area in the Province of Otago containing by admeasurement 2a. 0r. 35p. more or less being a road line situate in the Pomahaka Survey District bounded on the west by sections numbered 19 and 20 block IX 3700 links more or less and on the east by sections numbered 19 and 20 block IX 3700 links more or less.

5. All that area in the Province of Otago containing by admeasurement 2a. 0r. 9p. more or less being a road line situate in the Pomahaka Survey District bounded on the west by sections numbered 18 and 19 block IX 3850 links more or less and on the east by sections numbered 18 and 19 block IX 3850 links more or less.

6. All that area in the Province of Otago containing by admeasurement 1a. 1r. 20p. more or less being a road line situate in the Pomahaka Survey District bounded on the north and north-east by section No. 19 block IX 1150 links more or less and on the south and south-west by sections numbered 19 and 78 block IX 1600 links more or less.

7. All that area in the Province of Otago containing by admeasurement 2a. 3r. 0p. more or less being a road line situate in the Pomahaka Survey District bounded towards the north by sections numbered 22 23 24 and 25 block IX 5500 links more or less and on the south by sections numbered 22 23 24 and 25 block IX 5500 links more or less.

8. All that area in the Province of Otago containing by admeasurement 0a. 0r. 22p. more or less being a road line situate in the Pomahaka Survey District bounded on the east by section No. 23 block IX 250 links more or less and on the west by section No. 24 block IX 300 links more or less.

9. All that area in the Province of Otago containing by admeasurement 2a. 2r. 11p. more or less being a road line situate in the Pomahaka Survey District: bounded on the east by section No. 9 and part of sections numbered 8 and 25 block IX 2246 links more or less and on the west by sections numbered 8 and 9 and part of section 30 2650 links more or less.

12. All that area in the Province of Otago containing by admeasurement 1a. 0r. 16p. more or less being a road line situate in the Pomahaka Survey District bounded on the north-east by section No. 26 block IX 2300 links more or less and on the south-west by section No. 26 block IX 2200 links more or less.

13. All that area in the Province of Otago containing by admeasurement 5a. 3r. 4p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections numbered 11 12 13 14 and 15 block VI 11,750 links more or less and on the south by sections numbered 6 7 8 9 10 and part of 5 block VI 11,750 links more or less.

14. All that area in the Province of Otago containing by admeasurement 0a. 2r. 35p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections numbered 12 and 13 block VI 1400 links more or less and on the south by sections numbered 12 and 13 block VI 1400 links more or less.

15. All that area in the Province of Otago containing by admeasurement 4a. 3r. 0p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections numbered 16 17 18 19 and 20 block VI 9500 links more or less and on the south by sections numbered 1 2 3 4 and part of 5 block VI 9500 links more or less.

16. All that area in the Province of Otago containing by admeasurement 0a. 0r. 28p. more or less being a road line situate the Pomahaka Survey District bounded on the north by sections numbered 2 and 3 block VI 350 links more or less and on the south by sections numbered 2 and 3 block VI 350 links more or less.

17. All that area in the Province of Otago containing by admeasurement 5a. 2r. 12p. more or less being a road line situate in the Pomahaka Survey District bounded towards the north by sections numbered 1 2 3 4 and 5 block VI 11,150 links more or less and on the south by sections numbered 1 2 3 4 and 5 block VI 11,150 links more or less.

18. All that area in the Province of Otago containing by admeasurement 1a. 3r. 36p. more or less being a road line situate in the Pomahaka Survey District bounded on the east by section No. 15 block VI 3950 links more or less and on the west by section No. 16 block VI 3950 links more or less.

19. All that area in the Province of Otago containing by admeasurement 0a. 1r. 26p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections numbered 5 and 6 block VI 750 links more or less and on the south by sections numbered 5 and 6 block VI 750 links more or less.

20. All that area in the Province of Otago containing by admeasurement 0a. 0r. 35p. more or less being a road line situate in the Pomahaka Survey District bounded on the west by section No. 16 block VI 437 links more or less and on the east by section No. 16 block VI 437 links more or less.

21. All that area in the Province of Otago containing by admeasurement 2a. 3r. 14p. more or less being a road line situate in the Pomahaka Survey District bounded on the east by section No. 42 and part of 28 block X 5684 links more or less and on the west by section No. 41 and part of 29 block X 5684 links more or less.

22. All that area in the Province of Otago containing by admeasurement 8a. 2r. 1p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections numbered 37 38 39 40 41 42 and 43 block X 17,021 links more or less and on the south by sections numbered 44 45 46 47 48 and 49 block X 17,021 links more or less.

23. All that area in the Province of Otago containing by admeasurement 5a. 1r. 4p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections numbered 44 45 46 and 47 block X 10,660 links more or less and on the south by sections numbered 44 45 46 and 47 block X 10,660 inks more or less.

24. All that area in the Province of Otago containing by admeasurement 3a. 0r. 18p. more or less being a road line situate in the Pomahaka Survey District bounded on the east by section No. 1 block VI and part of section No. 1 block VII 6237 links more or less and on the west by section No. 44 block X 6237 links more or less.

25. All that area in the Province of Otago containing by admeasurement 4a. 0r. 32p. more or less being a road line situate in the Pomahaka Survey District bounded on the east by sections numbered 37 and 49 block X 8400 links more or less and on the west by sections numbered 36 and 50 block X 8400 links more or less.

26. All that area in the Province of Otago containing by admeasurement 2a. 0r. 27p. more or less being a road line situate in the Pomahaka Survey District: bounded on the north-west by section No. 50 block IX 4344 links more or less and on the south-east by section No. 50 block IX 4344 links more or less.

27. All that area in the Province of Otago containing by admeasurement 8a. 0r. 5p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections numbered 4 5 6 7 8 9 10 and 11 block VIII 16,065 links more or less and on the south by sections numbered 12 13 14 15 16 17 and 18 block VIII 16,065 links more or less.

28. All that area in the Province of Otago containing by admeasurement 2a. 1r. 2p. more or less being a road road line situate in the Pomahaka Survey District bounded on the east by section No. 11 block VIII and sections numbered 1 and 23 block VII 4523 links more or less and on the west by section No. 11 block VIII 4523 links more or less.

29. All that area in the Province of Otago containing by admeasurement 4a. 3r. 33p. more or less being a road line situate in the Pomahaka Survey District bounded on the east by sections numbered 12 and 31 block VIII 9922 links more or less and on the west by sections numbered 13 and 30 block VIII 9922 links more or less.

30. All that area in the Province of Otago containing by admeasurement 0a. 2r. 16p. more or less being a road line situate in the Pomahaka Survey District bounded on the west by section No. 31 block VIII 1200 links more or less and on the east by section No. 31 block VIII 1200 links more or less.

31. All that area in the Province of Otago containing by admeasurement 1a. 0r. 17p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by section No. 12 block VIII 2217 links more or less and on the south by section No. 31 block VIII 2217 links more or less.

32. All that area in the Province of Otago containing by admeasurement 9a. 2r. 25p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections numbered 1 2 3 4 5 6 7 8 9 and 10 block VII 19,222 links more or less and on the south by sections numbered 15 16 17 18 19 20 21 22 and 23 block VII 19,222 links more or less.

33. All that area in the Province of Otago containing by admeasurement 4a. 0r. 0p. more or less being a road line situate in the Pomahaka Survey District bounded on the east by sections numbered 20 and 27 block VII 8000 links more or less and on the west by sections numbered 21 and 26 block VII 8000 links more or less.

34. All that area in the Province of Otago containing by admeasurement 4a. 1r. 16p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections numbered 40 39 and 38 block VI 8700 links more or less and on the south by sections 27 28 and 29 block VI 8860 links more or less.

35. All that area in the Province of Otago containing by admeasurement 1a. 3r. 24p. more or less being a road line situate in the Pomahaka Survey District bounded on the east by section 27 block VI 3800 links more or less and on the west by sections 26 and 23 block VI 3800 links more or less.

36. All that area in the Province of Otago containing by admeasurement 4a. 1r. 0p. more or less being a road line situate in the Pomahaka Survey District bounded on the north-west by sections 27 and 39 block VI 8500 links more or less and on the south-east by sections 38 39 and 27 block VI 8500 links more or less.

37. All that area in the Province of Otago containing by admeasurement 4a. 3r. 36p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 24 25 and 26 block VI 9950 links more or less and on the south by sections 21 22 and 23 block VI 9950 links more or less.

38. All that area in the Province of Otago containing by admeasurement 4a. 3r. 8p. more or less being a road line situate in the Pomahaka Survey District bounded on the north-west by sections 10 11 25 and 24 block X 9600 links more or less and on the south-east by sections 10 26 25 and 24 block X 9600 links more or less.

39. All that area in the Province of Otago containing by admeasurement 5a. 3r. 2p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 6 7 8 and 9 block X 11,900 links more or less and on the south by sections 11 12 13 14 and 15 block X 12,000 links more or less.

40. All that area in the Province of Otago containing by admeasurement 7a. 1r. 24p. more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 21 22 23 24 25 26 block X 14,800 links more or less and on the south by sections 27 28 29 30 31 32 block X 14,800 links more or less.

41. All that area in the Province of Otago containing by admeasurement 2a. 1r. 16p. more or less being a road line situate in the Pomahaka Survey District bounded on the east by section 6 block X 4700 links more or less and on the west by section 5 block X 4700 links more or less.

42. All that area in the Province of Otago containing by admeasurement 4a. 0r. 24p. more or less being a road line situate in the Pomahaka Survey District bounded on the east by sections 24 25 and 26 block XII 8300 links more or less and on the west by sections 21 22 and 23 block XII 8300 links more or less.

43. All that area in the Province of Otago containing by admeasurement 5a 3r 16p more or less being a road line situate in the Pomahaka Survey District bounded on the north-west by sections 14 15 16 17 and 18 block XII 11,700 links more or less and on the south by sections 19 20 21 and 26 block XII 11,700 links more or less.

44. All that area in the Province of Otago containing by admeasurement 5a 0r 32p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 4 5 6 and 7 block XII 10,400 links more or less and on the south by sections 8 9 10 11 and 12 block XII 10,400 links more or less.

45. All that area in the Province of Otago containing by admeasurement 2a 1r 20p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 2 and 3 block XII 4750 links more or less and on the south by sections 2 and 3 block XII 4750 links more or less.

46. All that area in the Province of Otago containing by admeasurement 3a 1r 14p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 17 and 23 block XIV 6650 links more or less and on the south by sections 31 and 24 block XIV 6650 links more or less.

47. All that area in the Province of Otago containing by admeasurement 4a 1r 8p more or less being a road line situate in the Pomahaka Survey District bounded on the east by sections 15 and 21 block X 8600 links more or less and on the west by sections 16 and 20 block X 8600 links more or less.

48. All that area in the Province of Otago containing by admeasurement 7a 2r 36p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 14 15 16 34 35 36 and 37 block XIV 15,450 links more or less and on the south by sections 32 33 34 35 36 and 37 block XIV 15,450 links more or less.

49. All that area in the Province of Otago containing by admeasurement 3a 3r 24p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 5 and 7 block XIII 7800 links more or less and on the south by sections 5 and 7 block XIII 7800 links more or less.

50. All that area in the Province of Otago containing by admeasurement 5a 3r 28p more or less being a road line sisuate in the Pomahaka Survey District bounded on the north by sections 1 2 3 4 and 5 block XIII 11,850 links more or less and on the south by sections 14 15 16 and 17 block XIII 11,850 links more or less.

51. All that area in the Province of Otago containing by admeasurement 5a 1r 28p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 10 11 12 and 13 block XIII 10,850 links more or less and on the south by sections 25 31 33 and 32 block XIII 10,850 links more or less.

52. All that area in the Province of Otago containing by admeasurement 5a 1r 36p more or less being a road line situate in the Pomahaka Survey District bounded on the east by sections 33 34 and 35 block XIII 10,850 links more or less and on the west by sections 31 30 29 and 36 block XIII 10,850 links more or less.

53. All that area in the Province of Otago containing by admeasurement 3a 2r 8p more or less being a road line situate in the Pomahaka Survey District bounded on the east by sections 25 26 and 27 block XIII 7600 links more or less and on the west by section 24 block XIII 7600 links more or less.

54. All that area in the Province of Otago containing by admeasurement 4a 3r 2p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 23 24 27 and 28 block XIII 9,525

links more or less and on the south by sections 23 24 27 and 28 block XIII 9525 links more or less and part sections 44 and 45 block XI 9525 links more or less.

55. All that area in the Province of Otago containing by admeasurement 2a 3r 16p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 28 and 36 block XIII 5700 links more or less and on the south by section 37 block XIII 5700 links more or less.

57. All that area in the Province of Otago containing by admeasurement 2a 2r 16p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections No 2 and 3 block X 5200 links more or less and on the south by section No 1 block X 5100 links more or less.

58. All that area in the Province of Otago containing by admeasurement 5a 1r 0p more or less being a road line situate in the Pomahaka Survey District bounded on the east by sections 50 49 48 and 36 block XI 10,500 links more or less and on the west by sections 45 46 and 47 block XI 10,500 links more or less.

59. All that area in the Province of Otago containing by admeasurement 2a 2r 0p more or less being a road line situate in the Pomahaka Survey District bounded on the north-west by section 35 block X 5000 links more or less and on the south-east by section 51 block X 5000 links more or less.

60. All that area in the Province of Otago containing by admeasurement 3a 2r 38p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 5 6 7 and 8 block XI 7475 links more or less and on the south by sections 5 6 7 and 8 block XI 7475 links more or less.

61. All that area in the Province of Otago containing by admeasurement 3a 3r 35p more or less being a road line situate in the Pomahaka Survey District bounded on the east by sections 6 block XI and 72 and part of 71 block IX 7937 links more or less and on the west by sections 5 and 6 block XI and 72 block IX 7937 links more or less.

62. All that area in the Province of Otago containing by admeasurement 4a 2r 39p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 45 46 47 48 and 49 block VIII 9487 links more or less and on the south by sections 45 46 47 48 and 49 block VIII 9487 links more or less.

63. All that area in the Province of Otago containing by admeasurement 2a 2r 29p more or less being a road line situate in the Pomahaka Survey District bounded on the north by sections 42 41 40 22 block VIII 5362 links more or less and on the south by sections 40 22 41 and 42 block VIII 5362 links more or less.

64. All that area in the Province of Otago containing by admeasurement 1a 2r 16p more or less being a road line situate in the Pomahaka Survey District bounded on the north by section 37 block VIII 3198 links more or less and on the south by section 37 block VIII 3198 links more or less.

65. All that area in the Province of Otago containing by admeasurement 1a 0r 38p more or less being a road line situate in the Pomahaka Survey District bounded on the north by section 61 block IX 1227 links more or less and on the south by section 61 block IX 1227 links more or less.

66. All that area in the Province of Otago containing by admeasurement 0a 2r 0p more or less being a road line situate in the Pomahaka Survey District bounded on the north by section 14 block VII 1000 links more or less and on the south by a road line 1200 links more or less.

67. All that area in the Province of Otago containing by admeasurement 6a 3r 11p more or less being a road line situate in the Pomahaka Survey District bounded on the north-west by sections No 2 3 4 and 5 block XIV 13,637 links more or less and on the north-east by sections No 2 3 4 and 5 block XIV 13,637 links more or less.

68. All that area in the Province of Otago containing by admeasurement 10a 0r 17p more or less being a road line situate in the Waipahee Survey District bounded on the north by sections 3 and part of 2 block I 10,106 links more or less and on the south by sections No 3 and part of 2 block I 10,106 links more or less.

69. All that area in the Province of Otago containing by admeasurement 4a 1r 8p more or less being a road line situate in the Waipahee Survey District bounded on each side by sections No 2 and 4 block I 4300 liuks more or less.

70. All that area in the Province of Otago containing by admeasurement 3a 2r 32p more or less being a road line situate in the Waipahee Survey District bounded on the north by sections numbered 15 and 16 block I 7400 links more or less and on the south by sections numbered 51 16 and part of 14 block I 7400 links more or less.

71. All that area in the Province of Otago containing by admeasurement 3a 0r 32p more or less being a road line situate in the Waipahee Survey District bounded on the north-west by sections numbered 5 and 6 block I 6400 links more or less and on the north-east by section 7 block I 6400 links more or less.

72. All that area in the Province of Otago containing by admeasurement 2a. 3r. 32p. more or less being a road line situate in the Waipahee Survey District bounded on the north by section No. 14 block I 5900 links more or less and on the south by section No. 13 block I 5900 links more or less.

73. All that area in the Province of Otago containing by admeasurement 0a. 2r. 18p. more or less being a road line situate in the Pomahaka Survey District bounded on each side by section No. 33 block XIII 1225 links more or less.

Saddle Hill Road District. (No. 21.)

1. All that area in the Province of Otago containing by admeasurement 0a. 2r. 24p. more or less being a road line situate in the Dunedin and East Taieri Survey District bounded on the west by section No. 2 of 4 block VIII 650 links more or less and on the east by section No. 1 of 34 block VII 650 links more or less.

Sydney Road District. (No. 22.)

1. All that area in the Province of Otago containing by admeasurement 4a. 3r. 0p. more or less being a road line situate in the Otepopo Survey District bounded on the east by sections numbered 1 2 9 10 and part of 34 block V 9500 links more or less and on the north-west by sections numbered 1 2 9 10 and part of 34 block V 9500 links more or less.

Waihola West Road District. (No. 23.)

1. All that area in the Province of Otago containing by admeasurement 2a. 2r. 3p. more or less being a road line situate in the Waihola Survey District bounded on the north-west by sections numbered 50 51 and part of 49 block VII 4200 links more or less and on the south-east by sections numbered 52 53 54 and part of 55 block VIII 4200 links more or less.

2. All that area in the Province of Otago containing by admeasurement 2a. 3r. 11p. more or less being a road line situate in the Waihola Survey District bounded on the south-east by sections numbered 58 57 56 and part of 55 block VIII 4700 links more or less and on the north-west by sections numbered 46 47 48 and part of 49 block VII 4700 links more or less.

Cranbourne Road District. (No. 24.)

1. All that area in the Province of Otago containing by admeasurement 2a. 0r. 32p. more or less being a road line situate in the Hawksbury Survey District bounded on the north by section No. 46 block V 4300 links more or less and on the south by section No. 46 block V 4500 links more or less.

Warepa Road District. (No. 25.)

1. All that area in the Province of Otago containing by admeasurement 2a. 0r. 16p. more or less being a road line situate in the Clutha Survey District bounded on the north by section No 1 block XL 3500 links more or less and on the south by section No. 11 block XXXIX 3500 links more or less.

Windsor Road District. (No. 26.)

1. All that area in the Province of Otago containing by admeasurement 0a. 3r. 8p. more or less being a road line situate in the Awamoko Survey District bounded on each side by sections numbered 8 and 16 block VII 1600 links more or less.

2. All that area in the Province of Otago containing by admeasurement 3a. 2r. 32p. more or less being a road line situate in the Awamoko Survey District bounded on each side by sections numbered 25 and 26 block V and part of 19 block VII 3700 links more or less.

3. All that area in the Province of Otago containing by admeasurement 1a. 0r 4p. more or less being a road line situate in the Awamoko Survey District bounded on the north by part of section No. 20 block V 2050 links more or less and on the south by section No. 28 and part of 21 block V 2050 links more or less.

4. All that area in the Province of Otago containing by admeasurement 1a. 1r. 0p. more or less being a road line situate in the Awamoko Survey District bounded on the north by sections numbered 25 and 26 block V 2500 links more or less and on the south by sections numbered 23 and 30 block V 2500 links.

5. All that area in the Province of Otago containing by admeasurement 4a. 2r. 24p. more or less being a road line situate in the Awamoko Survey District bounded on the north by sections numbered 26 25 24 and part of 23 block IX 9300 links more or less and on the south by sections numbered 27 30 31 and part of 35 block IX 9350 links more or less.

6. All that area in the Province of Otago containing by admeasurement 4a. 2r. 20p. more or less being a road line situate in the Awamoko Survey District bounded on each side by sections numbered 2 15 16 and 18 block X 9250 links more or less.

7. All that area in the Province of Otago containing by admeasurement 5a. 1r. 0p. more or less being a road line situate in the Awamoko Survey District bounded on the north by sections numbered 1 and 2 block X 10,500 links more or less and on the south by sections numbered 21 and 22 block X 10,500 links more or less.

Waitahuna West Road District. (No. 27.)

1. All that area in the Province of Otago containing by admeasurement 2a. 2r. 23p. more or less being a road line situate in the Waitahuna Survey District bounded on the east by sections numbered 54 55 56 57 58 59 60 61 block III 5298 links more or less and on the west by sectious numbered 49 50 51 52 and 53 block III 5298 links more or less.

2. All that area in the Province of Otago containing by admeasurement 5a. 0r. 31p. more or less being a road line situate in the Waitahuna Survey District bounded on the east by sections numbered 70 71 72 73 74 75 76 and 77 block III 5198 links more or less and on the west by sections numbered 62 63 64 65 66 67 68 and 69 block III 5198 links more or less.

3. All that area in the Province of Otago containing by admeasurement 4a. 1r. 9p. more or less being a road line situate in the Waitahuna Survey District bounded on the north-east by section No. 85 block III 4308 links more or less and on the south-west by sections numbered 81 82 83 and 84 block III 4308 links more or less.

4. All that area in the Province of Otago containing by admeasurement 6a. 0r. 38p. more or less being a road line situate in the Waitahuna Survey District bounded on the east by sections numbered 1 and 9 block IV 6242 links more or less and on the west by sections numbered 25 26 27 and 28 block III 6242 links more or less.

5. All that area in the Province of Otago containing by admeasurement 3a. 1r. 10p. more or less being a road line situate in the Waitahuna Survey District bounded on each side by sections numbered 69 71 72 and 82 block III 6625 links more or less.

6. All that area in the Province of Otago containing by admeasurement 5a. 3r. 36p. more or less being a road line situate in the Waitahuna Survey District bounded on the north by sections numbered 28 and 29 block III 5975 links more or less and on the south by sections numbered 84 85 and 70 block III 6125 links more or less.

7. All that area in the Province of Otago containing by admeasurement 3a. 0r. 22p. more or less being a road line situate in the Waitahuna Survey District bounded on the north by sections numbered 47 52 56 67 and 72 block III 6276 links more or less and on the south by sections numbered 48 51 57 66 and 73 block III 6276 links more or less.

Tuapeka District. (No. 28.)

1. All that area in the Province of Otago containing by admeasurement 0a. 1r. 19p. more or less being a road line situate in the Tuapeka District bounded on the north-east by section No. 54 block I 870 links more or less and on the south-west by sections numbered 53 and 59 920 links more or less.

2. All that area in the Province of Otago containing by admeasurement 1a. 1r. 11p. more or less being a road line situate in the Tuapeka District bounded on the north-east by sections numbered 52 58 and 61 block I 2646 links more or less and on the south-west by sections numbered 57 and 62 block I 2646 links more or less.

DUNEDIN NEW ZEALAND.

Printed under the authority of the Provincial Government of Otago, by Mills, Dick and Co., of Stafford street, Printers to the said Provincial Government for the time being.

ROAD BOARDS ORDINANCE 1870.

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

SESSION XXVII. No. 321.

ANALYSIS.

(12.) *Ordinary Revenue and District Fund.*

(13.) *What shall be Rateable Property.*

(14.) *Making of Rates and Valuation.*

(15.) *Maintenance &c. of Roads &c.*

(16.) *Tolls—Letting Tolls and Applications.*

(17.) *Co-operation of Boards.*

(18.) *Fines to be paid to District Funds.*

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Title.

AN ORDINANCE *to establish Road Districts in the Province of Otago and generally to provide for the construction and maintenance of Roads and Public Works without the limits of Municipalities and Boroughs in the said Province.* [13TH JUNE 1870.]

Preamble.

WHEREAS it is expedient to provide for the establishment of road districts and for giving extended powers to road boards and generally to provide for the construction and maintenance of roads and other public works in districts without the limits of municipalities and boroughs in the Province of Otago :

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

Short Title.

I. The Short Title of this Ordinance shall be the "Road Boards Ordinance 1870" It is divided into parts as follows—

Division of Ordinance.

PART I.—(1.) Constitution of Districts.
(2.) Number &c. of Board.
(3.) Capacity &c. of Members of Board.
(4.) Retirement and Vacancies.
(5.) District Voters their Rights. Voters' Lists &c.
(6.) Who shall elect and preside at Elections &c.
(7.) Election and Privileges of Chairman.
(8.) Proceedings of Board.
(9.) Contracts.
(10.) Officers.
(11.) Bye-laws.
(12.) Ordinary Revenue and District Fund.
(13.) What shall be Rateable Property.
(14.) Making of Rates and Valuations.
(15.) Maintenance &c. of Roads &c.
(16.) Tolls Letting Tolls and Applications.
(17.) Co-operation of Boards.
(18.) Fines to be paid to District Fund.

PART II.—(1.) Voters' List and Roll.
(2.) Election of Members.
(3.) Auditors.
(4.) Proceedings of the Board.
(5.) Ouster of Office.
(6.) Officers.
(7.) Accounts.

(8.) Notices &c. and Legal Proceedings.
(9.) Bye-laws how to be made &c.
(10.) Valuation for Appeals against and Recovery of Rates.
(11.) Appeals against Rates.
(12.) Miscellaneous as to Roads.
(13.) Miscellaneous as to Tolls.
(14.) Miscellaneous as to common Toll Roads.
(15.) Borrowing Powers.
(16.) General Miscellaneous.

Interpretation.

II. Save where there is something in the context repugnant thereto or inconsistent therewith the following words and expressions shall mean or include the matters following—

The word "cattle" shall include horses asses mules sheep goats and swine.

The word "road" shall mean and include any public highway.

The word "district" shall mean any road district constituted under this Ordinance.

The word "ferry" shall include any punt or floating bridge.

The word "owner" where used with reference to any lands in respect to which any rate is to be paid or work is to be done shall mean the person for the time being entitled to receive or who if the land were let to a tenant at a rack-rent would be entitled to receive the rack-rent from the occupier thereof.

The expression "governing body" where used with reference to any city town or place in the Province of Otago specified in the first column of the first Schedule of "The Municipal Corporations Act 1867" shall mean the persons or body as the case may be having the management or control or government of the local affairs of such city town or place under any of the Acts or Ordinances specified in the said Schedule to "The Municipal Corporations Act 1867."

The word "borough" shall mean any borough constituted or to be hereafter constituted under "The Municipal Corporations Act 1867."

The word "Superintendent" shall mean the Superintendent for the time being of the Province of Otago.

The expression "rateable value" when used with reference to rateable property shall mean the annual value of any such property appearing in a valuation for the time being in force under this Ordinance and on which value rates made by any Board are to be made.

Commencement of Ordinance.

III. This Ordinance shall come into operation upon the day next following the last day of the session of the General Assembly of New Zealand which shall be held first after the passing hereof.

PART I.

(1.) *Constitution of Districts.*

Incorporation of inhabitants of districts.

IV. Any part of the Province of Otago not being wholly or in part comprised within the limits of a municipality or of a borough constituted under "The Municipal Corporations Act 1867" or within any city town or place specified in the first column of the first Schedule of "The Municipal Corporations Act 1867" and being of an area of not less than fifteen square miles may be constituted a road district in manner next hereinafter mentioned and until otherwise provided by virtue of the provisions hereinafter contained there shall be thirty-nine road districts which shall be named and bounded and divided into electoral subdivisions as specified in the first Schedule to this Ordinance annexed.

First Schedule.

Incorporation of new districts.

V. If a majority in number of the persons on the roll or rolls for the time being in force under "The Regulation of Electors Act 1866" or any other Act for the like purpose shall sign and cause to be presented to the Superintendent a petition in the form in the second Schedule hereto or to the like effect praying him to constitute the portion of the Province in which such persons shall reside a road district under this Ordinance and in such petition shall set forth the boundaries of the portion of the Province to which such petition shall refer it shall be lawful for the Superintendent if he shall think fit so to do by proclamation to constitute such portion of the Province a road district by such name as in and by the proclamation shall be assigned to the same Provided however that the Superintendent may if he think fit before making such proclamation cause enquiry to be made by such persons and in such manner as he may think fit to direct as to the expediency of varying the boundaries proposed in the petition and may constitute any portion of the land comprised within the proposed boundaries a district or may add to the proposed boundaries other lands not comprised therein and constitute such land with such added land a road district and provided also that the said Superintendent may by the proclamation constituting such road district declare the number of electoral sub-divisions hereinafter called sub-divisions into which such district may be sub-divided and define the boundaries of such sub-divisions respectively.

Second Schedule.

Signatures to petitions to be verified.

VI. The signatures appended to every petition under this Ordinance shall be verified in such manner as the Superintendent shall direct and if any person shall forge any such petition or signature or utter any such petition or signature knowing the same to be forged he shall be liable to a penalty of not exceeding one hundred pounds.

Petition may be signed by proxies. Third Schedule.

VII. Any person entitled under the preceding provisions to sign any such petition as aforesaid may appoint in the form in the third Schedule hereto any other person to sign any petition for him and the form of appointment shall be attached to the petition so signed and shall be presented therewith.

Separate electoral sub-divisions of districts.

VIII. At any time after the first annual election or general election as the case may be of the district board for any district the Superintendent if he shall have received a petition to that effect signed by one-fourth or more of the number of persons liable to be rated under this Ordinance in respect of rateable property in the said district shall by proclamation within three months after the receipt of the same divide the district into two or more separate sub-divisions by such names as shall by such proclamation be assigned to the same and in and by such proclamation the boundaries of the sub-divisions shall be set forth And the Superintendent may by such proclamation or by any subsequent proclamation divide any sub-division into three wards and by the proclamation constituting such wards shall set forth

the boundaries thereof Provided that no such division shall be made within three months before any day appointed for holding any election of members of the district board in or for such district.

Inhabitants of districts incorporated.

IX. The inhabitants of every district constituted hereunder shall be a body incorporate under the name of the "district board and ratepayers" of such district and by that name shall have perpetual succession and a common seal and shall be capable in law by such name for the purposes and subject to the provisions of this Ordinance of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

(2.) *Number &c. of Board.*

Districts Boards.

X. There shall be in and for each district a district board consisting of six members or if the district shall have been by the Superintendent divided into sub-divisions then of three members for each sub-division and if such sub-divisions shall have been divided into wards then of one member for each ward of the sub-division or respective sub-divisions and all such members shall be elected in manner hereinafter provided.

Members of Board to be members for respective sub-divisions.

XI. In every case in which a district shall be divided into sub-divisions the members of the board shall not be elected in and for the district at large but of the whole number of members assigned to the district three shall be members for each sub-division and if the sub-division shall have been divided into wards then each ward shall elect one member.

Members at time of division of district how assigned.

XII. The members who shall be in office in a district at the time when the same shall be divided into sub-divisions shall be severally assigned by the Superintendent in the proclamation declaring such sub-divisions to each such sub-division in order and manner hereinafter mentioned and shall for the purposes of this Ordinance be deemed the members for the same that is to say the Superintendent shall so assign such members to and amongst such sub-divisions as to give if possible to each sub-division three members and if the number of members so in office is not sufficient to give three members for each sub-division after the members in office have been assigned by the Superintendent to and amongst such divisions as far as the number of members in office will allow then all seats which shall not be filled up in manner aforesaid by any sub-division shall be and be deemed to be vacant and be extraordinary vacancies.

(3.) *Capacity &c. of Members of Board.*

Qualifications of Members of Board.

XIII. In order that any person may be qualified to be a member of the board of any district he must have been entitled under this Ordinance upon the twentieth day of March then last past to have been enrolled on the voters' roll for the then time being in force for such district or some sub-division or sub-divisions thereof or if none such be actually in force he must be an elector enrolled on some electoral roll which under the provisions of "The Registration of Electors Act 1866" shall for the time being be in force within the district and possess lands or tenements in such district.

Incapacity for being Member.

XIV. No female or bankrupt or insolvent who has not obtained his final order of discharge no person attainted of treason or convicted of felony or perjury or any infamous crime no person of unsound mind and no person not qualified as herein required shall be capable of being or continuing a member of the board of any district.

Incapacity of contractors.

XV. No person who shall hold any office or place of profit under or in the gift of the board of any district or be concerned or participate in anywise in any contract with such board or in the profit thereof or of any work to be done under the authority of such board shall be capable of being or continuing a member thereof Provided that nothing in the preceding part of this section

shall extend or apply to any contract entered into with the board of any district by any company partnership or association consisting of more than seven persons where such contract shall be entered into for the general benefit of such company partnership or association nor shall it apply to any lease sale or purchase of any land or to any agreement for any such lease sale or purchase or for the loan of money or to any security for the payment of money only.

(4.) *Retirement and Vacancies.*

Retirement of members in rotation.

XVI. On the second Thursday in *June* in every year one-third of the whole number of members assigned hereby to each district shall go out of office and the members who shall so go out of office shall always be the members who have been the longest time in office without re-election and if by reason of two or more members having become members at the same time it shall not be apparent under the foregoing part of this section which of such last-mentioned members ought at any time to go out of office then the board shall itself determine by ballot in what order and which of such members shall go out of office.

The like where district divided into sub-divisions.

XVII. When any district shall be divided into sub-divisions the preceding section shall be read with reference to such district in manner following that is to say in every case in which by the said section one-third part of the whole number of members of the board of the district are to go out of office in such case in a district divided into sub-divisions one-third part of the number of members assigned hereunder to each sub-division shall go out of office and the said section shall take effect in and for such district accordingly.

Preferable title to members allotted to wards.

XVIII. In all cases in which upon the division into sub-divisions of any district by the Superintendent it shall be needful for the allotment of existing members or their removal from office that the board proceed as in the last two sections mentioned for determining the preferable title to office of any members the board shall for such occasion forthwith on such division so determine between such members.

Extraordinary vacancies.

XIX. If any member of a district board shall die or by notice under his hand delivered to the chairman or clerk of the board shall resign his office as such member or shall by any rule or order of the Supreme Court to be made as hereinafter provided be ousted of such office or shall be absent from four consecutive ordinary meetings of the board without leave obtained from the board in that behalf then the office of such member shall become and be vacant and every such vacancy shall be supplied by persons qualified under this Ordinance appointed by the board to fill such vacancies who shall hold office until the next annual ordinary election and shall then cease to hold office and an election shall be held to fill such vacancy in the same manner and form as if such member had gone out of office by rotation.

Members capable of re-election.

XX. Nothing herein contained shall prevent any person from being immediately or at any time re-elected a member of a district board if he shall for the time being be capable under the provisions hereof of being and continuing such member.

(5.) *District Voters their Rights Voters' Lists &c.*

Qualification of voter. [March.]

XXI. Every person of the full age of twenty-one years who on the twentieth day of March in any year shall be in occupation or be the owner of rateable property within any district and shall on that day be or have been under this Ordinance liable to be rated for such property as such occupier or owner respectively shall be entitled to be enrolled in that year according to the provisions hereinafter contained upon the voters' roll of the

district and being so enrolled to vote in all elections of members of the board of the district occurring while such roll shall be in force according to the following scale (that is to say) if such rateable property whether consisting of one or more tenements be rated upon a rateable value of less than fifty pounds he shall have one vote if such rateable value amount to fifty pounds and be less than one hundred pounds he shall have two votes and if it amount to one hundred pounds and be less than one hundred and fifty pounds he shall have three votes and if it amount to two hundred pounds and be less than two hundred and fifty pounds he shall have four votes and if it amount to two hundred and fifty and be less than five hundred pounds he shall have five votes and if it amount to or exceed five hundred pounds he shall have six votes Provided that no person shall be entitled to be enrolled in any year in respect of any rateable property unless he shall before or on the twentieth day of March aforesaid have paid all such rates as shall under the provisions hereof become payable by him in respect of [March.] such property except such as shall have become payable within three calendar months before the said twentieth day of March.

Qualification of voters in sub-divisions.

XXII. Where any district shall be divided into sub-divisions every person who under the last preceding section would be entitled to be enrolled and to vote as therein mentioned shall instead thereof be entitled to be enrolled upon the voters' roll to be made as hereinafter provided for the sub-division or sub-divisions wherein any rateable property in respect of which he is so entitled is situated and being so enrolled to vote in all elections of members of the board of the district to be held in and for such sub-division or subdivisions as hereinafter provided and the said section and every provision thereof shall as to each sub-division be read as applying thereto and not to the district at large Provided that when any sub-division shall have been divided into wards then every person who would under this section be entitled to vote in elections of members of the board of the district to be held in and for such sub-division shall only be entitled to vote in elections of members of the board for the ward or wards wherein any rateable property in respect of which he is so entitled to vote is situated.

Joint occupiers &c.

XXIII. Where any rateable property is jointly occupied or jointly owned by more persons than one each of such persons shall for the purposes of the two last preceding sections be deemed to be the occupier or owner of rateable property of equal annual value to that of the whole of such first-mentioned property divided by the number of such joint occupiers or owners thereof if such several annual values shall be not less than ten pounds but if such several annual values shall be less than ten pounds then a number of such joint-occupiers or owners equal to the number of votes which could be exercised in respect of such property if the same were singly occupied or owned shall be deemed for the purposes aforesaid to be the occupiers or owners of the whole but those entitled to vote shall have only one vote each and such occupiers or owners so to be deemed occupiers or owners shall be those whose names shall stand first in order upon the rate then last made or if no rate has been made upon the valuation and return made as herein required.

Voters' list to be made out.

XXIV. A voters' list shall be annually made out in the month of March in the manner provided by the sections of this Ordinance numbered from *ninety-one* to *one hundred and ten* inclusive.

See sections 91 to 110.

(6.) *Who shall Elect and Preside at Elections &c.*

First election in district in which no Board has been in office.

XXV. For the first election of members of the district board in every district in which no member of the district board shall have yet been in office those persons enrolled on any electoral roll which under the provisions of "The Registration of Electors Act 1866" shall for the time being be in force whose qualifications are in respect of lands and tenements situate

within the district and no other person shall on such day as the Superintendent shall appoint not being less than forty days after the same shall have become such district and in the manner hereinafter mentioned elect from the persons capable of being such members the whole number of members hereby assigned to such district.

Annual ordinary elections in districts or sub-divisions in which no voters' roll as yet made.

XXVI. In every district in which members of the district board shall be in office hereunder if a voters' roll shall not as yet be in force for such district or where such district is divided into sub-divisions for each sub-division thereof those persons enrolled on any electoral roll which under the provisions of "The Registration of Electors Act 1866" shall for the time being be in force whose qualifications are in respect of lands and tenements situate within the district if not divided into sub-divisions or if the district be divided into sub-divisions within any sub-division thereof for which no such voters' roll shall be in force shall on the second Thursday in *June* in each year and in the manner hereinafter mentioned elect from the persons capable of being such members one-third of the whole number of members assigned hereunder to the district or to the sub-division as the case may be in the room of those who shall under the provisions herein contained go out of office by rotation in that year Provided that if any sub-division shall have been divided into wards then the ward the member representing which shall go out of office shall elect a member in his room.

[June.]

Annual ordinary elections in districts or sub-divisions after voters' roll made.

XXVII. In every district not divided into sub-divisions the voters enrolled upon the voters' roll (if any) for the time being in force for the district and in every district divided into sub-divisions the voters enrolled upon the voters' roll (if any) for the time being in force for each sub-division of such district shall on the second Thursday in *June* in each year and in the manner hereinafter mentioned elect from the persons capable of being members of the district board one-third of the whole number hereby assigned to the district or sub-division as the case may be in the room of those who shall under the provisions herein contained go out of office by rotation in that year.

[June.]

At elections where no voters' roll in force voters' entitled to give only one vote.

XXVIII. At all elections hereunder at which persons shall be entitled to vote by reason of their being enrolled on some electoral roll for the time being in force under "The Registration of Electors Act 1866" such person shall not be entitled to give more than one vote to each whatever may be the value of the qualification of such persons.

Chairman to preside at district elections.

XXIX. Every election of members of the district board of any district not divided into sub-divisions shall be held by and before the chairman of the district board and if at any time there be no such chairman or if the chairman be incapable of acting or refuse to act the board of the district or in their default or if there be no such board and at the first elections under this Ordinance the Superintendent may and shall appoint some person by and before whom such election shall be conducted.

Who shall preside at elections in sub-divisions.

XXX. In every district divided into sub-divisions all elections of members of the district board for any sub-division shall be held by and before such one of the members for such sub-division or if there be no such member by and before such one of the other members of the board as the board shall from time to time have appointed for holding elections in and for such sub-division and if the board have failed to make such appointment and in case of the first elections under this Ordinance by and before such person as the Superintendent shall for the occasion appoint in that behalf And in cases where a sub-division is divided into wards the elections of members for such wards respectively shall be held before the same person and in the same manner as nearly as may be as in the case of a sub-division not divided into wards.

XXXI. All elections shall be held and conducted in the manner provided in the sections of this Ordinance numbered from *one hundred and eleven* to *one hundred and thirty-six* inclusive and all reasonable expenses of or incident to any election incurred by the returning officer shall be repaid to him by the district board out of the district fund and may be recovered before any Justice.

Manner of holding elections and expenses of election. See sections 111 to 136.

(7.) *Election and Privileges of Chairman.*

XXXII. At the first meeting of the board in every district the board shall by the majority of the votes of the members present elect one of their body to be chairman until the next annual meeting of the board when and at every subsequent annual meeting the members shall in like manner elect a chairman for the ensuing year and such chairman shall preside at all meetings of the board at which he shall be present and if such chairman cease for any cause other than the retirement of members in rotation to be a member he shall be incapable of being or continuing chairman and in case the chairman die or by writing under his hand delivered to the board at any meeting thereof or to the clerk of the board resign his office or as aforesaid cease to be a member or be ousted of such his office by a rule or order of the Supreme Court or a Judge thereof as herein provided the members present at the meeting next after the occurrence of such vacancy or at any meeting before there shall as yet have been a chairman shall choose some one of their body to be chairman and the chairman so elected shall continue in office until the next annual meeting and if at any meeting of the board the chairman be not present one of the members present shall be elected chairman of such meeting by the majority of the votes of the members present thereat.

Election of chairman.

Vacancy in office of chairman.

XXXIII. Notwithstanding anything herein contained as to the number of the board or as to members going out of office in rotation the chairman shall during the year of office as chairman continue to be a member of the board.

Chairman to continue member during year of office.

(8.) *Proceedings of Board.*

XXXIV. The board of every district constituted or proclaimed under the provisions of this Ordinance shall hold their first meeting on the third Wednesday after the first election or appointment of members of the board or as soon after such respective periods as conveniently may be at the hour of twelve o'clock at noon and shall proceed to put this Ordinance into execution.

First meeting of board.

XXXV. The meetings and proceedings of the board of every district shall be held at the times places and in the manner provided in the sections of this Ordinance numbered from *one hundred and thirty-eight* to *one hundred and fifty-six* inclusive.

Proceedings how regulated. See sections 138 to 156.

(9.) *Contracts.*

XXXVI. The Board may enter into contracts with any persons for the execution of any works directed or authorized by this Ordinance to be done by the board or for furnishing materials or for any other things necessary for the purposes of this Ordinance and every such contract for the execution of any work shall be in writing and shall specify the work to be done and the materials to be furnished and the price to be paid for the same and the time or times within which the work is to be completed and the penalties to be suffered in case of non-performance thereof and the power hereby granted to the board to enter into contracts may lawfully be exercised as follows that is to say—

Mode in which board may enter into contracts and effect thereof.

Any contract which if made between private persons would be by law required to be in writing and under seal the board may make in writing and under the common seal of the board and in the same manner may vary or discharge the same

Any contract which if made between private persons would be by law required to be in writing signed by the parties to be charged therewith the board may make in writing signed by the members thereof or any two of their number acting by the direction and on behalf of the board and in the same manner may vary or discharge the same

Any contract which if made between private persons would be by law valid although made by parol only and not reduced into writing the members of the Board or any two of them acting by the direction and on behalf of the board may make by parol only without writing and in the same manner may vary or discharge the same

And all contracts made according to the provisions herein contained being duly executed by the persons contracting to perform the works therein comprised respectively shall be effectual in law and shall be binding on the body corporate and all other parties thereto their successors heirs executors or administrators as the case may be and in case of default in the execution of any such contract either by the board or by any other party thereto such actions or suits may be maintained thereon and damages and costs recovered by or against the body corporate or the other parties failing in the execution thereof as might have been maintained and recovered had the same contracts been made between private persons only.

(10.) *Officers.*

Appointment removal &c. and salaries of officers.

XXXVII. The board may from time to time appoint and employ a treasurer clerk engineer surveyor valuers collectors and all such other officers to assist in the execution of this Ordinance as they shall think proper and necessary and from time to time remove any of such officers and appoint others in the room of such as shall be so removed or as may die resign or discontinue their offices and may out of the district fund pay such salaries and allowances to the said officers respectively as the board shall think reasonable and all such officers shall observe the provisions contained in the sections of this Ordinance numbered from *one hundred and fifty-nine* to *one hundred and sixty-four* inclusive and any two or more of the said offices may be held by the same person.

See sections 159 to 164.

Members of board acting as clerk or treasurer shall not be paid.

XXXVIII. Any member of the district board shall be capable of being or continuing clerk or treasurer or any other such officer of the district as in the last preceding section mentioned but shall not be paid any salary fees or other reward for services performed as such clerk treasurer or other officer.

(11.) *Bye-laws.*

Board may make bye-laws.

XXXIX. The board of any district may from time to time make such bye-laws as they think fit for the purpose of regulating the conduct of their officers and servants and for providing for the due management of the affairs of the board and for any purpose specially mentioned in this Ordinance in that behalf and may from time to time by any other bye-law alter or repeal any bye-law Provided that no bye-law be repugnant to the laws of New Zealand or to any Ordinance of the Province of Otago Every bye-law shall be made and published in such manner and form as is provided in the sections of this Ordinance numbered from *one hundred and seventy-seven* to *one hundred and eighty-one* inclusive and every such bye-law shall be reduced into writing and shall have affixed thereto the common seal of the body corporate and a copy of such bye-law in writing or print shall be given to every officer and servant of the board affected thereby.

See sections 177 to 181

(12.) *Ordinary Revenue and District Fund.*

XL. The ordinary revenue of the body corporate of every district shall consist of the moneys following that is to say— Of what the ordinary revenue of the body corporate shall consist.

Rates not being special rates tolls not being tolls levied on roads appointed main roads or being or continuing to be main roads under this Ordinance and all rents of such first-mentioned tolls.

Moneys received by the board under any grant or appropriation by or under or in pursuance of any Act of the General Assembly of New Zealand or of any Ordinance of the Superintendent and Provincial Council of Otago not containing any other and different provision.

All other moneys which the board may receive under or in pursuance of this Ordinance.

Moneys received by way of subscription or voluntary donation unless subscribed for some specified road bridge or other work in which case such moneys shall be applied to such specified road bridge or work only and all such moneys shall be carried to the account of a fund to be called the "district fund" and such fund shall be applied by the board toward the payment of all expenses necessarily incurred in carrying this Ordinance into execution and of doing and performing all acts and things which the said board are or shall be by this or any other Ordinance empowered or required to do or perform.

XLI. All moneys of the body corporate amounting to twenty pounds and upwards shall within thirty days after they shall have come to the hands of the proper officer of the board be paid into such bank as the board shall from time to time have appointed for that purpose and no such money shall be drawn out of such bank save by cheques signed by the chairman of the board and countersigned by the treasurer of the board or by such other person as the board may appoint. Bank account.

(13.) *What shall be Rateable Property.*

XLII. All lands tenements and hereditaments shall be rateable property within the meaning of this Ordinance save as is next hereinafter excepted that is to say except land the property of Her Majesty and unoccupied and land the property of Her Majesty and used for public purposes land in the occupation of the Crown or the Government of New Zealand or of the Superintendent of the Province or of the district board of the district and hospitals benevolent institutions and buildings used exclusively for public charitable purposes churches chapels and other buildings used exclusively for public worship dwellings of ministers of any religious denomination and buildings used as schools or as residences of schoolmasters or schoolmistresses provided they be inhabited only by the master or mistress of such schools or his or her family and burial grounds and land vested in the Superintendent of the Province or any corporation commissioners or other persons or body under "The Public Reserves Act 1854" or "The Public Reserves Act Amendment Act 1862" or any other Act of the General Assembly or Ordinance of the Province of Otago passed in pursuance of the said two last-mentioned Acts or either of them Provided that nothing herein contained shall exempt from being rated hereunder lands of the Crown which have been or shall hereafter be leased or of which a license to occupy has been issued nor to exempt lands of the Crown contracted to be sold or leased on the ground that no grant or lease from the Crown has been made to the purchaser or proposed lessee thereof but such lands shall be liable to be rated as if a Crown Grant or lease thereof had What shall be rateable property.

been made and issued and the same no longer remained vested in the Crown if such purchaser or proposed lessee occupies or has a right to occupy the same And provided also that nothing herein contained shall exempt from being rated any lands vested in the Superintendent of the Province or in any corporation commissioner or other person or persons having corporate succession under the "Public Reserves Act 1854" or the Public Reserves Act Amendment Act 1862" which have been or shall hereafter be leased or which shall be occupied by any person other than the Superintendent or the corporation commissioner or corporate body in which such lands shall be vested under the said Acts.

(14.) *Making of Rates and Valuations.*

Main district road.

XLIII. In every district which has been proclaimed into sub-divisions under the provisions of this Ordinance the Superintendent at the request of the district board may proclaim any road within the boundaries of the district as proclaimed under the provisions of this Ordinance as main district road and such proclamation may from time to time amend alter or revoke and from and after such proclamation and during the time such shall remain in force all moneys required for the formation maintenance or repair of such main district road shall in each and every year be levied and raised in manner thereinafter mentioned by an annual general rate equally upon all rateable property within the several sub-divisions of such district Provided that no such general rate shall in any year exceed the amount of one shilling in the pound of the full net annual value of such property.

Board may make and levy general rates.

Board may make and levy special rates.

XLIV. The board of every district may from time to time as they see fit in manner hereinafter mentioned and subject to the provisions hereof make and levy rates to be called "special rates" equally upon all rateable property within every or any sub-division of such district Provided that no such special rates made in any one year shall exceed the amount of one shilling in the pound of the full net annual value of such property and Provided also that one-tenth part of every special rate made and levied within any sub-division shall be paid to the ordinary revenue of the body corporate of the district to be applied in such manner as such ordinary revenue may be applied and that the remaining nine-tenths of such special rate shall be expended in the sub-division within which the same shall be levied and raised.

On what persons rates may be made and levied.

XLV. Every rate whether general or special which the board of any district is by this Ordinance authorized to make or levy shall be made and levied by them at such periods as they shall think fit upon every person who occupies or if there be no occupier then upon the owner of any rateable property whatsoever within such district according to the full net annual value of such property and the said rates shall be vested in the board and shall be payable at such times either the whole or in such parts or instalments as they shall appoint Provided that every person occupying under lease or license Crown lands for pastoral purposes only shall be rated in respect of the same in proportion of one-third part only of such net annual value thereof as aforesaid Provided further that notwithstanding any of the provisions hereof whereby the owner of rateable property is to be rated to or to pay any rate on the default or instead of the occupier thereof the Crown shall not be rated to or pay any rate.

Rates to be made for particular periods.

XLVI. Every rate made under this Ordinance shall be made for and in respect of such period after the making of such rate as the board shall think fit and shall be named by the board when making the same but this section shall not prevent the board from making or levying during any such period another rate if they shall otherwise have power hereunder to make or levy the same.

XLVII. The board may make any such rate prospectively in order to raise money to pay charges and expenses incurred thereafter or retrospectively in order to raise money to pay charges and expenses already incurred. Rates may be made retrospectively.

XLVIII. The board from time to time before proceeding to make any general or special rate which they are by this Ordinance authorized to make or levy shall cause an estimate to be prepared of the money required for the several purposes in respect of which they are authorized to expend or apply the district fund showing the several sums already available for such purposes the several sums required the rateable value of the property assessable and the rate on each pound of such value necessary to raise the money required which estimate after the same has been approved of by the board shall be forthwith entered on the rate book to be kept as hereinafter provided. Estimate to be prepared before making rate.

XLIX. Notice of the intention of making every rate authorized to be made under the provisions of this Ordinance and of the time at and the period in respect of which the same is intended to be made and of a place where a statement of the proposed rate is deposited for inspection by the ratepayers shall be given by the board by placards posted up in public places within the district and shall be advertised in the Provincial Government *Gazette* or in some newspapers generally circulating within the district in the week immediately previous to such rate being made or as nearly so as may be. Notice of intention to make rate.

L. Every such rate shall be fairly transcribed in a book to be called the "rate book" to be kept for that purpose and may be in the form given in the fourth Schedule to this Ordinance or as near thereto as the circumstances of the case will permit and every such rate shall contain an account of every particular set forth at the head of the respective columns so far as the same can be ascertained and shall be signed by not less than three members of the board. Form &c. of rate. Fourth Schedule.

LI. The statement of the proposed rate and the rate immediately after the same is made shall be open to the inspection of any person interested or rated at all reasonable times and any such person may take copies or extracts from such statement or rate without paying anything for the same and any person having the custody of such statement or rate who shall refuse to permit any person so interested or rated as aforesaid or shall not on his request permit him to take copies or extracts from such statement or rate shall for every such offence be liable to a penalty not exceeding five pounds. Rate to be open to inspection of ratepayers who may take copies.

LII. The district board may from time to time amend any rate made by virtue of this Ordinance by inserting therein the name of any person claiming and entitled to have his name therein as owner or occupier or by inserting the name of any person who ought to have been rated or by striking out the name of any person who ought not to have been rated or by raising or reducing the sum at or upon which any person has been rated if it appear to them that such person has been underrated or overrated or by making such other amendments therein as will make such rate conformable to this Ordinance and no such amendment shall be held to avoid the rate Provided always that every person aggrieved by any such alteration shall have the same right of appeal therefrom as he would have had if his name had been originally inserted in such rate and no such alteration had been made and as respects such person the rate shall be considered to have been made at the time when he received notice of such alteration and every person whose rates are altered shall be entitled to receive fourteen days' notice of such alteration before the rate shall be payable by him. Rate may be amended by Board.

LIII. The board of each district in which no valuation has been made under this Ordinance shall within three months after the constitution of the district cause to be made for such district and the board of every district may Valuation of rateable property.

from time to time afterwards as shall seem fit cause to be made for such district a valuation of all the rateable property within the district or such part as the case may be by competent persons to be called valuers in such manner and form and such valuers shall have such powers and duties as are prescribed in the sections of this Ordinance numbered from *one hundred and eighty-two* to *one hundred and eighty-seven* inclusive and the rates made by the board for the purposes of this Ordinance shall be made upon such valuation then last made and in every such valuation the property rateable shall be computed at its net annual value (that is to say) at the rent at which the same might reasonably be expected to let from year to year free of all usual tenants' rates and taxes and deducting therefrom the probable average annual cost of the repairs insurance and other expenses (if any) necessary to maintain such property in a state to command such rent Provided that all rateable property which shall not since the sale alienation or other disposition thereof by the Crown have been improved by building cultivation or enclosure or in other like manner shall be computed as of the net annual value of five per centum upon the fair capital value of the fee simple thereof.

See sections 182 to 187.

Owner where name not known to be rated as owner only.

LIV. Whenever the name of any owner liable to be rated under the provisions of this Ordinance is not known to the board it shall be sufficient to rate such owner as the owner of the property to be rated by the designation of the owner without stating his name.

Appeals against and recovery of rates.

LV. The form and manner of appeal against and recovery of rates is provided in the sections of this Ordinance numbered from *one hundred and eighty-eight* to *two hundred and two* inclusive.

See sections 188 to 202.

(15.) *Maintenance &c. of Roads &c.*

Roads bridges &c. to be under care of Board.

LVI. All roads within any district except main roads of which the Provincial Government shall take upon themselves the maintenance and repair and all public bridges and ferries within any district or placed under the control of the board thereof as herein provided and being upon such roads or connecting any part thereof within the district with any other part thereof within or without the same shall be under the care and management and subject to the direction of such board and every such board shall subject to the provisions hereof have full power to form construct improve repair and maintain all such roads bridges and ferries.

Buildings chattels &c vested in Board.

LVII. The right interest and property of and in all toll-houses toll-gates and other erections and buildings lamps bars toll-boards direction-boards milestones posts rails chains fences and other things and all ferries which shall hereafter be placed erected or provided under this Ordinance in or for any district or be placed under the control of the board thereof as herein provided with the several appurtenances thereof and the materials of which the same shall consist and all materials tools and implements which shall be provided for constructing repairing or maintaining the roads bridges or ferries within the district or such bridges or ferries as may be placed under the control of the board under this Ordinance and the scrapings of all such roads shall be vested in the district board of the district Provided always that nothing herein contained shall be deemed to vest in the district board of any district any right interest or property whatsoever in any toll-house toll-gate or other erection or building or in any lamp bar toll-board direction-board milestone posts chains rails or other thing upon or near any main road in any district of which road the Provincial Government shall have taken or shall take upon themselves the maintenance and repair.

New roads &c.

LVIII. The board of every district may from time to time subject to the provisions herein contained open or make new roads and divert or alter or increase the width or cause to be raised or lowered the ground or soil of any road under their care or management within the district.

LIX. The board by order may direct that any land purchased or acquired by them for any purpose mentioned in the last preceding section shall be a road within the meaning of this Ordinance from such time as shall be named in such order and may in such order if they see fit direct that such road shall be in lieu of any former road and every such order shall be published in the Provincial Government *Gazette* and a plan of such road showing the course boundaries and true position thereof certified under the hand of a duly authorized surveyor or engineer shall before the publication of such order be furnished to the road engineer of the Province or other the person for the time being employed by the Superintendent to perform the duties of that office.

New road may be in lieu of old.

LX. Upon any such order being made the new road to which the same shall refer shall be in lieu of the old road (if any) named in such order and such old road shall be discontinued as a road and the land and soil thereof shall vest in the board and shall and may be sold and conveyed by the board in manner provided by "The Lands Clauses Consolidation Act 1863" in case of lands acquired under the said Act and not required for the purposes for which they have been acquired but if such former road shall lead to any land house or place which cannot in the opinion of the board be conveniently approached by such new road then and in such case the old road shall be sold subject to the right of way and passage to and from such land house or place and the moneys arising from every such sale shall be carried to the credit of the district fund.

Old roads how disposed of.

LXI. If any part of a public highway shall lie along and upon or be adjoining lengthways to the limits of any district but a portion of the breadth of such part shall lie outside such district and if such part shall not as to the portion of the breadth so lying outside such district be adjoining or be within any limits of any other district or any borough city town or place within the Province of Otago the board of such first-mentioned district shall have power to drain form macadamise and otherwise make good and to repair and maintain such part of such public highway in like manner as any road within the district.

Board may form &c. road adjoining to borough.

LXII. If any such part of a public highway as lastly before mentioned shall as to the breadth of such part so lying outside such district be adjoining to or within any limits of any other district or any borough city town or place within the said Province and if such public highway shall not as to such part theretofore have been drained formed macadamised or otherwise made good or shall be ruinous or out of repair the board of such first-mentioned district may cause to be given to the council or other governing body of the said borough city town or place a notice stating the desire of the board giving the notice that such part of such public highway as aforesaid and described in such notice may be drained formed macadamised or otherwise made good or repaired and offering to treat and agree with the council board or governing body receiving the notice with respect to the performance by either party of the whole or part of such work and the future maintenance and repair of such part of the said highway and such agreement may as to any or all of such matters be made accordingly and every such board or council or governing body giving or receiving such notice shall for the purpose of carrying out any such agreement have power to perform any such work or any part thereof and to provide for such maintenance and repair and if any such council board or governing body receiving such notice shall refuse to treat and agree with the board giving such notice as to the subject matter thereof such board may take such proceedings in the Supreme Court or District Court as and in the manner provided in the sections of this Ordinance numbered from *two hundred and three* to *two hundred and five* inclusive.

If such road lie along another district &c. Board may give notice to treat with respect to it.

See sections 203 to 205.

Bridges &c. at boundaries of districts.

LXIII. If the board of any district shall desire to construct establish or repair any bridge or ferry over any river or creek at a place where one bank and one-half only of the whole breadth of such river or creek lie within the district and if there be in such case no other board body corporate or governing body duly empowered as herein provided to treat with such board with respect to the remaining part of such breadth and the opposite bank then the said board may with the approval of the Superintendent if both banks of such river or creek are within the same Province or in other cases with the approval of the Superintendent of the adjoining Province construct establish or repair such bridge or ferry and the approaches thereto as though the whole breadth and both banks were within the district and if there be any such board body corporate or governing body as lastly-mentioned then the board of the district may treat and agree with such board body corporate or governing body with respect to such work and either party may execute such work or any part thereof according to the tenor of such agreement.

Control of such appointed to Board.

LXIV. The Superintendent may by proclamation appoint that any bridge or ferry which may have been or may hereafter be placed or provided at the boundary of any district on or over any river or creek whereof the whole breadth and both banks shall not at the site of such bridge or ferry lie or be within such district shall with the approaches thereto be under the control of the board of such district and the same shall be under their control accordingly.

Main roads not to be diverted &c. without consent.

LXV. No district board shall have power hereunder without the consent of the Superintendent to divert stop or discontinue save temporarily for the purpose of necessary repair any main road or main district road.

Where a main road formed up to boundary of a district and no continuous road in adjoining district Board of either district may apply to Superintendent to order road to be made and expense to be borne out of roads subsidy payable or to become payable to the adjoining district or jointly out of shares of both districts in such fund.

LXVI. If at any time there shall be within any district a main road continuing up to the boundary of such district and there shall not be within the adjoining district a main road or a main road sufficiently formed continuing from such first-mentioned road through such last-mentioned district it shall be lawful for the board of either of such districts to petition the Superintendent for an order that a sufficient road shall be formed through such last-mentioned district and such petition if it shall be from the board of such first-mentioned district and if the board is willing that some portion of the share of the roads subsidy payable or to become payable to such first-mentioned district should be applied towards the formation of such road shall state that the board is willing that a portion of the share of such district in such fund shall be so applied and on the receipt of such petition the Superintendent shall transmit a copy of such petition to that other board which shall not have petitioned and the Superintendent shall fix a time and place at which he will proceed to enquire as to the necessity for the formation of such road and give notice to the board of each of such districts of the time and place so fixed and shall then proceed to enquire in such manner as he shall think fit into the circumstances of the case and if the Superintendent shall think fit it shall be lawful for him by an order in writing published in the Provincial Government *Gazette* to order that a road of such length and direction as he shall think fit shall be formed in or through the district hereinbefore in this section secondly mentioned by the board of such secondly-mentioned district and if he shall think that the expense of such formation should be borne alone by the district within which such road is to be formed he shall in the said order so declare and if he shall think that such expense should be borne partly by such last-mentioned district and partly by the other district he shall in and by such order as aforesaid direct what proportion of the cost of the construction of such road shall be borne by each of such districts out of their respective shares in such fund.

LXVII. Before any order for the formation of any such road as last aforesaid shall be made the Superintendent shall notify to the board of the district within which such road is to be formed that it is intended to make such order and he shall describe the road or part of road which is to be the subject of such order with sufficient particularity to enable such board to cause a sufficient plan specification and estimate of cost of such road to be prepared and upon the receipt of such notification the board shall cause to be prepared and transmitted to the Superintendent a plan and estimate of the cost of the work together with a certificate under the hand or hands of such person or persons as the Superintendent shall for the purpose appoint (whose name or names shall be specified in the notification sent by the Superintendent) that the plan is sufficient and such certificate shall also contain a statement that the estimated cost is in the opinion of such person or persons as aforesaid fair and reasonable and after the receipt of such plan and estimate and certificate if the Superintendent shall approve of the same it shall be lawful for him to make such order as in the last preceding section is provided and the order shall refer to the plan and if after such notification shall have been made to such board such board shall neglect within such time as the Superintendent shall think reasonable to forward such plan estimate and certificate it shall be lawful for the Superintendent to cause a plan and estimate to be prepared and to make such order as aforesaid and the board shall comply with such order.

Before order made Superintendent to call on Board for plans and estimates to be certified by persons appointed by Superintendent.

LXVIII. When any order made under the last two preceding sections shall have been complied with by the board bound to comply therewith and they shall have forwarded to the Superintendent a certificate by such person or persons as the Superintendent shall appoint for the purpose that such order has been complied with the Superintendent may issue his certificate to the Provincial Treasurer certifying what amount shall be paid out of any subsidy or money payable out of the Provincial Revenue to the district in which the work is not executed to the board which shall have performed the work and in like manner the Superintendent may from time to time during the progress of such works and after the completion thereof authorise the Provincial Treasurer to make payments on account of such work out of such subsidy.

After compliance with order is certified Superintendent empowered to issue order for payment to the contractor &c.

LXIX. The Provincial Treasurer upon the receipt of any such certificate from the Superintendent authorising him to pay any such sum as in the last preceding section mentioned shall pay such sum to the board which shall have formed such road or been ordered to form such road out of the share or proportion of the district named in such certificate in such subsidy if there shall be sufficient money payable out of the said subsidy to such district or if not so much as shall then be payable to such district and shall out of any moneys which may thereafter become payable or accrue due to such district pay thereout the moneys so authorised to be paid or so much as shall not have theretofore been paid

Provincial Treasurer on receipt of order to issue money out of the subsidy.

LXX. If the district board of any district shall fail to comply with any order made under the sixty-sixth and sixty-seventh sections of this Ordinance within the time appointed by the order the Superintendent may if he think fit order that such person or persons as he shall think proper and appoint for the purpose shall have power to effect the construction of the works specified in such order and the person or persons appointed by the Superintendent to effect such construction is or are hereby authorised upon such order being made to effect such construction and such person or persons shall for the purpose aforesaid have all the powers which by this Ordinance are vested in the district board in that behalf and it shall be lawful for the Superintendent to notify to the Provincial Treasurer that he has made such order as last aforesaid and to request the Provincial Treasurer to retain and to pay to such person or persons as the Superintendent shall appoint to construct the

If orders not complied with Superintendent may appoint persons to effect construction who are to have same power as Board.

road out of any moneys then or thereafter payable to the district the board of which shall have failed to comply with the order as aforesaid out of any subsidy payable to such district such sum as the Superintendent shall think will be required for the formation of such road or such sum which together with any sums payable out of any subsidy payable to any adjoining district will be sufficient for such purpose and the Provincial Treasurer shall then issue and pay to such person or persons so appointed to construct such road the sum (if any) ordered to be paid out of any subsidy payable to such adjoining district in like manner as such moneys would have been payable to the board ordered to construct such road.

Board empowered to maintain &c main roads and the bridges &c. thereon.

LXXI. The district board of every district shall have full power as and when they shall think fit to repair and maintain and continue in good repair all main and other roads and parts thereof within the district and all bridges and ferries thereupon or connecting any parts of the same with other parts thereof within the district and also all such bridges and ferries on or connecting main roads as shall under the provisions hereof have been duly placed under the control of such board.

Common toll-road to be repaired as main road.

LXXII. Every common toll road under this Ordinance shall for the purposes of all the provisions hereof relating to repair and maintenance of main roads be deemed to be a main road.

Main road toll fund.

LXXIII. All such moneys as shall under the provisions hereinafter contained be received by the board of any district as and for tolls or rents of tolls upon any main road within such district shall be carried to the account of a separate fund to be called the "Main Road Toll Fund" and be expended by the board upon the repair and maintenance of such main road or of some bridge or ferry within the district or placed under the control of the board which shall be on such main road or connect any part of the same with any other part thereof whether within or without the district.

Separate account of main road toll fund &c. and audit.

LXXIV. A separate account shall be kept by the board of all moneys so paid to the account of the "Main Road Toll Fund" and of the expenditure thereof and a copy of so much of the said accounts as shall not have been theretofore sent shall at such time in each year as the Superintendent shall appoint be sent to the Provincial Treasurer together with all receipts accounts and vouchers relating to the same and the said Treasurer shall forthwith examine and compare the same respectively and shall immediately after such examination and comparison make and sign a report of the result thereof respectively in such form as the Superintendent shall from time to time direct and shall sign an acquittance of so much of such moneys as shall have been ascertained by him to have been duly and properly expended and for the said purposes the said Treasurer shall have the same powers as by the sixty-second section of "The Public Revenues Act 1867" are vested in the Provincial Auditor appointed under the said Act for the purpose of that Act.

Width of roads.

LXXV. All main roads shall be not less than one chain wide and all roads not being main roads shall be in all places not less than sixty links wide including footpaths but this provision shall not be deemed to affect highways dedicated or existing before the commencement of this Ordinance.

Temporary roads.

LXXVI. It shall be lawful for the board of every district to stop all traffic upon any road bridge ferry or ford within the district whilst being constructed repaired or widened and to make and construct through or on the adjoining land not being lands over which the Native title shall not have been extinguished and not being the site where any house stands nor being a garden yard park planted walk or avenue to a house or any enclosed

ground planted or set apart as an ornament or shelter to a house or planted or set apart as a nursery for trees or any part thereof respectively the owner or occupier of which lands herein lastly excepted respectively shall not consent in writing in that behalf a temporary road bridge ferry or ford to be used as a public highway in lieu of the old road bridge ferry or ford while being constructed repaired or widened and such temporary road bridge ferry or ford shall be and be kept fenced in or otherwise so secured by the board as to afford to the person through whose land the same may pass an equal protection against trespass as was possessed by such person previously to such temporary road bridge ferry or ford being made and the board shall make reasonable compensation to the owners and occupiers of such adjoining ground upon or through which such temporary road bridge ferry or ford shall be made for the damage which they shall thereby sustain.

Entry on land to construct drains.

LXXVII. It shall be lawful for the board of every district by their engineer or surveyor or other person authorized by them after giving the owners or occupiers of the land not less than three or more than fourteen days' notice of the intention so to do to enter upon any land adjoining any road not being such land as is excepted in the last preceding section whereof the owner or occupier does not consent as therein mentioned for the purpose of constructing altering or repairing any drains sewers culverts causeways or bridges of or on such road or of repairing such road and the board shall make reasonable compensation to such owner or occupier for any damage sustained by him in consequence of such entry.

Right to procure materials for road.

LXXVIII. It shall be lawful for the board of every district by their engineer or surveyor or other person authorised by them to enter and search for dig raise gather take and carry away on and from any land within the district not being such land as is excepted by the last two preceding sections whereof the owner or occupier does not consent as therein mentioned and in and from any river or creek any materials necessary for making or repairing any road or bridge but nevertheless so as not to damage any building road or ford or to divert or interrupt the course of any river or creek or to search for dig raise gather or take any such materials within fifty yards of any bridge dam jetty or other structure and the board shall make reasonable compensation to the owners and occupiers of such land or of the soil of or adjoining such river or creek for the damage which they may sustain by or through the exercise of any of the powers conferred by this section.

Place from which materials are taken shall be fenced &c.

LXXIX. If the board or their engineer surveyor or other person as aforesaid shall by reason of the exercise of the powers conferred by the last preceding section make or cause to be made any pit or hole in any land river or creek they shall forthwith cause the same to be sufficiently fenced off and such fence to be supported and repaired during such time as the pit or hole shall continue open and not sloped down or filled up as herein provided and shall within three days after such pit or hole shall be opened or made where no materials suitable for making or repairing the road or bridge shall be found cause the same to be filled up with the clay or soil taken therefrom and levelled and shall where any such material shall be found within fourteen days after having procured sufficient materials in such pit or hole cause the same to be filled up sloped down or fenced off and so continued and if this section be not complied with the surveyor of the board or such other person as the case may be shall for every instance of non-compliance forfeit and pay a penalty not exceeding five pounds.

Drains &c. near road.

LXXX. It shall be lawful for the board to cut make and maintain drains or watercourses upon or through any lands lying contiguous to any road making reasonable compensation to the owners and occupiers of such lands for any damage they may sustain thereby.

Compensation for damage by temporary occupation &c.

LXXXI. In case of any difference between the board and any person who may be entitled to compensation under any of the five preceding sections as to the amount of such compensation the same shall be such amount as two Justices shall order in that behalf.

Power to impound.

LXXXII. It shall be lawful for the board of any district by some person duly authorized by such board in that behalf to distrain and impound any cattle that may be found straying on any road within the boundaries of such district if such road shall have a substantial fence on both sides thereof.

(16.) *Tolls Letting Tolls and Applications.*

Toll-houses &c. See sections 214 to 216.

LXXXIII. The board of every district may from time to time place erect and maintain and may continue and maintain if lawfully existing at the time of the constitution of such district under this Ordinance upon or near the roads within the district and at or near any bridge or ferry within the district or placed under the control of the board all such toll-bars toll-gates toll-houses and ferry-houses chains rails and fences as shall appear to them necessary for the purpose of enforcing the payment of tolls upon or at such roads bridges or ferries and the same may remove or alter.

Letting the toll.

LXXXIV. It shall be lawful for the board of every district with the consent in writing of the Superintendent from time to time to let to farm for any term not exceeding twelve months all or any of the tolls authorized by or in pursuance of this Ordinance or otherwise to be collected by the board and such letting shall be either by sealed tender to be advertised for in two newspapers generally circulating in the district twenty-one days at least before such tenders shall be opened by the board or by public auction to be advertised in the like manner and at the like distance of time before such auction shall be held and such security shall be taken by the board as they may deem necessary for the due payment of the rent or sum stipulated to be paid for such tolls Provided that no tolls which shall have been let hereunder shall be altered or abolished during the continuance of such lease without the consent of such lessee or farmer as aforesaid.

Application of tolls and rents.

LXXXV. All tolls received under or by virtue of this Ordinance by the board of any district and all rents and moneys received under or in respect of any lease of tolls by such board shall save in the case of tolls and rents of tolls levied on main roads be paid to the district fund.

Separate account of tolls and expenditure on each road.

LXXXVI. A separate account shall be kept by the board of every district of the tolls received by them at each toll-bar toll-gate toll-house and ferry within the district or under the control of the board and also of all moneys expended upon the same and on the roads on which the same are placed respectively and all such accounts shall be open for the inspection of any ratepayer at all reasonable times.

Toll road passing through different districts &c. may be proclaimed common toll road.

LXXXVII. If any road whether the same be a main road or not shall pass or extend through or into two or more districts or into one or more districts and boroughs or cities or towns and if tolls shall be payable upon such road or at any bridge or ferry thereon to the board or other governing body of any such district or borough city or town and if such road be commonly used for direct traffic by persons passing with animals or vehicles along such road for a length thereof which shall extend not only through or into the district borough city or town to the board council or other governing body of which such tolls are payable but also through or into another or others of such districts boroughs cities or towns of all which matters the Superintendent alone shall judge and if the board of any one or more of such last-mentioned districts shall in writing under their common seal complain to the

Superintendent that they ought by reason of such traffic being common to their own district with the district borough city or town in which such tolls shall be payable or for other like cause to have a share of such tolls it shall be lawful for the Superintendent to proclaim if it shall seem fit such road for such length thereof as shall be as well within the district from which such complaint shall proceed and within the district borough city or town in which such tolls are payable as also between the boundaries of both to be a "common toll road" as well of such district borough city or town as of all districts boroughs cities and towns lying between the same respectively and along the line of the said road.

And tolls apportioned to different boards &c. See sections 217 to 221.

LXXXVIII. In and by the last-mentioned proclamation or by any other proclamation or order it shall be lawful for the Superintendent from time to time to determine in what proportions the tolls payable at each and every toll-bar toll-gate or toll-house upon such common toll road or at any bridge or ferry thereon shall after the deduction hereinafter mentioned be distributed among the several boards councils or other governing bodies through or into whose districts boroughs cities or towns such common toll road shall extend and every order made under this or the last section shall take effect accordingly upon publication thereof in the *Gazette* and the tolls upon such common toll roads shall be received administered and distributed in the manner provided in the sections of this Ordinance numbered from *two hundred* and *seventeen* to *two hundred* and *twenty-one* inclusive.

(17.) *Co-operation of Boards.*

Co-operation of boards.

LXXXIX. Subject to the approval of the Superintendent it shall be lawful for the board of any district from time to time to contract upon such terms and conditions as they may see fit with the board of any other district or with any other body corporate or public body empowered in that behalf for or with respect to the doing and the control or management by either or both of the contracting parties of any matter or thing which the board of the district and such other board or body is by law empowered to do control and manage.

(18.) *Fines to be paid to District Fund.*

Fines &c. under this Ordinance to be paid to the District Fund.

XC. All fines and penalties paid or recovered under any of the provisions of this Ordinance or any bye-law made hereunder shall be paid over by the clerk or other proper officer of the court in which the same shall have been recovered to the board of the district within which the offence or breach for which such fines or penalties shall be imposed shall have been committed and all fines and penalties paid or recovered under this Ordinance or any of such bye-laws aforesaid for any act matter or thing done within or with respect to any district or for any omission or neglect to do any act matter or thing which ought under the provisions of this Ordinance or any such bye-law as aforesaid to have been done within or with respect to any district shall be paid to the board of such district and all such fines and penalties as aforesaid shall when received form part of the District Fund.

PART II.

(1.) *Voters' List and Roll.*

Voters' List to be made out. [March.] Fifth Schedule.

XCI. The clerk of the board of each district shall during the week ending on the thirty-first day of *March* in each year make out according to the form in the fifth Schedule to this Ordinance from the last rate which shall by the rate book to be kept as herein provided appear to have been made for the district or from the valuation and return to be made as herein provided if no rate shall as yet have been made and also from inspection of

the lists (if any) of defaulters delivered between the twenty-fourth and twenty-seventh days of the said month as hereinafter provided a list to be called the "voters' list" of the names of all such persons as after the omission of those who shall be shown by any list of defaulters to be disentitled as herein provided for non-payment of rates shall appear by the said rate or the said valuation and return to be entitled to be enrolled in the year then current upon the voters' roll for the district and shall arrange such list according to the alphabetical order of surnames contained therein and shall state in such list against the name of each person the several particulars indicated in the several columns of the said schedule as the same shall appear in or from the said rate or valuation and return as the case may be and for the purpose of making the said list every person rated to the said rate or entered in the said valuation and return in respect of any rateable property shall be presumed to be of full age and to have been the occupier or owner as the case may be of such property on the twentieth day of *March* in the said year and to have been on that day liable to be rated as such occupier or owner respectively upon the rateable value of such property appearing in such rate or such valuation and return as the case may be but subject to being objected to as herein provided as to any part of his qualification as a voter.

[March.]

Inspection of lists.

XCII. The clerk of the board shall forthwith after making out the said list notify by public advertisement in some newspaper generally circulating in the district the fact that such list is in his custody and ready to be inspected by any person interested therein and shall keep such list or a copy thereof to be inspected by any such person and permit such inspection without fee at all reasonable hours between the first and the thirtieth days of *April* in such year.

[April.]

Claims and objections.

XCIII. Any person whose name shall have been omitted from any such voters' list who shall claim to have his name inserted therein shall before or on the said thirtieth day of *April* give to the clerk of the board notice thereof in writing according to the form in the sixth Schedule or to the like effect and shall sign the same with his name and every person whose name shall have been inserted in any such voters' list may object to any other person as not being entitled to have his name retained in such list or as not entitled to have the number of votes set against his name therein and every person so objecting shall on or before the said thirtieth day of *April* give to the clerk of the board and also give to the person objected to or leave at the premises in respect of which his name shall appear to be entered in the voters' list notice in writing of such objection according to the form in the seventh Schedule stating the ground of such objection and shall sign the same with his name and the said clerk shall include the names of all persons so claiming as aforesaid in a list according to the form in the eighth Schedule and shall include the names of all persons so objected to in a list according to the form in the ninth Schedule to this Ordinance and shall sign and keep the said lists or copies thereof respectively to be perused by any person without fee at all reasonable hours during the six days (Sundays excepted) next preceding the fourteenth day of *May* in such year.

[April.]
Sixth Schedule.
[April.]
Seventh Schedule.
List of claims.
Eighth Schedule.
List of objections.
Ninth Schedule.
[May.]

Revision Court.

XCIV. The resident magistrate's court holden within the district or if there be more than one so holden such one of them as shall be holden nearest to the office of the board shall be a revision court for revising the said lists and if there be no resident magistrate's court held within the district then if a court of petty sessions be held within the district such court of petty sessions or if there be more than one court of petty sessions so holden within the district then such court of petty sessions held within the district as shall be holden nearest to the office of the board shall be such revision court and if no resident magistrate's court or court of petty

sessions be holden within the district then the resident magistrate's court holden nearest to the office of the board shall be such revision court and every such court shall be an open court and shall be holden at ten o'clock in the morning of the fourteenth day of *May* in every year and may be adjourned and if for the space of half an hour after the time appointed for the holding of such court or any adjourned court there shall not be two justices or a resident magistrate present then one such justice or if none be present then the clerk of the court of petty sessions or of the resident magistrate's court as the case may be shall and may adjourn the said court Provided that no such court shall be adjourned beyond the twenty-fourth day of *May* in any year. [May.] [May.]

Officers to attend revision Court.

XCV. The clerk of the board shall himself or by some person on his behalf if he be unavoidably prevented from so doing attend the revision court and produce to the said court the voters' list and also copies of the lists (if any) of the persons who shall have sent in claims and of the persons who shall have been objected to as aforesaid and the lists (if any) of defaulters as aforesaid and the valuers hereinafter mentioned and all collectors of rates under this ordinance shall also attend the said court and shall produce to the said court all books papers and documents in their possession connected with such their respective offices and the officers aforesaid shall answer all such questions as the court may put to them touching the matters necessary to be ascertained for revising the voters' list.

Power to summon witnesses &c.

XCVI. The revision court shall have authority to hear receive and examine evidence and by summons under the hand of the chairman of the court who shall be the resident magistrate if he be present if not such chairman as may be elected from among the justices present by a majority of their voices and if they be equally divided then by lot to require all such persons as the court may think fit to appear personally before such court at a time and place to be named in such summons and to produce to such court all such books and papers in their possession or under their control as may appear necessary for the purpose of their examination and the said court shall have like powers for compelling the attendance of witnesses summoned and their examination upon and taking of oaths and affirmations and their answering to questions touching the premises as by any law in force for the time being may be vested in justices exercising summary jurisdiction and the said court shall upon hearing in open court determine as hereinafter mentioned upon the validity of all claims and objections.

Hearing of claims and objections and correction of lists.

XCVII. The revision courts shall enter in the lists under revision the name of every person who shall have claimed as aforesaid and be proved to the satisfaction of the court to be entitled to be inserted in the voters' roll for one or more votes according to the provisions of this Ordinance and shall retain on the said lists the names of all persons to whom no objection shall have been duly made and the number of votes set against the same unaltered and shall also retain on the said lists the name of every person who shall have been objected to by any person and the number of votes set against the same unaltered unless the party so objecting shall appear by himself or by some one on his behalf in support of such objection and prove the service of the requisite notices and when the name of any person inserted in any list or the number of votes set against the same shall have been duly objected to and the person objecting shall appear by himself or by some one on his behalf in support of such objection the court shall require proof of so much of the title to vote of the person so objected to as shall be embraced in the grounds of objection so to be stated as aforesaid and no more and in case such title of such person shall not be proved to the satisfaction of the court the said court shall expunge the name of every such person from the said voters' list or shall alter and correct the number of votes set against the same as the case may require and shall also expunge therefrom the name of every person who shall be proved to the court to be dead and shall correct

any mistake or supply any omission which shall be proved to have been made in any of the said lists in respect of the name place of abode trade or occupation of any person who shall be included therein or in respect of the local description of the rateable property or the situation thereof as regards the division of any electoral district Provided always that no person's name shall be inserted by the said court in any such lists or shall except in the case of death be expunged therefrom unless notice shall have been given as is hereinbefore required in each of the said cases.

Costs in case of frivolous &c. claims or objections.

XCVIII. In case it shall appear to the court that any person has made or attempted to sustain any frivolous or vexatious claim or objection it shall be lawful for them to award such costs not exceeding five pounds as to them shall seem meet to be paid by such person to the person resisting such claim or objection and the same may in default of payment be recovered before any justice.

Signature and certificate upon list.

XCIX. The chairman of the revision court shall in open court write his initials against the names struck out or inserted as aforesaid and against any part of the list in which any mistake shall have been corrected or omission supplied and shall sign his name to every page of the list so settled and shall then cause to be written at the foot or end of the list a certificate that the same has been revised and is correct and the justices shall date and severally sign such certificate.

List revised to be made roll.

Tenth Schedule.

C. The list so signed and certified shall be forthwith delivered to the clerk of the board and the said clerk shall forthwith cause the names thereon to be copied in a roll or book hereinafter called a roll arranged in alphabetical order of the surnames in the form contained in and with the several particulars required by the tenth Schedule hereto and shall prefix to every name in such roll a number beginning such numbers at the first name on the said roll with the number one and continuing them on in regular arithmetical series to the last name thereon and shall if the board shall order him so to do cause a sufficient number of copies of such roll to be printed and shall before or on the first day of *June* sign and deliver the said roll to the chairman of the board and shall also from time to time furnish to him so many copies thereof as shall be required and shall furnish copies to any person requiring them on the payment of a reasonable price for the same to be fixed by the board.

Copies of which to be furnished on payment.

Roll signed and delivered to be voters' roll for district.

CI. The roll so signed as aforesaid by the clerk of the board and delivered to the chairman shall be the voter's roll for the district and shall continue in force until a new roll shall have been made for the district under the provisions of this Ordinance whether the same shall have been duly made at the time hereby appointed or afterwards and the fact that the name of any person appears upon the said roll shall be conclusive as his right to vote and to give the number of votes therein mentioned in that behalf.

Copy of roll to be evidence.

CII. Any copy purporting to be a copy of the voters' roll of any district and signed by the chairman of the board shall be evidence of such roll and of the contents thereof.

Certain omissions to publish &c. not to vitiate proceedings.

CIII. No omission to notify by public advertisement with regard to any list or to keep any list for perusal or inspection shall be deemed to prevent invalidate or render imperfect any of the proceedings hereinbefore provided for with regard to the compilation or completion of any voters' list or roll or any such list or roll.

If no materials for first voters' list yet provided or in case of failure to make

CIV. If at the time at which the clerk of the board is hereby required first to make out a voters' list for any district no rate and no valuation and return shall have been made hereunder for the district or if from any cause

no voters' list shall have been made out at such time or if made shall not have been revised and completed within the period herein provided it shall be lawful for the Superintendent to appoint for that occasion the several times and intervals of time or as the case may require the several remaining times and intervals of time at or within the several acts hereinbefore required or permitted to be done with regard to the making and revision of the list and completion of the roll shall or may be had or done Provided that in the case where no such rate and no such valuation and return has been made the first in order of such times shall be not less than three or more than six months after the time when members of the district board shall first be in office in such district under this Ordinance and that in all cases such times shall be of the same distance from each other and such intervals shall be of the same length as hereinbefore prescribed or provided in that behalf respectively.

first list Superintendent may extend time &c.

CV. Where any district shall be divided into subdivisions the preceding sections hereof relating to the voters' list and voters' roll shall be read with reference to such district and where such sub-divisions or either of them shall be divided into wards then the preceding sections hereof relating to the voters' list and voters' roll shall be read with reference to each such ward in manner following that is to say—

Application of preceding provisions to district divided into sub-divisions &c.

(1.) Instead of the voters' list and voters' roll for the district at large there shall be a separate voters' list and voters' roll respectively for each sub-division of the district and where any sub-division shall be divided into wards there shall be a separate voters' list and voters' roll for each such ward.

(2.) The clerk of the board shall insert in the voters' list for each sub-division and in case such sub-division shall be divided into wards then in the voters' list for each ward the names of those persons who shall under the provisions hereinbefore contained appear to be entitled for the time being to be enrolled on the voters' roll for such sub-division or ward respectively.

(3.) The voters' list for each sub-division or ward when signed by the clerk after revision and delivered to the chairman of the board shall be the voters' roll for the sub-division or ward and shall continue in force for the said sub-division or ward until another voters' roll shall have duly come into force for the same.

And subject to the provisions of this section the said sections and every provision thereof shall take effect according to their tenor respectively for each separate sub-division of such district or if such sub-division shall have been divided into wards then for the separate wards thereof instead of the district at large.

CVI. When a district shall have been by the Superintendent divided into sub-divisions and when any such sub-divisions shall have been divided into wards the clerk of the board thereof shall forthwith make out in the form in the Tenth Schedule hereto from the voters' roll or rolls (if any) in force for the district a roll for each such sub-division and ward of a sub-division if such sub-division shall have been divided into wards of all persons named in any one or more of such first-mentioned rolls in respect of rateable property which shall to the best of his knowledge and information appear to such clerk to be situated in such sub-division or ward and shall arrange the same in alphabetical order of the surnames and shall prefix to every name in such roll a number beginning such numbers at the first name thereon with the number one and continuing them on in regular arithmetical series to the last name thereon and shall forthwith sign and deliver each such roll to the chairman

Roll of district when divided to be distributed to each sub-division &c. Tenth Schedule.

of the board and shall also from time to time furnish to him so many copies of each such roll as he shall require and shall furnish copies to any person requiring them on payment of a reasonable price for the same to be fixed by the board and every such roll shall be deemed to have been made and alone be the voters' roll for the sub-division or ward to which the same shall refer in like manner to all intents and purposes as if made as hereinbefore provided.

Provisions in case of division of district while process of making voters' roll is pending.

CVII. If any district shall by the Superintendent be divided into sub-divisions or if any sub-division shall be divided into wards in any year between the time of making out voters' lists and the completion of voters' rolls for the same or the sub-divisions or wards (if any) thereof the clerk of the board shall append to every such list and also severally to any list of claims and objections relating to such district a column showing in which of the first-named sub-divisions of such district or the respective wards of each such sub-division each rateable property in respect of which any person entered or claiming or objected to is so entered or claims or is described in such list of objections as the case may require and shall state such particulars to the best of his knowledge and information in such column against each name on the said lists and every such list shall as to each set of names appearing thereon in respect of each sub-division or ward respectively be deemed to all intents and purposes to be and be dealt with as a separate list for such sub-division or ward respectively as if made in manner hereinbefore provided.

Substitute for clerk of board if none or for the time incapable &c.

CVIII. If at any time there shall be no clerk of the board of any district or the clerk of the board shall be incapable of acting or refuse to act as herein provided all acts and things which under this Ordinance may or are required to be had or done by or with regard to the clerk of the board may and shall be had or done by or with regard to such fit person as the board shall appoint or in default of such appointment within one week after notice from the Superintendent to make the same such fit person as the Superintendent shall appoint in that behalf.

Wilful offence of commission or omission by clerk.

CIX. If any clerk or other person shall be guilty of any wilful misfeasance or wilful or negligent act of commission or omission contrary to any of the provisions of this Ordinance he shall upon conviction forfeit and pay for every such offence a penalty not exceeding fifty pounds to be recovered in a summary way before any two or more justices.

Expenses of officers how paid.

CX. The board of every district shall take an account of the reasonable expenses incurred by the clerk of the board or by the person appointed by or under this Ordinance to discharge the like functions in carrying into effect within or for such district the provisions of this Ordinance and shall order the same to be paid out of the district fund and the amount received by such clerk or person for copies of any rolls hereinbefore mentioned shall be paid to the district fund.

Receipts of officers how disposed of.

(2.) *Election of Members.*

Notice of election.

CXI. Fourteen clear days before any election the chairman of the board or other person duly appointed to hold the election hereinafter styled the returning officer shall give public notice of such election by advertisement inserted in some newspaper generally circulating in the district or in some other manner in the district calculated to give in the opinion of the returning officer full publicity to the same and by such notice shall require all candidates at such election to be nominated in manner hereinafter mentioned on such day hereinafter called the day of nomination being not less than four nor more than seven clear days from the time of giving such notice and at such place being within the district as shall be named therein respectively and on the day of nomination so fixed as aforesaid the returning officer shall preside at a meeting to be held at noon at the place named in such notice

and shall declare the purpose for which the meeting is held and every candidate shall be proposed by an elector duly qualified to vote at the election and seconded by another elector so qualified and if there be no more candidates proposed and seconded than the number of members then to be elected the returning officer shall declare such candidates to be duly elected and they shall be deemed to be then duly elected accordingly from the day appointed hereunder for the election.

Declaration of election when uncontested.

CXII. In the event of there being more candidates proposed and seconded than the number to be elected the returning officer shall call for a show of hands separately in favor of each candidate and after such show shall declare the persons in whose favor the show of hands shall appear to have been and if thereupon a poll be not demanded by one of the candidates or by not less than two electors the returning officer shall declare such persons to be duly elected.

Show of hands to be taken.

CXIII. In and for each district within fifteen days after the constitution thereof under this Ordinance the Superintendent shall in and for every district and at any time afterwards when occasion shall require the Superintendent from time to time if it shall seem fit on the application of the board thereof may appoint a sufficient number of polling places for such district at which the poll shall be taken at all elections held for the same and may from time to time on the like application alter and vary the same.

Polling places in districts.

CXIV. In every district divided into sub-divisions the Superintendent shall within fifteen days after any sub-division of such district shall become such sub-division appoint in and for such sub-division one place to be the place of polling at all elections held in and for such sub-division and may from time to time afterwards appoint in lieu thereof another such place within such sub-division.

Polling places in sub-divisions.

CXV. If a poll be demanded as aforesaid the returning officer shall forthwith give public notice in such manner as he shall deem best calculated for giving full publicity to the same stating the names of the persons so nominated and that a poll will be taken for the election of such members on the day appointed for holding the election under the provisions hereof and named in such notice at the polling places within the district and shall also therein give notice of the situation of the different polling places and such poll shall take place accordingly and shall commence at ten o'clock in the forenoon and close at four o'clock in the afternoon.

Contested election.

Notice and time and place of poll.

CXVI. If after a poll shall stand appointed as aforesaid at any election any person who shall duly have become a candidate for such election shall be desirous that he retire from such candidature such candidate not later than two clear days before the day of polling may sign and deliver to the returning officer a notice in the form in the eleventh Schedule hereto stating that such candidate so retires and may publish in some newspaper generally circulating in the district a copy of such notice and the returning officer on such receipt of such notice and on sufficient proof of such publication as aforesaid if the number of candidates shall by such retirement be reduced to the number of members to be elected at such election shall on the day appointed for the election at twelve o'clock at noon at the principal polling place declare the remaining candidates to be duly elected.

Candidate may retire within certain time.

Eleventh Schedule.

CXVII. At every such election the returning officer if it shall appear to him expedient for taking the poll may cause booths to be erected or rooms to be hired and used as such booths in the places appointed as aforesaid for taking the poll as occasion may require and the same shall be so divided and allotted into compartments as to the returning officer shall seem most convenient.

Polling booths &c.

Deputies of returning officer.

CXVIII. The returning officer or a deputy returning officer to be appointed by writing under his hand shall preside at each polling booth for taking the poll within the district.

Power of returning officer and deputies.

CXIX. Every returning officer and deputy returning officer shall have power and authority to maintain and enforce order and keep the peace at any election or polling held by him and without any other warrant than this Ordinance to cause to be arrested and taken before a justice any person reasonably suspected of knowingly and wilfully making a false answer to any of the questions hereinafter mentioned or of personating or attempting to personate any voter or of attempting unlawfully to vote more than once at the same election or who shall cause a disturbance at any election and to cause any person to be removed who shall obstruct the approaches to any polling booth or shall conduct himself in a disorderly manner and all constables and peace officers shall aid and assist such returning officer and deputy in the performance of his duty.

Copy of voters' roll to be given to each deputy returning officer and poll clerk.

CXX. At all elections of members of the district board of any district in which a voters' roll shall be in force the chairman shall supply every deputy returning officer and every poll clerk with a written or printed copy of the voters' roll of the district authenticated by the signature of the chairman and every such copy shall be deemed sufficient to determine all questions and disputes which may arise before such deputy returning officer or poll clerk in reference to anything contained in the voters' roll.

Persons who may be present in polling booths.

CXXI. No other person except the returning officer or his deputy the necessary poll clerks and not exceeding two agents at each polling booth for each candidate to be appointed in writing by the candidate together with a sufficient number of constables to keep order shall remain in any polling booth during the polling and no person whatever except the returning officer or deputy returning officer shall speak to any elector after he shall have entered the polling booth and before he shall have delivered his voting paper as hereinafter provided and any person offending against any of the provisions of this section shall forfeit a sum not exceeding twenty pounds to be recovered before any two justices of the peace in a summary way Provided always that no such poll clerk or agent shall be employed or be permitted to be present and remain in any polling booth during the polling unless he shall have made and subscribed in the presence of the returning officer or his deputy a declaration in the form in the twelfth Schedule.

Twelfth Schedule.

State of the poll not to be declared until close.

CXXII. The number of votes which may be given for any candidate at any such polling booth shall not be published or made known until after the close of the poll and every returning officer deputy returning officer poll clerk agent or constable who shall directly or indirectly by any means whatsoever publish or make known before the close of the poll the number of votes which may have been given for any candidate shall forfeit and pay for every such offence any sum not exceeding fifty pounds to be recovered in a summary way before any two justices of the peace.

Voting papers &c. to be provided in each booth.

CXXIII. The returning officer or his deputy shall provide pencils or pens and ink and blotting paper and voting papers in every polling booth for the use of the voters.

Mode of conducting elections.

CXXIV. On the day of election the voting at each polling place shall be conducted in manner following—

(1.) Every person entitled to vote at the election may vote for any number of candidates not exceeding the number of the members of the board then to be chosen.

(2.) When any elector tenders his vote the returning officer or deputy returning officer to whom the same is tendered shall furnish to the said voter so many voting papers as the said voter shall be entitled to votes under the provisions of this Ordinance and every such voting paper shall be marked with the initials of the returning officer or deputy returning officer presiding at such election at such polling booth and shall have the christian and surname of each candidate written or printed thereon and no other matter or thing and there shall be provided separate apartments or places forming part of the polling booth into which the voter shall immediately retire and there alone and in private without interruption make a cross or crosses within the square opposite the name of the candidate he wishes to be elected and shall then fold the voting paper or papers and immediately deliver it or them so folded to the returning officer or deputy returning officer presiding at such polling booth.

(3.) The returning officer or deputy returning officer presiding shall forthwith publicly and without opening the same deposit such voting paper or papers in a box provided for that purpose and no voting paper so deposited in any box shall on any account be taken therefrom until after the close of the election.

(4.) As soon as the elector has delivered his voting paper or papers as aforesaid he shall immediately leave the polling booth and on his refusal to do so shall be forthwith removed by order of the returning officer or deputy returning officer presiding at such polling booth.

Questions to be put to voters at elections previous to making voters' roll.

CXXV. At every election of members of the district board of any district in which a voters' roll shall not be in force the returning officer or his deputy as the case may be shall put to every person tendering his vote the questions following:

(1.) What are your christian and surname?

(2.) Are you an elector enrolled on any electoral roll now in force under the provisions of "The Registration of Electors Act 1866" and is your qualification as such elector in respect of lands or tenements within this district?

(3.) On the roll of what electoral district are you so enrolled as an elector?

(4.) What is the property in respect of which you are so enrolled and the name and situation thereof?

(5.) Have you already voted at the present election?

And no other question shall be put to any person tendering his vote and no person who shall refuse to answer any of such questions or whose answers to the same shall not show his right to give such vote shall be permitted to vote.

Questions to be put to voter at all other elections.

CXXVI. At all elections of members of the district board of any district in which a voters' roll shall be in force the returning officer or his deputy may if he see fit or if required so to do by any candidate or his agent authorised in writing shall put to any person tendering his vote the questions following;—

(1.) Are you the person whose name appears as (A.B.) in the voters' roll now in force for this district being enrolled therein in respect of property described to be situated [*here specify the place described in the voters' roll*]?

(2.) Have you already voted at the present election ?

And no other question shall be put to any person tendering his vote and no person who shall refuse to answer any of such questions or who shall not answer the first of such questions absolutely in the affirmative and the second of such questions absolutely in the negative shall be permitted to vote.

False answer polling twice and personation.

CXXVII. Every person who shall wilfully make a false answer to any of the questions aforesaid or who shall poll more than once or offer to poll more than once at the same election or who shall personate any other person for the purpose of polling at any election shall upon conviction before two or more justices for every such offence be imprisoned for any period not exceeding one calendar month but nothing contained in this section shall apply to any person only by reason of his exercising his right of voting as often as he appears by the roll to be and is entitled so to do.

Declaration of poll and casting vote.

CXXVIII. Every deputy returning officer shall immediately upon the close of the poll forward the poll books and the voting papers to the returning officer and the returning officer shall after the close of the poll and the receipt of the poll books and voting papers examine the poll books and if necessary compare the entries therein with the voting papers for the purpose of ascertaining the number of votes for each candidate and the returning officer shall as soon as conveniently may be on or after the day of the poll at some polling place of the district and at a time to be fixed by him of which at least twenty-four hours' notice shall have been given in such manner as he may deem best calculated to give publicity to the same publicly declare the number of votes given to each candidate and shall declare the candidates not exceeding in number the number of vacancies to be filled up who have received at all the polling booths taken together the greatest number of votes to be duly elected as members of the district board of the district and if two or more candidates shall have received an equal number of votes the returning officer shall in each case have the casting vote.

Manner of proceeding if a person elected for more than one sub-division.

CXXIX. If any person be elected a member in more than one sub-division he shall within seven days after notice thereof choose or in default thereof the board at its next meeting shall declare for which one of the sub-divisions such member shall serve and he shall thereupon be held to be elected in that sub-division only which he shall so choose or which the board shall so declare and shall cease to be a member for any other sub-division.

Adjournment of election by reason of riot &c.

CXXX. When the proceedings at any election under this Ordinance shall be interrupted or obstructed at any polling place by any riot or open violence the returning officer or deputy as the case may be shall not finally close the poll but shall adjourn the taking of the poll at the polling place at which such interruption or obstruction shall have happened to the day following and if necessary such returning officer or deputy shall further adjourn such poll until such interruption or obstruction shall have ceased when such returning officer or deputy shall again proceed with the taking of the poll at the place at which the same may have been so interrupted or obstructed.

Adjournment where from some other cause no election on day appointed.

CXXXI. If from any cause not being such as in the last preceding section mentioned after a poll shall stand appointed for any election no such election shall take place on the day appointed for the same the election shall stand adjourned until the same day of the following week and the returning officer shall give not less than three days' previous notice thereof by advertisement or by placards affixed in public places in the district and in all such cases as in this and the said section mentioned the members of the board for the district or sub-division as the case may be (if any) who would on the day appointed for the election have retired from office by rotation shall continue in office until the day to which such election or the polling at any booth for the same has been or stands adjourned.

CXXXII. If at the first general election of the whole district board to be held as herein provided for any district after the first constitution thereof under this Ordinance no member or less number of members of the board than hereby required shall have been elected it shall be lawful for the Superintendent to appoint a number of persons capable of being such members equal to the number so deficient to be members of such district board and such persons shall be members thereof accordingly to all intents and purposes as if elected as herein provided and if at any other election of members of the district board of any district whether the same be an annual ordinary election or be for supplying extraordinary vacancies in the board no seats or vacancies or a number of seats or vacancies less than the whole number which should have been filled up at such election shall be filled up then the seats and vacancies which shall not be so filled up shall severally be deemed extraordinary vacancies and to have occurred on the day appointed for such election or to which the same may have been or may stand adjourned as before provided. Provision for total failure in filling up one or more vacancies.

CXXXIII. Where any district shall be divided into sub-divisions the preceding sections hereof relating to the election of members of the district board in districts shall be read as applying to elections of such members to be held in and for each sub-division instead of for the district at large and the polling for every such election shall be held at a polling place within each sub-division appointed as herein provided and in the questions hereinbefore prescribed to be put to any person tendering his vote the word "sub-division" shall be substituted for "district" and to the last in each series of the said questions the following words shall be added that is to say "in this sub-division" and all the provisions of this part shall take effect in the cases of elections of members of district boards for sub-divisions accordingly. Mode of holding elections in sub-divisions.

CXXXIV. Where any district shall be divided into sub-divisions the last section subject to the provisions hereinbefore made with regard to annual ordinary elections in and for sub-divisions shall be read as applying to each sub-division of the district instead of to the district at large and shall take effect accordingly. The like where district divided into sub-divisions.

CXXXV. No election of members of a district board shall be liable to be questioned by reason only of any defect in the title or any want of title of the person by or before whom such election or any polling for the same shall have been held or of any want of qualification in any person having signed any nomination paper Provided that such first-mentioned person have been actually appointed to preside or take the poll or have been acting in the office giving the right to preside or take the poll at such election. Election not to be questioned for want of title in person presiding *de facto*.

CXXXVI. If the chairman of the board of any district or if any person having been duly appointed hereunder to act as returning officer or deputy returning officer at any election and undertaken so to act shall be guilty of any wilful misfeasance or wilful or negligent act of commission or omission contrary to any of the provisions of this Ordinance relating to elections he shall upon conviction forfeit and pay for every such offence a penalty not exceeding fifty pounds to be recovered in a summary way. Misfeasance of officers &c.

(3.) *Auditors.*

CXXXVII. It shall be lawful for the Superintendent from time to time to nominate and appoint any one or more person or persons as he shall think fit to be an auditor or auditors for any district and such person or persons from time to time as he shall think fit to remove and on the death resignation or removal of any such auditor or auditors to appoint any other person or persons in place of any person or persons so dying resigning or removed. Superintendent to nominate an auditor or auditors.

(4.) *Proceedings of the Board.*

Annual and ordinary meetings of board. [August.]

CXXXVIII. The board of every district shall hold an annual meeting at noon on the third Wednesday in the month of *August* in each year and they shall also hold ordinary meetings for the transaction of general business and the ordinary meetings shall be held on such day and hour in each week month or stated space of time as the board shall from time to time appoint and when any such appointment is made the clerk shall give notice thereof to each of the members and they shall afterwards until the time of such ordinary meeting is changed and notice of such change given to the members attend such ordinary meetings without notice.

Where meetings shall be held.

CXXXIX. All meetings of the board of any district in or for which there shall at the time be no office appointed as hereinafter provided shall be held at some convenient place within the district or within an area wholly surrounded thereby and all meetings of the board of any district for which there shall at the time be an office appointed as hereinafter provided shall be held at such office.

Office how appointed.

CXL. The board of every district may from time to time either by order appoint an office of the board at any place within the district or within an area wholly surrounded thereby or by bye-law appoint such office at any place within *five* miles outside the boundary of the district Provided that the Superintendent at any time if he shall have received a petition under the hands of not less than forty persons rated upon the rate last made for such district praying him and if he shall see fit so to do may after thirty days' notice thereof to the board of the district annul such bye-law and the same shall thereupon be wholly void.

Casting vote.

CXLI. At all meetings of the board all the members present shall vote save where it is herein otherwise provided and the questions there considered shall be decided by open voting and by the majority present and if there be an equal division of votes upon any question the chairman at such meeting shall in addition to his own vote as member have a second or casting vote Provided always that if at any such meeting there be an equality of votes in the election of the chairman it shall be decided by lot which of the members having an equal number of votes shall be the chairman Provided also that at every annual meeting the chairman (if any) going out of office at that meeting shall if present and willing to act be the chairman of such meeting.

Quorum of board.

CXLII. All powers vested in the board under this Ordinance may be exercised by any three or more of the members present at any meeting holden in pursuance of this Ordinance and no business shall be transacted at any meeting of the board unless the said number of members be present.

Adjournment of meetings.

CXLIII. The members present at the first meeting or at any annual or ordinary meeting or at any adjourned meeting may from time to time adjourn such meeting and if at any meeting of the board there be not present within half-an-hour after the time appointed for such meeting the number of members hereby authorised to exercise the powers vested in the board the members present or the major part of them or any one member if only one be present or the clerk of the board if no member be present may adjourn such meeting to another day not further distant than three days from the day of such adjournment.

Business at ordinary meetings.

CXLIV. The ordinary meetings of the board shall be held for transacting the ordinary business of the board under this Ordinance and amongst the rest for appointing and removing the inferior officers of the board and superintending their conduct and for inquiring into the conduct of the contractors or other persons employed by them to execute any works and into the state and progress of such works and generally for giving such directions

as from time to time may be necessary for carrying into effect the purposes of this Ordinance and all ordinary meetings shall be held with open doors unless it shall become necessary to exclude strangers on account of their disorderly conduct.

Notice of extraordinary business.

CXLV. Where any business other than ordinary business is required or intended to be transacted at any ordinary meeting the clerk shall give notice thereof to each of the members of the board and no such extraordinary business nor any new rules or regulations shall be transacted or adopted at the ordinary meetings unless due notice thereof have been given at a prior meeting and sent to each member in the manner required for special meetings.

Resolutions of board how revoked or altered.

CXLVI. No resolution at any meeting of the board shall be revoked or altered at any subsequent meeting unless notice of the intention to propose such revocation or alteration be given by the clerk to each of the members seven days at least before holding the meeting nor unless such revocation or alteration be determined upon by a majority consisting of two-thirds of the members present at such subsequent meeting if the number of members present at such subsequent meeting be not greater than the number present when such resolution was come to or by a majority if the number of members present at such subsequent meeting be greater than the number present at such former meeting.

Special meetings.

CXLVII. The board may hold special meetings and any three or more of the members may require a special meeting to be held but no such meeting shall be held unless four clear days' notice thereof at least be given.

Special orders.

CXLVIII. Where by this Ordinance the board are empowered to do anything by special order only they shall not do such thing unless the resolution to do the same have been agreed to by the board in some meeting whereof special notice has been given and have been confirmed in a subsequent meeting held not sooner than four weeks after the preceding meeting and which subsequent meeting has been advertised once at least in each of the weeks intervening between the two meetings in some newspaper generally circulating in the district and special notice of such meeting given to each of the members of the board.

Notices of meeting.

CXLIX. All notices of any meeting of the board shall be in writing or in print or partly in writing and partly in print and shall be by the clerk delivered or sent by the post or otherwise to the usual place of abode or place of business (if any) within the district of each of the members four clear days at least previous to such meeting and every such notice shall specify the time and place of meeting and in case of a special meeting shall specify the object thereof and no business shall be transacted at any special meeting except such as is stated in the notice thereof.

Committees of board and quorum.

CL. The board may at any meeting from time to time appoint committees for any purposes which in the opinion of the board would be better regulated and managed by means of such committee and they may fix the quorum of such committee and shall from time to time appoint one of the members thereof to be chairman of such committee and may continue alter or discontinue such committee and from time to time remove such chairman.

Meetings of committees and chairman.

CLI. Every committee so appointed may meet from time to time and may adjourn from place to place as they may think proper for carrying into effect the purposes of their appointment but no business shall be transacted at any meeting of the committee unless the quorum of members (if any) fixed by the board and if no quorum be fixed three members be present and

at all meetings of the committee if the chairman be not present one of the members present shall by the majority of voices and if they be equally divided by lot be appointed chairman and all questions shall be determined by a majority of the votes of the members present and in case of an equal division of votes the chairman shall have a casting vote in addition to his vote as a member of the committee.

Vacancy in number of members not to invalidate proceedings.

CLII. No proceedings of the board or of any committee shall be invalidated or be illegal in consequence only of there being any vacancy in the number of members at the time of such proceeding.

Nor want of capacity &c. of any person to be member.

CLIII. All proceedings of the board or of a committee thereof or of any person acting as a member thereof shall notwithstanding it be afterwards discovered that there was some defect in the election or appointment of the members of the board or persons acting as aforesaid or that they or any of them were incapable of being such members be as valid as if every such person had been duly elected or appointed and was capable of being a member of the board.

Offices &c. of board.

CLIV. The board may from time to time provide and maintain fit and convenient public offices at the place for the time being appointed as hereinbefore provided in that behalf together with all necessary and proper furniture for such offices for holding the meetings and transacting the business of the board and for the use of their officers and for the holding of such public meetings and transacting such public business relating to the district as the board shall from time to time under the powers of this Ordinance direct or allow to be held or transacted therein.

Attendance of clerk at office and notice of situation thereof.

CLV. The board shall require the clerk or some other person duly authorized by them in that behalf to attend at their office at such stated times as may be appointed by the board Sundays Christmas Days and Good Fridays and days appointed for general holidays or public fasts and thanksgivings only excepted for the purpose of receiving notices and transacting the ordinary business of the board and due notice of the situation of the office of the board and of the days and hours on and during which attendance is given there shall be published by the board within the limits of the district in such manner that the same may be fully and generally known.

Minutes of proceedings.

CLVI. The board shall cause entries of all the proceedings of the board and of every committee appointed by them with the names of the members who shall attend each meeting to be duly made from time to time in books to be provided for the purpose which shall be kept by the clerk under the superintendence of the board and every such entry shall be signed at the meeting next succeeding the meeting at which such proceeding or attendance shall have taken place or such proceeding of a committee been reported by the chairman of such succeeding meeting and every entry purporting to be such entry as aforesaid and to be so signed shall be received as evidence in all courts and before all judges justices and others without proof of the meeting to which the same shall refer having been duly convened or held or of the persons attending such meeting having been or being members of the board or members of committee respectively or of the signature of the chairman or of the fact of his having been chairman all which last-mentioned matters shall be presumed until the contrary is proved and such books shall at all reasonable times be open to the inspection of any of the members of the district board and of any mortgagee of rates or other creditor of the body corporate.

(5.) *Ouster of Office.*

Disputed elections or exercise of office.

CLVII. Upon affidavit that any person declared elected to be chairman or member of the board of any district has been elected unduly or contrary

to this Ordinance or that any person has been elected to or holds or exercises such office of chairman or member being incapable under the provisions hereof of being or continuing such chairman or member as the case may be it shall be lawful for the Supreme Court or any judge thereof to grant a rule or order calling upon such person to show cause to the court why he should not be adjudged by the said court to be ousted of the said office and where upon the return of such rule or order it shall appear to the court that such person so elected or holding or exercising such office respectively was elected unduly or contrary to this Ordinance or was at the time of his election or while holding or exercising such office respectively incapable under the provisions hereof of being or continuing such chairman or member as the case may be the court may make such rule or order absolute or if the matter shall not so appear may discharge such rule or order and in either and every such case with or without the payment of costs to or by either party as to the court shall seem meet and the person against whom any rule shall be made absolute as aforesaid shall be deemed thereby to be ousted of such office accordingly Provided that no such rule for ousting any person as having been elected unduly or contrary to this Ordinance shall be granted after the expiration of three months from the declaration of such election.

Inquiry into matters of fact.

CLVIII It shall be lawful for the Supreme Court or any judge thereof where any proceeding whether under this Ordinance or not with respect to any election as having been made unduly or contrary to this Ordinance or with respect to the unlawful holding or exercise by any person of the office of chairman or member of a district board hereunder shall be depending in such court to order from time to time that an inquiry be had by such fit person as shall be named by the said court or judge in the order touching any matters of fact which it shall seem to said court or judge necessary or expedient to ascertain for dealing with the proceedings so depending and that such person do report to the said court touching the said matters and the rules of court of the Supreme Court and the section of the Act of the Imperial Parliament First of William the Fourth chapter twenty-two numbered respectively four and five so far as the same respectively apply to powers rights and liabilities conferred or imposed in the case of an order for the issue of a commission for the examination of witnesses shall be deemed to apply in the case of any order under this section in like manner as if the person ordered to report hereunder had been authorised and required to take examinations under the said rules of court or Act.

(6.) *Officers.*

Officers exacting or accepting fees.

CLIX. Every officer employed by the board who shall exact or accept on account of anything done by virtue of his office or in relation to the matters to be done under this Ordinance any fee or reward whatsoever other than the salary or allowance allowed by the board or who shall be in anywise concerned or interested in any bargain or contract made by the board shall be incapable of being afterwards employed by the board and shall forfeit the sum of fifty pounds and any person may sue for such penalty by action of debt in any court of competent jurisdiction and shall on recovery thereof be entitled to full costs of suit.

Security by officers entrusted with moneys.

CLX. Before any officer entrusted by the board with the custody or control of moneys by virtue of his office shall enter upon such office the board shall take sufficient security from him for the faithful execution thereof.

Collectors of rates to pay over moneys and make returns.

CLXI. Every collector appointed or employed by the board by virtue of this Ordinance to collect any rates shall within seven days after he shall have received any moneys on account of any such rates pay over the same to the treasurer to the account of the board and the receipt of such treasurer

for the moneys so paid shall be a sufficient discharge to the collector and every such collector shall in such time and in such manner as the board shall direct deliver to them true and perfect accounts in writing under his hand of all moneys received by him and of all moneys paid by him to the said treasurer by virtue of this Ordinance and also a list of the names of all persons who have neglected or refused to pay any rate or money owing to them with a statement of the moneys due from them respectively and in respect of what several periods and rates the same are due respectively and every such collector shall so deliver on or before the twenty-seventh day of March in each year such a list embracing the said particulars brought down to the twentieth day of the said month of March inclusive.

[March.]

[March.]

Officers to deliver accounts and vouchers and make payments.

CLXII. Every officer appointed or employed by the board by virtue of this Ordinance shall from time to time when required by the board make out and deliver to them or to any person appointed by them for that purpose a true and perfect account in writing under his hand of all moneys received by him on behalf of the board and such accounts shall state how and to whom and for what purpose such moneys have been disposed of and together with such account such officer shall deliver the vouchers and receipts for such payments and every such officer shall pay to the board or to any person appointed by them to receive the same all moneys which shall appear to be owing from him upon the balance of such accounts.

Officers failing to render accounts &c. or to pay balance or deliver over property of board.

CLXIII. If any such officer fail to render such accounts as aforesaid or to produce and deliver up the vouchers and receipts relating to the same in his possession or power or to pay the balance thereof when thereunto required or if for five days after being thereunto required any officer of the board fail to deliver up to the board or to any person appointed by them to receive the same all papers and writings property matters and things in his possession or power relating to the execution of this Ordinance or belonging to the board any two or more justices may hear and determine the matter in a summary way and order such officer to render such accounts or to deliver up such vouchers and receipts as aforesaid or to pay over the balance owing by him or to deliver up all such papers writings property matters and things and if such officer shall neglect or refuse to obey such order he may by any two or more justices be committed to gaol for any period not exceeding six months.

Such proceedings not to bar remedy against sureties.

CLXIV. No such proceeding against or dealing with any officer as aforesaid shall deprive the board of any remedy which they might otherwise have against any surety of such officer.

(7.) *Accounts.*

Books of accounts and inspection by persons interested.

CLXV. The board shall cause books to be provided and kept in such form (if any) as shall from time to time be appointed by the Superintendent to be used in road districts and true and regular accounts to be entered therein of all sums of money received and paid for and on account of this Ordinance and of the several purposes for which such sums of money shall have been received and paid which books shall at all reasonable times be open to the inspection of any of the members of the board or ratepayers and any creditor of the body corporate without fee or reward and the members of the board and persons aforesaid or any of them may take copies of or extracts from the said books without paying anything for the same and any clerk or other person having the custody of the said books who shall not on any reasonable demand of any such member of the board ratepayer or creditor as aforesaid permit him to inspect the said books or to take such copies or extracts as aforesaid shall be liable to a penalty of five pounds for every such offence.

CLXVI. The boards shall cause their accounts to be balanced in each year to a period not less than one month before the annual general meeting at which they are to be produced as hereinafter mentioned and twenty-one days at least before such meeting the board shall cause a full and true statement and account to be drawn out of the amount of all rates or assessments made and of all contracts entered into and of all moneys received and expended by virtue of this Ordinance during the preceding year and of all available assets of and of all debts then owing by the board and such statement and account shall be laid before the auditor of the district who is hereby required to attend at the office of the board as soon as conveniently may be after the balancing of the said accounts and drawing out of the said statement and account and who shall in the presence of the clerk of the board if he desire to be present proceed to audit the accounts of the year preceding such balancing and the board shall by their clerk produce and lay before the auditor the accounts so balanced as aforesaid together with the said statement and account accompanied with proper vouchers in support of the same and all books papers and writings in their custody or power relating thereto and any person interested in the said accounts either as a creditor of the body corporate or as a ratepayer may be present at the audit of the said accounts by himself or his agent and may make any objection to any part of such accounts and if the said accounts of the board be found correct such auditor shall sign the same in token of his allowance thereof but if such auditor thinks there is just cause to disapprove of any part of the said accounts he may disallow any such parts of the said accounts as shall be so disapproved of and the board may if they see fit appeal against such disallowance to the Supreme Court and such appeal shall be to such sitting thereof in the judicial district in which the place at which such audit shall have been made is situate which shall be held for hearing appeals from justices next after the expiration of fifteen clear days from the making of such audit and every such appeal shall in all respects be subject to the law for the time being regulating appeals from justices to the Supreme Court.

Accounts to be balanced annually.

Annual statements of receipts and expenditure and inspections thereof.

CLXVII. The board shall cause such statement and account to be fairly copied or printed and shall allow such statement and account to remain for inspection at the office of the board and every creditor of the body corporate and every person paying any rate or any person acting on behalf of any such creditor or ratepayer may at all reasonable times inspect such statement and account and compare the same with the books and documents relating thereto in the possession of the board and the clerk shall on demand furnish a written or printed copy of the said statement and account to every such creditor and ratepayer without fee if printed and if written upon reasonable payment to be fixed by the board not exceeding fourpence per folio of seventy-two words and fourteen days at the least before the meeting for examining and settling the said accounts as hereinafter mentioned the board shall give public notice of such intended meeting stating in such notice that the said statement and account are printed and lie at the office of the board ready for the inspection of the creditors and ratepayers or other parties interested.

Printing and inspection of statement and account.

CLXVIII. The accounts of the board so balanced as aforesaid and audited and either allowed or disallowed by the auditor as aforesaid together with the said statement and account shall be produced at the annual meeting of the board or at some adjournment thereof at which meeting all such creditors and ratepayers and other persons interested as aforesaid may be present and the accounts shall be then finally examined and settled by the board and if the same be found just and true they shall be allowed by the board and certified accordingly under the hand of the chairman of such meeting and after such accounts have been so allowed and signed by such chairman and also by the auditor as hereinbefore provided the same shall be final in regard to all persons whomsoever.

Production at annual meeting of accounts balanced.

Ratepayers &c. may be present at annual meeting.

Annual accounts in abstract certified by chairman and auditors.

CLXIX. The board shall every year cause an annual account in abstract to be prepared showing the total receipt and expenditure of all funds levied by virtue of this Ordinance for the year ending on the day down to which their accounts shall have been made up for the said annual meeting or on some other convenient day in each year under the several distinct heads of receipt and expenditure with a statement of the balance of such account duly audited and certified by the chairman of the board and also by the auditor of the district and shall cause the same to be published in some newspaper generally circulating within the district and shall also within one month after such account shall have been audited send a copy of the said account free of charge to the Superintendent who shall cause same to be forwarded to the Provincial Council within ten days after the commencement of its next Session.

To be sent to the Superintendent.

Expenses how to be defrayed.

CLXX. If any such audit shall have been required by ratepayers the board shall defray the expenses thereof but if required by the Superintendent the said expenses shall be defrayed out of the ordinary revenue of the Province.

(8.) *Notices &c. and Legal Proceedings.*

Service of notices and legal proceedings.

CLXXI. Any summons or notice or any writ or other proceeding at law or in equity requiring to be served upon the board of any district may be served by the same being left at their office or by being given personally to the chairman or clerk of the board.

Certain documents how authenticated by the board.

CLXXII. Every order summons notice or other such document requiring authentication by the board shall be sufficiently authenticated if signed by two members thereof or by the chairman and clerk of the board and it need not be under the common seal of the body corporate and the same may be in writing or in print or partly in writing and partly in print.

Proceedings in estates of bankrupts &c.

CLXXIII. If any person against whom the board has any claim or demand become bankrupt or take the benefit of any Ordinance for the relief of bankrupt or insolvent debtors the clerk or treasurer of the board in all proceedings against such bankrupt or insolvent or against the estate of such bankrupt or insolvent or under any sequestration or act of insolvency against such bankrupt or insolvent may represent the board and act in their behalf in all respects as if such claim or demand had been the claim or demand of such secretary or treasurer and not of the board.

Proceedings in petty sessions &c.

CLXXIV. In all proceedings in any Resident Magistrate's Court or court of petty sessions or before any justice under this Ordinance in which the board of any district shall be concerned the clerk of the board or any person to be from time to time appointed by the board for the purpose may represent the board and act in their behalf in all respects as though such clerk or person and not the board had been the party concerned.

Reimbursement of officer.

CLXXV. The clerk or treasurer shall be reimbursed out of the district fund of all damages costs charges and expenses to which he shall be put or with which he may become chargeable by reason of anything contained in either of the two last preceding sections.

Board may appoint in what newspaper publications shall be made.

CLXXVI. In all cases in which any matter or thing is hereby required to be published advertised or inserted by the board in a newspaper generally circulating in the district the said newspaper shall be such newspaper as the board shall from time to time by order have appointed in that behalf or in the Provincial Government *Gazette*.

(9.) *Bye-Laws how to be made &c.*

Penalties which may be imposed.

Penalties to allow of mitigation.

CLXXVII. The board may by such bye-laws as it is hereinbefore empowered to make impose such reasonable penalties upon all persons offending against such bye-laws as the board think fit not exceeding twenty pounds for any one offence and every such bye-law shall be so framed as to allow the justice before whom any such penalty may be sought to be recovered to order a part only of such penalty to be paid if such justice think fit.

Bye-laws to be made by special order and draft published.

CLXXVIII. No bye-law shall be made save by a "special order" of the board or unless a copy of the draft bye-law as proposed shall have been published in some newspaper generally circulating in the district at least seven days before such bye-laws shall be considered by the board.

Publication of bye-laws when made.

CLXXIX. A copy of every bye-law passed by the board of any district shall be submitted to the Superintendent for his approval and if approved by him shall be published by the clerk of the board in some newspaper generally circulating in the district and in the Provincial Government *Gazette* and at the expiration of one month next after the last of such publications but not before such bye-law shall have the force of law throughout such district.

Disallowance of bye-laws by Superintendent.

CLXXX. The Superintendent may by proclamation at any time revoke any such bye-law and every proclamation by which any such bye-law shall be revoked shall be published in some newspaper generally circulating in the district and in the Provincial Government *Gazette* and shall take effect from the time appointed in such proclamation.

Legality of bye-laws may be tried.

CLXXXI. If any person rated upon the rate last made for the time being for any district shall desire to dispute the validity of any such bye-law and shall pay into the Supreme Court the sum of fifteen pounds as security for the costs of the proceedings hereinafter mentioned it shall be lawful for such person to apply to the said court upon an affidavit of the facts for a rule calling upon the board of the said district to show cause why such bye-law should not be quashed for the illegality thereof and the said court may make the same absolute or discharge it with or without payment of costs as the court shall seem meet.

(10.) *Valuation for Appeals against and Recovery of Rates.*

Form of valuation and return.

Thirteenth Schedule.

CLXXXII. Every valuer appointed under this Act shall make and return his valuation of rateable property in the district in the form contained in the Thirteenth Schedule or to the like effect and shall also at the same time state in such return with regard to each rateable tenement or hereditament the several particulars shown in the respective columns of the said Schedule.

Declaration by valuer.

CLXXXIII. Before any valuation or return shall be made the person appointed to make it shall make and subscribe a solemn declaration to make such valuation and return impartially and truly according to the best of his judgment and an entry or minute shall be made in the book of the proceedings of the board of the making and subscribing of such declaration and of the date thereof and any justice to whom application is made for that purpose shall administer such declaration.

Entry on premises by valuer.

CLXXXIV. Every valuer shall for the purpose of making the valuation and return as aforesaid have power to enter at all reasonable hours in the daytime into and upon any rateable property within the district without being liable to any legal proceedings on account thereof.

Valuer empowered to make inquiries.

CLXXXV. It shall be lawful for any valuer to put to any person in occupation or in charge of any rateable property which such valuer shall have been authorized under the provisions hereof to value questions upon all such matters as shall be necessary to enable such valuer to state correctly the several particulars herein required to be stated in his valuation and return with regard to the premises and if after being informed by such valuer of his purpose in putting such questions and of his authority under this Ordinance to put the same any such person in occupation or charge or any such owner shall refuse or wilfully omit to answer the same to the best of his knowledge and belief or shall wilfully make any false answer or statement in reply to any such question such person shall on conviction forfeit and pay for every such offence a penalty not exceeding five pounds.

Owner of property under ten pounds or let to weekly tenants to pay rates instead of occupier.

CLXXXVI. The owners of all rateable property of which the full net annual value does not exceed the sum of ten pounds or which is let to weekly tenants shall be rated to and pay the rates by this Ordinance directed to be made instead of the occupiers thereof who shall not in any such case be rated as such occupiers.

Rights of owner under leases made before this Ordinance.

CLXXXVII. When any owner is rated in respect of any rateable property in the occupation of any tenant under a lease or agreement made prior to the commencement of this Ordinance such tenant shall repay to the owner all sums paid by him during the continuance of such lease on account of any rates under this Ordinance payable by the occupier unless it shall have been agreed that the owner shall pay all rates in respect of such property and every sum so payable by the tenant to the owner may be recovered if not paid upon demand as arrears of rent could be recovered from the occupier by the said owner.

(11.) *Appeals against Rates.*

Appeals to Justices for inequality &c. or incorrectness in valuation.

CLXXXVIII. If any person think himself aggrieved on the ground of unfairness or incorrectness in the valuation of any rateable property included in any rate or in the amount assessed thereon he may at any time within one month after such rate is made appeal to the resident magistrate's court or court of petty sessions holden nearest to such rateable property but no such appeal shall be entertained by such court unless seven days' notice in writing of such appeal be given by the aggrieved party to the board of such district and at the sitting of the court for which such notice is given or any adjournment thereof the resident magistrate and justices there present shall hear and determine all matters of complaint on the ground of unfairness or incorrectness in the valuation of such rateable property or in the amount assessed thereon of which notice has been given but no other objection and their decision shall be final but such resident magistrate and justices shall not have power to quash or set aside any rate.

Appeal in other case to district court or if no district court to Supreme Court.

CLXXXIX. If any person think himself aggrieved for any cause of grievance not cognizable under the last section by any rate made under the authority of this Ordinance or by any matters included in or omitted from the same he may at any time within one month after the same is made give notice of his intention to appeal to the next sitting of the district court for the district in which any part of the road district is situated holden not less than fourteen clear days after such notice but if no part of the road district is within any district over which a district court has jurisdiction the last-mentioned appeal shall be to the Supreme Court Provided no such appeal shall be entertained at such court unless seven clear days' notice in writing of such appeal stating the nature of the grounds thereof be given by the aggrieved party to the board of such district Provided also that no such notice of appeal shall prevent the recovery of any such rate before a justice as hereinafter provided.

CXC. The district court or supreme court as the case may be shall hear and determine the appeal in a summary way and the decision of the court shall be final and conclusive on all parties. Power of Supreme or district court.

CXCI. Upon any such appeals as aforesaid where there shall appear to be just cause for giving relief the resident magistrate's court or court of petty sessions and the district court and supreme court respectively shall have the power to amend the rate in respect of which the appeal is made by altering the sum at or upon which any person is rated therein by inserting therein or striking out therefrom the name of any person or in any other manner which such courts respectively shall think necessary for giving relief and without quashing or wholly setting aside such rate Provided always that if any district court or supreme court shall be of opinion that it is necessary for the purpose of giving relief to the person appealing that the rate should be wholly quashed then such district court or supreme court as the case may be may quash the same Provided also that if such district court or supreme court shall quash such rate then notwithstanding the quashing of such rate all sums of money charged by such rate on any person charged by such rate may if such court so order be levied by such means and in the same manner as if no appeal had been made against such rate and the money which any persons charged on such rate pays or which is recovered from him shall be taken as a payment on account of the next effective rate made on him. Amendment of rate by justices or court. Quashing of rate by Supreme and district courts.

CXCII. It shall be lawful for the resident magistrate's court and court of petty sessions and for the district court and supreme court respectively upon any such appeal as aforesaid to order and award to the party for whom such appeal shall be determined or upon proof there to be made of notice of any appeal having been given under the provisions hereinbefore contained where the person giving such notice has not afterwards prosecuted such appeal to order and award to the person to whom such notice shall appear to have been given such costs and charges as by the court in its discretion shall be thought reasonable and just to be paid respectively by the party against whom such appeal shall be determined or by the party so giving notice and not prosecuting as the case may be and all such costs and charges may be recovered by the like means and in like manner respectively as any costs awarded by such courts respectively in cases of appeal may lawfully be recovered Provided that no such resident magistrate's court or court of petty sessions shall order or award any costs to be paid to any person having appealed to it as aforesaid in any case in which the sum at or upon which such person was rated shall have been by such court reduced by an amount less than one-fifth thereof. Costs of appeals.

CXCIII. No order of the said resident magistrate's court or court of petty sessions or of any such district court upon any such appeal shall be removed by *certiorari* or otherwise into the supreme court. No order to be removed by *certiorari*.

CXCIV. If any person rated under the provisions of this Ordinance fail to pay any of the rates due from him for the space of fourteen days after demand thereof in writing by the board of the district or their collector duly authorized in that behalf the board may recover such rates from the person so making default before any justice of the peace by complaint and order in a summary way in the manner provided by "The Justices of the Peace Act 1866" with respect to cases in which justices may make orders for payment of money or by action or other appropriate proceeding in any resident magistrate's court or any other court having jurisdiction and upon any complaint or suit for the recovery of any rate from any person the invalidity or badness of the rate as a whole shall not avail to prevent such recovery. Recovery of rates before justice or by action.

CXCV. In any proceeding to levy and recover or consequent on the levying or recovering of any rate under the provisions of this Ordinance the Rate books to be evidence.

books of rates of the board and all entries purporting to be made therein in manner by this Ordinance directed by the production thereof alone sealed with the seal of the board shall be evidence of such rate and of the contents thereof without any evidence that the notices required by or other requirements of this Ordinance have been given or complied with.

Remedy against person quitting before payment of rates.

CXCVI. If any person quit or be about to quit any rateable property before he have paid the rates then payable by him in respect thereof and do not pay the same to the board of the district or their collector on demand any justice may order the same to be paid by such person.

Rates to be apportioned on the holder &c. quitting.

CXCVII. When the occupier or owner who is rated to any rate ceases to be the occupier or owner of the property in respect whereof he is rated before the end of the period in respect of which such rate was made such owner or occupier shall be liable to pay a portion only of the rate payable for the whole of such period proportionate to the time during which he continued to be the occupier or owner and in every such case if any person after the making of such rate become the occupier or owner of any property so rated as aforesaid during part of the period for which such rate was made and liable to be rated in respect thereof such person shall pay a portion of such rate proportionate to the time during which he occupied or held the property so rated and the same shall be recovered from him in the same manner as if he had been originally rated for such property.

Owner to pay rates in default of occupier.

CXCVIII. When the occupier of any rateable property is rated in respect thereof and the rate remains due and unpaid for three months the board of the district or their collector may demand the amount of such rate or any part thereof from the owner of the rateable property and on non-payment thereof may recover the same from such owner before any justice and subject to any agreement previously made between the said owner and occupier the said owner may recover the sums so paid if not paid on demand from such occupiers as arrears of rent could be recovered from the said occupier by the said owner.

Rates due from owner may be recovered from occupier.

CXCIX. When the owner of any rateable property is rated in respect thereof and the rate remains unpaid for three months the board of the district or their collector as aforesaid may demand the amount of such rate or any part thereof from the occupier for the time being of such rateable property and on non-payment thereof may recover the same before any justice in like manner as rates may be recovered from the occupier of any property liable to be rated and every such occupier shall be entitled to deduct from the rent payable by him to such owner so much as was so paid by or recovered from him.

Occupier not to be required to pay more than the amount of rent owing by him.

CC. Provided always that no such occupier as in the last preceding section mentioned shall be required to pay any further sum than the amount of rent due from him at the time of the demand made upon him for such amount of rate or which after such demand and after notice not to pay the same to his landlord at any time accrues and becomes payable by him unless he refuse on application being made to him for that purpose by or on behalf of the board of the district truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable but the burden of proof that the sum demanded by any such occupier is greater than the rent due by him at the time of such notice or which has since accrued shall be upon such occupier.

"The Sale of Land for Non-payment of Rates Act 1862" to be applicable.

CCI. The provisions contained in the sections numbered from three to seven inclusive of "The Sale of Land for Non-payment of Rates Act 1862" and the Schedule thereto shall apply to any rate imposed under this Ordi-

nance whether such rate shall have been made on the occupier or owner of the rateable property. The word "collector" where used in the said sections shall in the application thereof hereunder be deemed to mean the clerk of the board.

Occupier refusing to give name of owner liable to penalty.

CCII. If on the request of the board of the district or any collector of the said rates duly authorized by them as such the occupier of any property refuses or wilfully omits to disclose or wilfully misstates to the board or collector making such request the name of the owner of such property or of the person receiving or authorized to receive the rents of the same such occupier shall be liable to a penalty not exceeding five pounds.

(12.) *Miscellaneous as to Roads.*

District court or Supreme Court may summon Council &c. failing to treat.

CCIII. If for the space of one month after the receipt of any such notice as is provided in the *sixty-second* section of this Ordinance any such council or other governing body receiving the same shall not treat and agree with the board giving such notice as to the subject matter thereof it shall be lawful for such last-mentioned board at any time afterwards to apply to the judge of the district court holden for the district in which the road district or any part thereof is situated or if no part of such road district be situate within a district over which any district court has jurisdiction then to any judge of the supreme court for a summons calling on the council board or governing body so having omitted to treat or agree to show cause on a day to be fixed in such summons not being earlier than twenty-one days from the issuing of such summons why the work mentioned in such notice should not be executed.

Court may apportion work and order execution.

CCIV. The judge of the district court or supreme court as the case may be upon proof of the giving of such notice and upon the appearance of both parties or proof if the party so summoned shall not appear of the due service upon such party of such summons shall have power to hear and determine the matter in question and to divide as nearly as practicable such part of such highway transversely across the length thereof into two such lengths as the judge shall see fit and to order that each party shall execute in respect of and upon a separate one of such lengths the works mentioned hereinbefore and described in the notice aforesaid or such of the said works as the judge shall think fit or if the case so require shall in future undertake and provide for the maintenance and repair thereof.

On omission other party may execute and recover expenses.

CCV. If either such party as aforesaid shall omit to comply with so much of any such order as shall apply to such party it shall be lawful for the other party from time to time after one month's notice to the party so omitting of their intention so to do to execute the whole or any part of the matters or things enjoined by such order upon the party so omitting and to recover the expense of so doing from the party so omitting in any court of competent jurisdiction Provided that the party so executing shall have also executed so much of any such order as shall apply to such last-mentioned party.

Superintendent to appoint main roads.

CCVI. Upon the application of the board of any district the Superintendent may from time to time if it shall seem fit so to do by proclamation appoint that any roads or parts of roads whether within or upon the boundary of such district shall be main roads or main district roads and every such appointment on the like application from time to time may if it shall seem fit so to do revoke and every such proclamation shall be published in the *Gazette*.

Obstruction to highway.

CCVII. If any person shall without lawful authority or excuse the proof whereof shall lie upon the person doing the act make or cause to be made

any dwelling-house or other building or any hedge or other fence at the sides of or on or across any public highway in such a manner as to reduce the breadth or confine the limits thereof or to stop or obstruct the same or shall fill up or obstruct any ditch at the side thereof or make any drain gutter sink or watercourse across or otherwise break or injure the surface of such highway or any part thereof or in any other manner obstruct the free passage of such highway or of any bridge or shall unlawfully before the commencement of this Ordinance have done any such acts it shall be lawful for the board of the district to cause such dwelling-house or other building hedge fence ditch drain gutter sink or watercourse breaking injury to the surface or other obstruction to be taken down cleaned filled up made good or removed as the case may be and the expenses of so doing may be recovered from such person before two justices.

Penalty in such cases.

CCVIII. Every person who shall commit any of the offences enumerated in the next preceding section shall on conviction forfeit and pay for every such offence a penalty not exceeding twenty pounds and shall be liable to a prosecution for damages at the suit of any person injured by any such obstruction.

Obstructions before Ordinance.

CCIX. If previously to the commencement of this Ordinance any dwelling-house or other building or any hedge or other fence drain or watercourse or any other obstruction whatsoever on or at the sides of any road marked out as a public road shall without breach of any Act or Ordinance then in force relating to roads have been made or placed across such road or in such manner as to reduce the breadth or confine the limits of such road or otherwise to obstruct the same it shall be lawful for the board of the district in every such case if they shall see fit to cause notice to be placed upon such building or fence and in some public and conspicuous place adjacent to any such obstruction and also to be published in the Provincial Government *Gazette* and twice in some newspaper generally circulating in the district requiring that such building fence or other obstruction shall be removed filled up or made good within ninety days after the date of the first publication of such notice in such *Gazette* and if such building fence or other obstruction shall not have been effectually removed filled up or otherwise made good within the time limited by such notice it shall be lawful for the board to cause the same to be removed filled up or otherwise made good and the expense of so doing shall be paid to the board by the person having made or caused any such obstruction or to whom the same shall pertain and in default of payment may be recovered before any two justices.

Trees obstructing or injuring the road.

CCX. If the board shall be of opinion that any road within the district is in any manner prejudiced or any obstruction caused to such road by any tree growing or being on land adjoining thereto it shall be lawful for any two justices on the application of the board and after summons duly served on the owner and occupier or upon the occupier only if the owner cannot be found of the land on which such tree may be to make an order for the removal of such tree or any part thereof by such owner or occupier as such justice may see fit and in default of compliance with such order within eight days after a copy thereof shall have been served personally on such owner or occupier such owner or occupier as the case may be shall on conviction forfeit and pay for such default a penalty not exceeding five pounds and the said board or their surveyor if within the time aforesaid the order of the said justices is not complied with may remove such tree or such part thereof so ordered to be removed doing no unnecessary damage.

Right of making roads &c. reserved to Government.

CCXI. Notwithstanding anything herein contained it shall be lawful for the Superintendent to cause to be made constructed maintained and repaired within any district all such roads and bridges as he shall think fit and also to cause to be constructed and maintained in or through any district any

railway canal or any other work whatsoever which shall be authorized by law and for all such purposes as aforesaid such persons as the Superintendent shall appoint shall have all the powers which are hereby vested in the board of such district in the like behalf for the construction maintenance or repair of roads or bridges or for the execution of any permanent work or undertaking.

Certain roads &c. exempted from control of board.

CCXII. Nothing herein shall authorise the interference by any board with any public road railway bridge ferry cemetery market wharf aqueduct public place or building whatsoever not formed constructed or erected by such board which may be excepted from the jurisdiction of such board by any proclamation made or to be made by the Superintendent or respecting which provision shall have been made or shall be made by any Act of the General Assembly or by the Legislature of the Province of Otago · Provided that the Superintendent may by proclamation authorise the board to take upon itself the charge of any such excepted public road railway bridge ferry cemetery market wharf aqueduct public place or building within the limits of the district and in actual use by the people of such district upon such conditions as shall be specified in such proclamation with reference to the amount of compensation to be paid by the board.

Owner may erect swing gates with consent of local board.

CCXIII. It shall be lawful for the owner or occupier of any land over which a district road passes to erect swing gates across such road at the point at which such road enters upon such land Provided always that no such swing gate shall be erected without authority in writing from the board of the district or in cases where there is no such board without the authority in writing of the Superintendent Provided also that it shall be lawful for such board to cause any such swing gate to be removed at any time and that in any case in which a swing gate shall have been erected a board with the words "public road" legibly painted thereon shall be fixed to such gate.

(13.) *Miscellaneous as to Tolls.*

Tolls may be directed to be paid.

CCXIV. It shall be lawful for the Superintendent at the request in writing of the board of any district by proclamation published in the Provincial Government *Gazette* from time to time to direct that tolls shall be payable and collected at any toll-bar toll-gate or toll-house within the district or any bridge or ferry within the district or placed under the control of the board for all animals and vehicles passing or repassing through by on or over the same respectively.

Superintendent may direct tolls to cease.

CCXV. It shall be lawful for the Superintendent if satisfied that any road bridge or ferry at which such tolls are payable is in a ruinous state or incapable of being used or worked to direct that such tolls shall cease to be payable until the same has been effectually repaired or put in working order and such tolls shall cease to be payable accordingly.

"Turnpikes Ordinance 1866" to apply.

CCXVI. The provisions of the "Turnpikes Ordinance 1866" so far as the same can be made applicable shall be applied to all tolls toll-bars toll-gates and toll-houses within any road district under this Ordinance and the expression "District Board of Road Trustees" or any similar expression wherever used in the said ordinance shall mean the board of any district constituted or existing hereunder.

(14.) *Miscellaneous as to Common Toll Roads.*

Manager of common road.

CCXVII. It shall be lawful for all the boards or boards and councils as each case may be of the districts or boroughs severally for which any common toll road shall have been proclaimed as aforesaid from time to time together under the common seals of the several bodies corporate or in their default for forty days after the proclamation of such common toll road or

notice from the Superintendent so to do for the Superintendent as and for such boards or boards and councils to appoint a manager of the common toll road and for all the said boards or boards and councils from time to time with the consent of the Superintendent and at all times for the Superintendent to remove such manager and such manager shall at such fixed times as the Superintendent shall appoint receive from the collectors and lessees of all tolls upon such road and the bridges and ferries thereon all moneys collected by them as and for such tolls or due by them as the rents thereof and still unpaid respectively and if at any time after the proclamation of such common toll road there be no such manager the said collectors and lessees respectively shall pay the said several moneys to the Provincial Treasurer to be held by him until there shall be such manager empowered to deal with the same as hereinafter provided and the said treasurer shall then pay over the same to such manager.

Common tolls paid into district fund may be recovered.

CCXVIII. If after the proclamation of any common toll road under this Ordinance any moneys shall have been paid to the board of any district for which such road has been proclaimed as and for tolls or rents of tolls levied on such road within such district the same shall forthwith be paid over to the manager or if there be no manager to the Provincial Treasurer to be held and dealt with as aforesaid and if any such moneys shall not be so paid over the manager or if there be none the Provincial Treasurer may recover the same in a summary way on complaint before two justices and the Provincial Treasurer shall pay them over as such first-mentioned board was bound to have done.

Salary &c. of manager.

CCXIX. Every manager of a common toll road shall receive such salary or other pecuniary remuneration as the boards or boards and councils appointing him or if they shall have failed to appoint then as the Superintendent shall have fixed in that behalf and such salary or remuneration as the same becomes due may and shall from time to time be deducted by such manager from the moneys having come to his hands by virtue of his office and the residue shall be dealt with as next hereinafter mentioned.

Manager to distribute moneys.

CCXX. Every such manager shall at such times and in such manner as shall be fixed by the Superintendent in that behalf pay over to each of such boards or councils in the proportions aforesaid and separately for each place of taking toll the moneys so received by him as aforesaid and every such manager before he shall enter upon any of the duties of his office shall give sufficient security to the satisfaction of the Provincial Treasurer for the due and faithful execution of the same.

Moneys received to be deemed tolls collected.

CCXXI. All moneys so received through any such manager by any such board or council shall be deemed to be moneys received by such board or council at or in respect of the particular place of taking toll in respect of which the same shall have been received from such manager.

(15.) *Borrowing Powers.*

Power to boards to borrow money.

CCXXII. The board of every district may borrow at interest on the credit of the rates hereby authorised to be levied from time to time (except special rates) any sum which with any amount previously borrowed and remaining unpaid shall not exceed three thousand pounds and in the event of any part of such money being re-paid may re-borrow the same but so that there shall not be owing on the security aforesaid more than three thousand pounds at any one time and for securing the repayment of the moneys so to be borrowed with interest the board may assign such rates or any part thereof to the person who shall advance or lend such money or his trustees as security for the repayment of such advance with interest but the board shall not be authorized to borrow or re-borrow any such sum or sums of money until a resolution to that effect shall have been previously made by the board at a

meeting specially called for that purpose and at which two-thirds of the members shall be present.

Assignment of rates to be by deed.

CCXXIII. Every such assignment shall be by deed under the seal and at the expense of the board of the district wherein the consideration shall be truly stated and every such deed may be according to the form in Schedule fourteen or to the like effect. Fourteenth Schedule.

Assignments to be without preference.

CCXXIV. All persons to whom such assignments shall be made or who shall be entitled to the moneys thereby secured shall in proportion to the sums therein respectively mentioned be creditors on the rates equally one with another without any preference in respect of the priority of advancing such moneys or of the dates of any such assignments respectively.

Register of assignments to be kept.

CCXXV. A register of such assignments shall be kept by the treasurer of the board and within fourteen days after the date of such assignment a memorial specifying the number and date thereof the principal sums secured thereby and the names of the parties thereto with their proper additions shall be entered in such register and such register may be perused at all times by any person interested therein without charge.

Transfer of assignment.

CCXXVI. Any party entitled to any such assignment may transfer his right and interest to any other person by deed wherein the consideration shall be truly stated and any such transfer may be according to the form in Schedule fifteen or to the like effect. Fifteenth Schedule.

Register of such transfers.

CCXXVII. Within twenty-one days after the date of every such transfer if executed within the said Province or otherwise within twenty-one days after the arrival thereof in the said Province it shall be produced to the treasurer of the board who thereupon shall cause a memorial thereof to be registered in the same manner as in the case of the original assignment and for such registration the treasurer may demand a sum not exceeding five shillings and until such registration the board shall not in any manner be responsible to the transferee in respect of such mortgage.

Interests payable half-yearly.

CCXXVIII. The interest of money borrowed upon every such assignment granted under the provisions hereof shall be of an equal rate and shall in no case exceed seven per centum per annum and shall be payable half-yearly to the several persons entitled thereto unless otherwise provided by the conditions of such securities respectively.

Sinking fund.

CCXXIX. The board of every district so borrowing shall from and out of the rates so chargeable as aforesaid in each and every year from the first raising of any sums of money under the authority hereof until the whole amount so raised and the interest thereon shall have been duly paid set apart as a sinking fund a sum equal to two per cent. per annum on the amount borrowed or such additional sums of money as to the board shall seem sufficient to pay the amount of the principal money so raised and such sums shall be paid over by the board as soon as they shall be so set apart to three persons to be appointed from time to time by the Superintendent of Otago to act as trustees thereof and such sums shall be by such trustees invested in such securities as the Superintendent shall from time to time direct and the annual profits of such sums so invested shall be in like manner invested and such sums so invested and the proceeds of the securities on which they have been invested and the annual increase thereof shall be applied in payment of the principal moneys so raised but the interest on the moneys so raised shall be paid annually or otherwise by the board out of the district funds not set apart and such interest shall not be paid out of the sinking fund the trustees of the said sinking fund shall when directed by the Superintendent so to do make sale of and realize the securities upon which

such sums of money so set apart as aforesaid have been invested and pay thereout such of the moneys raised by such board and the interest thereon as shall be due or payable and for the payment of which the moneys invested in securities were set apart.

Application of rates charged with money borrowed.

CCXXX. The moneys raised by the rates hereby authorized to be charged with such securities as aforesaid shall be applicable first to the payment of interest on all principal money borrowed and secondly to the specified and general purposes of this Ordinance.

(16.) *General Miscellaneous.*

Obstruction &c. of officers.

CCXXXI. Any person who shall obstruct or attempt to obstruct the board or any person employed by them in the performance of anything which they are respectively empowered or required to do by this Ordinance or any other Ordinance shall upon conviction forfeit and pay for every such offence a penalty not exceeding ten pounds.

Provisions for Sundays and holidays.

CCXXXII. Whenever any day provided or appointed by or under this Ordinance for any purpose shall in any year happen on a Sunday New Year's Day Good Friday or Christmas Day or any day proclaimed as a public holiday then such provision and appointment shall take effect as for the following day.

Justices Judges &c. to hear and determine though liable to be rated &c.

CCXXXIII. Any justice or resident magistrate and any judge of any district court and any judge of the supreme court notwithstanding that such justice resident magistrate or judge is or is liable to be rated within any district under any of the provisions in this Ordinance contained or is a resident or is owner or occupier of land within any such district may hold any court or do any act matter or thing or adjudicate in the recovery of rates and in appeals against rates and in revising lists of voters and may hear and determine informations and complaints and hear and adjudicate upon all other matters and things which such justice resident magistrate judge of a district court or a judge of a supreme court might hold do or adjudicate upon if he had not been or been liable to be so rated or had not been such resident owner or occupier.

Recovery of penalties.

CCXXXIV. Every offence hereby or by any bye-law made hereunder punishable by a penalty shall be prosecuted and all fines and penalties and other sums of money imposed by or made recoverable under this Ordinance or any bye-law made hereunder shall if not otherwise expressly provided for be recoverable in a summary way before any two or more justices of the peace in the manner provided by "The Justices of the Peace Act 1866."

Superintendent may make regulations and orders.

CCXXXV. In all cases in which no provision or no sufficient provision is in the opinion of the Superintendent made by this Ordinance it shall be lawful for the Superintendent from time to time for the purpose of facilitating or more effectually carrying into execution any of the objects thereof to make and prescribe all such regulations and orders either general or applicable to particular cases only as he shall think fit and such regulations and orders from time to time to revoke or alter as to the Superintendent shall appear to be requisite and all such regulations and orders shall be published in the Provincial Government *Gazette* and being so published shall have the force of law and if any dispute shall arise between the board of any district and the governing body of any borough city town or place or any other persons or body as to the right to receive tolls or rates or to the possession care or control of any bridge road toll-house or other property the Superintendent shall alone and finally decide the same upon such inquiry as he shall think fit to make and in such manner as he shall think fit.

CCXXXVI. The Superintendent shall in doing any act matter or thing hereunder or exercising any power conferred on him hereby act by and with the advice and consent of his Executive Council.

Superintendent to act with advice of Executive Council.

CCXXXVII. Every person who acts as a member of a district board being incapacitated under the provisions hereof to be and continue such shall save in cases of incapacity proceeding from unsoundness of mind be liable for every such offence to a penalty of fifty pounds and such penalty may be recovered by any person with full costs of suit in any court of competent jurisdiction and in every such action the person sued shall prove that at the time of so acting he was qualified under the provisions of this Ordinance to be a member of such board or he shall pay the said penalty and costs without any other evidence being required from the plaintiff than that such person had acted as a member of such board in the execution of this Ordinance nevertheless all acts as a member of any person incapacitated as aforesaid done previously to the recovery of the penalty shall be as valid as if such person had been capable.

Penalty on persons incapacitated acting as members.

Acts nevertheless to be valid.

CCXXXVIII. No misnomer or inaccurate description contained in this Ordinance or any proclamation made thereunder shall in anywise prevent or abridge the operation of this Ordinance with respect to the subject of such description provided the same shall have been designated so as to be understood.

Misnomer &c. not to prejudice.

CCXXXIX. Petitions for constitution of districts under this Ordinance may be repeated from time to time until granted and the presentation of one petition shall not be deemed to prevent the presentation of another petition having the same or a like prayer or from the same or the same together with other petitioners.

Petitions may be repeated till granted.

CCXL. If it shall be credibly represented to the Superintendent where any petition has been presented to him that any of the signatures to such petition are not the signatures of the persons whose they purport to be or that any of the persons purporting to sign the same are not persons entitled to sign in that behalf or that in any other respect the provisions hereof with regard to such petition have not been complied with or if it shall seem expedient to ascertain the truth of any matter to which such petition shall refer it shall be lawful for the Superintendent to cause such inquiry to be made with respect to the particulars aforesaid as may seem necessary in that behalf and the consideration of the matter of said petition shall be adjourned until such inquiry shall have been made.

Scrutiny of signature.

CCXLI. For the purpose of every such inquiry it shall be lawful for such one or more persons as the Superintendent shall appoint in that behalf to hear receive and examine evidence and by summons under their hands to require all such persons as they may think fit to appear personally before them at a time and place to be fixed in and by such summons and to produce to them all such books and papers in their possession or under their control as may appear necessary for their examination and any person so required as aforesaid who shall without just excuse neglect or refuse to comply with the tenor of such summons or who having appeared before the persons so appointed shall without just excuse refuse to be examined on oath or affirmation concerning the premises or to take such oath or affirmation or having taken such oath or affirmation to answer such questions concerning the premises as shall be put to him shall and may be dealt with by the said persons and otherwise in all respects as by any Ordinance in force for the time being persons so refusing or neglecting in cases in which justices have summary jurisdiction may be dealt with.

Power to take evidence.

Issue of proclamation of district to be conclusive evidence that petition has been duly signed &c.

CCXLII. Whenever a district shall have been proclaimed by the Superintendent under the provisions of this Ordinance the publication of any such proclamation shall be conclusive evidence that the petition praying for the proclamation of such district has been duly signed by the requisite number of persons entitled to sign the same and that all the preliminary proceedings and matters required by this Ordinance have been had taken and complied with.

Ordinances in Schedule sixteen to cease to have effect on first elections hereunder. Schedule sixteen.

CCXLIII. From and immediately after the first election or first appointment of members of the district board of any district under this Ordinance the several Ordinances mentioned in the sixteenth Schedule hereto shall within and so far as the same relate to such district cease to have any force operation or effect and be deemed to be repealed Provided that all proceedings matters and things lawfully had or done before any such first election or appointment under or in pursuance of the said repealed Ordinances or any of them shall subject to the provisions herein contained be of the same force and effect to all intents and purposes as if no such repeal had taken place.

Rates already due and penalties incurred.

CCXLIV. All rates which under any Ordinance specified in the Schedule shall at the time of the first election or first appointment of members of the district board of any district under this Ordinance be due or payable to or leviable by or for the local board of road trustees of any road district affected by this Ordinance for or on account or on behalf of any such road district shall be vested in the body corporate of the district into which such first-mentioned road district shall be converted under this Ordinance and shall be paid to received levied and recovered by such body corporate in manner by this Ordinance provided for the receipt and recovery of rates or in like manner as the same might have been paid to received levied and recovered by the local board of the road trustees of the said road district if this Ordinance had not been passed according to the option of the district board and such rates when received shall be applied in or towards payment of the liabilities (if any) of the local board of road trustees of the said first-mentioned road district and the surplus thereof after paying such liabilities shall be applied for the benefit of the district within which the property vested for payment of the same is situate and all penalties and forfeitures incurred or imposed before such first election or appointment of members as the case may be for any district under this Ordinance under any of the Ordinances specified in the said Schedule for or in respect of any act done or omitted within or in regard to the district converted into a district under this Ordinance shall and may be enforced as if this Ordinance had not been passed.

All rights liabilities &c. to attach to body corporate of district constituted hereunder

CCXLV. All rights liabilities contracts and engagements existing and all actions suits and proceedings pending of or by or against the local board of road trustees of any road district for or on behalf of such road district at the time of the first election or first appointment of members under this Ordinance for any district constituted hereunder shall immediately after such first election or appointment vest in and attach to and be enforced carried on and prosecuted by or against the body corporate of the district into which such first-mentioned road district shall have been converted under this Ordinance instead of the local board of road trustees of or for such road district and no such action suit or proceeding shall abate or be discontinued or prejudicially affected by the constitution of the area comprised in such first-mentioned road district into a district under this Ordinance.

Property of road districts converted into districts under this Ordinance.

CCXLVI. All real and personal property and all right title or interest in or to any such property and all right of management or control over any such property or over any land place or thing vested in the local board of any road district or in the general road board or in the Superintendent for

or on behalf of any district at the time of the first election of first appointment of members of the board under this Ordinance for any district constituted hereunder shall immediately on such first election or appointment as the case may be vest in the body corporate of the district constituted hereunder into which such road district shall have been converted instead of the local board general road board or Superintendent.

SCHEDULES.

FIRST SCHEDULE.—ROAD DISTRICTS 39.

Section 4.

1. Awamoko
2. Waitaki
3. Waiareka
4. Kakanui
5. Otepopo.
6. Hampden
7. Palmerston
8. Hawksbury
9. Waikouaiti
10. Blueskin
11. North-east Valley
12. Roslyn
13. Half-way Bush
14. North Taieri
15. Taieri
16. Outram
17. Waipori
18. Mount Stuart
19. Balmoral
20. Clydevale
21. Pomahaka
22. Clinton
23. Clutha
24. South Molyneux
25. Matau.
26. Crichton.
27. Kaitangata
28. Tokomairiro
29. Glenledi
30. Waihola
31. Kuri Bush
32. Sea Side
33. Grey
34. Kaikorai
35. Suburban
36. Caversham
37. Mornington
38. Peninsula
39. Portobello

Descriptions of Districts.

1.—Awamoko Road District.

Bounded towards the north by the Waitaki river towards the east by the Papakaio Survey District towards the south by the Watershed of the Awamoko Downs and towards the west by the western boundaries of the Kakanui and Maruwenua Hundreds.

Sub-divisions of Awamoko Road District.

Datchet Sub-division

Is bounded towards the north-east by the Waitaki River south-east by the Awamoko River and west by the outside boundary of the Maruwenua Hundred.

Eton Sub-division

Is bounded towards the north by the Awamoko and Waitaki Rivers towards the east by Papakaio Survey District south by the watershed of the Awamoko Downs and west by the outside boundary of the Maruwenua Hundred and Kakanui Hundred.

2.—Waitaki Road District.

Bounded towards the north by the Waitaki River east by the Ocean south by the town of Oamaru and west by the Oamaru Stream and the Awamoko Survey District.

Sub-divisions of the Waitaki Road District.

Weymouth Sub-division

Is bounded on the north by the Waitaki River south-east by the Ocean south-west by Landon Stream to block I Papakaio Survey District west by east boundary of blocks 1 3 and 6 Papakaio Survey District.

Papakaio Sub-division

Is bounded on the east by the Weymouth sub-division south by the Oamaru Survey District west by the Awamoko Survey District and block XIII Oamaru Survey District and north by the Waitaki River.

Landon Sub-division

Is bounded on the north by the Papakaio sub-division north-east by the Landon Stream south-east by the Ocean south by the town of Oamaru and west by the Oamaru Stream.

3.—Waiareka Road District.

Bounded towards the north by Awamoko Road District towards the east by the Waitaki Road District on the

south by the Main North Road Awamoa Stream Blocks V and IX Oamaru Survey District to the Kakanui River thence by the Kakanui River and Fuschia Creek to the boundary of the Hundred thence by the boundary of the Hundred and towards the west by the western boundary of the Kakanui Hundred.

Sub-divisions of Waiareka Road District.

Windsor Sub-division

Is bounded on the north by the Eton Sub-division east by the Papakaio Survey District south by the Oamaru Survey District and Kakanui River and west by outside boundary of Kakanui Hundred.

Teaneraki Sub-division

Is bounded on the north by the Awamoko Survey District on the west by the Waireka Stream on the south by Block V and part of Section 1 Block IV Oamaru Survey District on the south-west by the Awamoa Stream to the Main North Road on the south by the Main North Road and on the east by the Town of Oamaru and the Oamaru Stream.

Enfield Sub-division

Is bounded towards the north by the Windsor Sub-division towards the east by the Waiareka Stream towards the south by Block IX Oamaru District and Kakanui River Fuschia Creek and part of south boundary of Kakanui Hundred and west by outside boundary of said Hundred.

4.—Kakanui Road District.

Bounded towards the north by the Waiareka Road District and the town of Oamaru towards the east by the Ocean towards the south and west by the Kakanui River.

Sub-divisions of Kakanui Road District.

Lambton Sub-division

Is bounded on the north by block III and part of section 1 block II Oamaru Survey District on the west by the Waiareka Stream on the south-east by the Main North Road and on the east by the Awamoa Stream.

Lambourne Sub-division

Is bounded on the north by the Enfield Road District on the west and south by the Kakanui River on the east by sections 33 and 29 block VII Oamaru Survey District the Main North Road and the Waiareka Stream.

Totara Sub-division

Is bounded on the north-west by the Main North Road on the west by sections 15 19 21 23 and 24 block VII Oamaru Survey District south and west by the Kakanui River south-east by the Ocean on the east by the Awamoa Stream and sections 16 17 18 19 20 21 22 and part of 23 block IV Oamaru Survey District.

Awamoa Sub-division

Is bounded on the north by the Main North Road on the west by the Quarry Reserve and sections 7 8 9 10 and 11 block IV Oamaru Survey District and the Awamoa Stream to the Ocean on the south-east by the Ocean and on the north-east by the town of Oamaru.

5.—Otepopo Road District.

Bounded towards the north by the Fuschia Creek and Kakanui River towards the east by the Ocean towards the south by the Waianakarua River and towards the west by the western boundary of the Otepopo Survey District the Island Stream and the western boundary of the Otepopo Hundred.

Sub-divisions of Otepopo Road District.

Incholme Sub-division

Is bounded towards the north by the Fuschia Creek and Kakanui River towards the east by the Kakanui River towards the south by the Island Stream and towards the west by the outside boundary of the Otepopo Hundred.

Sydney Sub-division

Is bounded towards the north and north-west by the Island Stream towards the west by the outside boundary of the Otepopo Hundred towards the south by the north branch of the Otepopo River as far as eastern boundary of block 8 Otepopo Survey District towards the east by part of block 5 of the aforesaid district again towards the south by section 34 and part of the town of Herbert and towards the north-east by Main North Road to crossing at Island Stream.

Chelsea Sub-division

Is bounded towards the north and north-east by the Kakanui River towards the south-east by the Ocean towards the south by block III Otepopo Survey District and a district road to the south of sections 72 71 70 69 68 67 66 65 and 53 block VI Otepopo Survey District and towards the north-west by the Main North Road.

Allday Sub-division

Is bounded on the north by the Chelsea Sub-division towards the east by the Ocean towards the south by the Waianakarua River and towards the west by the Main North Road.

Copmanhurst Sub-division

Is bounded on the north by the Sydney Sub-division on the east by the Main North Road on the south-east by the Waianakarua River and on the west by the boundary of the Otepopo Survey District.

6.—HAMPDEN ROAD DISTRICT.

Bounded towards the north and north-west by the Waianakarua River towards the east by the Ocean towards the south-west and south by the watershed of Horse Range Blue Mountains and block VIII Moeraki Survey District and towards the west by the Shag River and the west boundary of the Moeraki Hundred.

Sub-divisions of Hampden Road District.

Wendover Sub-division

Is bounded towards the north by the Otepopo Survey District on the east by the Chalfont Sub-division towards the south by the Blue Mountains and block VIII Moeraki Survey District and towards the west by the outside boundary of the Moeraki Hundred.

Chalfont Sub-division

Is bounded towards the north by the Otepopo Survey District and the town of Hampden on the east by the Ocean south by block III Moeraki Survey District south-west by the watershed of the Horse Range west by block XIII and by a line due south of said boundary through block XI Moeraki Survey District to the Main North Road and thence by Main North Road.

Chalgrove Sub-division

Is bounded towards the north-west by the Waianakarua River towards the east by the Ocean and towards the south by the Moeraki Survey District.

7.—PALMERSTON ROAD DISTRICT.

Bounded towards the north-east by the Hampden Road District towards the south-east by the Ocean towards the south and west by Pleasant River Annan's Creek and the Main North Road to the Town of Palmerston thence to the western boundary of Hundreds by the Hawksbury Survey District and towards the north-west by the western boundary of Hundreds.

Sub-divisions of Palmerston Road District.

Goodwood Sub-division

Is bounded towards the north by the Moeraki Survey District towards the east by the Ocean towards the south-west by Annan's Creek and Pleasant River and towards the west by the Main North Road.

Blue Mountain Sub-division

Is bounded towards the north by Block XV Moeraki Survey District towards the north-east by the watershed of the Blue Mountains towards the south-east by the Main North Road and towards the south-west by the Shag River.

Meadow Bank Sub-division

Is bounded towards the north-east by the Shag River towards the south-east by the Main North Road towards the south by the Hawksbury Survey District and towards the north-west by the outside boundary of the Moeraki Hundred.

Bushey Sub-division

Is bounded towards the north-east and north by the Chalfont Sub-division, towards the east and south-east by the Ocean towards the south by the Hawksbury Survey District and towards the north-west by the Main North Road.

8.—HAWKSBURY ROAD DISTRICT.

Is bounded towards the north by the Palmerston Road District towards the east by the Goodwood sub-division and the Ocean and towards the south and west by the Waikouaiti River.

Sub-divisions of Hawksbury Road District.

Matanaka Sub-division

Is bounded towards the north by the estuary of the Pleasant River towards the east by the Ocean towards the south-west by the Waikouaiti Lagoon and towards the west by the Main North Road.

Cranbourne Sub-division

Is bounded towards the north by the Moeraki Survey District towards the east and south-east by the Main North Road south by the north boundary of block V Hawksbury Survey District and its continuation due east to Main North Road and due west to the Waikouaiti River and on the west by the Waikouaiti River (north branch).

Hawksbury Bush Sub-division

Is bounded towards the north by the Cranbourne District towards the east by the Waikouaiti Lagoon towards the south-east by the Ocean towards the south by the Waikouaiti River and towards the south-west and west by the Waikouaiti River.

9.—WAIKOUAITI ROAD DISTRICT.

Bounded towards the north-west and north by the Waikouaiti River (south branch) towards the east and south-east by the estuary of the Waikouaiti River and the Ocean towards the south by Blueskin Bay north part of Block II North Harbor and Blueskin Survey District and a line running due west to the Waikouaiti River.

Sub-Divisions of Waikouaiti Road District.

Clevedon Sub-Division

Is bounded towards the north-west by the south branch of the Waikouaiti River towards the north by the Waikouaiti River towards the east by the Main North Road and towards the south by Block I Waikouaiti Survey District and its continuation to the Waikouaiti River.

Merton Sub-Division

Is bounded towards the north-west by the Main North Road towards the east by the Maori Reserve towards the south-east by the Ocean and towards the south by Block I Waikouaiti Survey District.

Beaconsfield Sub-Division

Is bounded towards the north by Block III Waikouaiti Survey District and its continuation westward to the River Waikouaiti towards the east by the Ocean towards the south by Blueskin Bay north part of Block II North Harbor and Blueskin Survey District and a line running due west to the Waikouaiti River and on the west by the Waikouaiti River.

10.—BLUESKIN ROAD DISTRICT.

Bounded towards the north by Waikouaiti Road District Blueskin Bay and the Ocean towards the east and south by Otago Harbor the town of Port Chalmers the northern boundaries of sections 56 and 74 block VII North Harbor and Blueskin Survey District and the northern watershed of Mount Cargill to the boundary of the Hundred and towards the west by the boundary of Hundreds and Waikouaiti River (south branch).

Sub-divisions of Blueskin Road District.

Purakanui Sub-division

Is bounded towards the north by Blueskin Bay and the Ocean towards the east by the Ocean and Deborah Sub-division towards the south by the northern boundaries of sections 56 and 74 block VII North Harbor and Blueskin Survey District and towards the west by the Main North Road.

Waitati Sub-division

Is bounded towards the north by Beaconsfield Sub-division towards the east by Blueskin Bay and the Main North Road towards the south by the Mount Cargill watershed to the boundary of Hundreds and towards the west by the boundary of Hundreds and Waikouaiti River (south branch).

Deborah Sub-division

Is bounded towards the north and north-east by the Ocean towards the south by Otago Harbor towards the south-west by the Harlington sub-division and towards the north-west by the Mihiwaku watershed and Purakanui subdivision.

11.—NORTH-EAST VALLEY ROAD DISTRICT.

Bounded towards the north and east by Blueskin Road District towards the south-east by the town of Port Chalmers and Otago Harbour and towards the west by the city of Dunedin and the Water of Leith.

Sub-divisions of North-east Valley Road District.

Pine Hill Sub-division

Is bounded towards the north by Waitati sub-division towards the east and south by the Main North Road towards the west by the city of Dunedin and the Water of Leith—eastern branch.

Harlington Sub-division

Is bounded towards the north by the Purakanui sub-division towards the east by Block VI. North Harbour and Blueskin Survey District towards the south by the Port Chalmers Road and towards the west by the Main North Road.

Signal Hill Sub-division

Is bounded towards the north by the Main North Road from Dunedin to the Junction thence by the Port Chalmers road towards the east by Port Chalmers towards the south by Otago Harbour and towards the west by the city of Dunedin.

12.—Roslyn Road District.

Comprises all that area bounded towards the north-west by sections 10 block III and 17 16 15 14 13 12 11 and 10 block IV Upper Kaikorai Survey District and sections 1 2 3 4 5 and 6 block V Lower Kaikorai Survey District towards the south-west by a direct line from the southern angle of section 6 block V Lower Kaikorai Survey District to the Dunedin Town Belt at the southern angle of section 87 Block VI Town District and towards the north-east by section 5 block I. and sections 3 5 and 7 block III Upper Kaikorai Survey District.

13.—Half-way Bush Road District

Comprises all that area bounded towards the north by the boundary of Hundreds and block III North Harbor and Blueskin Survey District towards the east by the Water of Leith towards the south by the Roslyn and Kaikorai Road Districts and towards the west by the western boundary of block IV Dunedin and East Taieri District.

Sub-divisions of the Half-way Bush Road District.

Flagstaff Sub-division

Shall commence at Trig. Station S. on the northern boundary line of block V Dunedin and East Taieri Survey District and shall comprise all that area bounded on the north by portion of the northern boundary of said block and by northern boundary of block IV said Survey District on the west by western boundary of said block IV on the south by the southern boundary of said block to the south-east corner of section 8 said block thence by sections 41 40 39 37 35 33 31 30 29 27 25 and 23 Wakari Survey District on the east and south-east by sections 59 5 of 40 1 of 40 2 of 40 58 41 42 43 44 45 and by Bush Reserve to north-west angle of section 8 thence by section 1 block V Dunedin and East Taieri to starting point.

Wakari Sub-division.

Commencing at Trig. Station S. block V Dunedin and East Taieri Survey District and shall comprise all that area bounded on the west by the eastern boundary of Flagstaff Road District to the southern angle of section 56 block V Dunedin and East Taieri Survey District thence on the north by sections 56 57 32 and 31 said block V thence on the west by Quarry Reserve and section 50 block VI Dunedin and East Taieri towards the south-west by sections 160 and 149 Wakari Survey District and by the Kaikorai Stream to District Road between sections 9 and 10 block IV Upper Kaikorai thence by sections 9 8 7 6 5 4 3 2 1 block IV and section 8 block III on the west by sections 8 6 4 and 2 block III and section 4 block I Upper Kaikorai on the south by the Dunedin Town Belt to the Water of Leith Stream on the east by the Water of Leith to the northern boundary of block V Dunedin and East Taieri thence by the northern boundary of said block to Trig. Station S. to place of beginning.

14.—North Taieri Road District

Comprises all that area bounded towards the north by the boundary of Hundreds towards the east and south-east by Half-way Bush and Kaikorai Road Districts towards the south-west by the Saddle Hill and West Taieri Road towards the west by the Taieri River and the continuation through the Bush Reserve of the division line between sections 11 and 16 block I Dunedin and East Taieri Survey District and by sections 11 12 14 and 26 said block I section 57 irregular block sections 10 and 4 block XVI and section 10 block XI Taieri Survey District.

Sub-divisions of the North Taieri Road District.

North Plain Sub-division

Is bounded towards the north by the boundary of the Hundreds towards the east by Half-way Bush Road District towards the south-east by the line dividing sections 1 and 7 block XIV Taieri District and its continuation through blocks XIV IX X and XI to the Saddle Hill and West Taieri Road and towards the west by the Taieri River and the continuation through the Bush Reserve of the division line between sections 11 and 16 block I Dunedin and East Taieri Survey District and by sections 11 12 14 and 26 said block I section 57 irregular block sections 10 and 4 block XVI and section 10 block XI Taieri Survey District.

Wingatui Sub-division

Is bounded towards the north-west by North Plain sub-division towards the north-east by Half-way Bush and Kaikorai Road Districts towards the south-east by Kaikorai Road District and towards the south-west by the Saddle Hill and West Taieri Road.

15.—Taieri Road District.

Comprises all that area bounded towards the north-west by the Taieri River towards the north-east by the North Taieri Road District towards the south-east by the Main South Road and towards the west by Greytown and the Taieri River.

Sub-divisions of Taieri Road District.

East Taieri Sub-division.

Bounded towards the north-west by blocks XIX XI XII Taieri Survey District towards the north-east by Wingatui subdivision towards the south-east by the Main South Road and towards the south-west by sections 10 67 81 and 82 irregular block sections 3 and 13 block XX and 3 block XIX Taieri Survey District.

Owhiro Sub-division.

Bounded towards the north-west by 41 river section and sections 11 12 13 14 15 and 16 block XIX Taieri Survey District towards the north-east by the East Taieri sub-division towards the south-east by the Main South Road and towards the west by the Taieri River.

Breadalbane Sub-division

Is bounded towards the north and west by the Taieri River towards the south-east by section 40 river sections Taieri Survey District sections 8 7 6 5 4 3 2 and 1 block XIX Taieri Survey District sections 6 5 4 3 2 and 1 block XII Taieri Survey District and sections 6 5 4 block XI Taieri Survey District towards the north-east and north by section 9 block XI Taieri Survey District sections 3 and 9 block XVI and section 56 irregular block Taieri Survey District and sections 26A 24 15 and 16 block I Dunedin and East Taieri Survey District.

16.—Outram Road District

Comprises all that area bounded towards the north-west by Waipori Lake the Lea Canal and Maungatua sub-division to the boundary of Hundreds and thence by the boundary of Hundreds to the Taieri River towards the south-east by the Taieri River and towards the west by the Waipori River and Lake.

Sub-divisions of Outram Road District.

West Taieri Sub-division

Is bounded on the north-west by the boundary of Hundreds on the east and south-east by the Taieri River to the east corner of Block IV Maungatua Survey District on the south-west by the said block IV to section numbered 38 irregular block Taieri Survey District and towards the north-west by the Maungatua sub-division.

Henley Sub-division

Is bounded towards the north-east by the West Taieri sub-division towards the south-east by the Taieri River towards the west by the Waipori River and Lake and towards the north-west by the Waipori Lake and Lea Canal.

17.—Waipori Road District

Comprises all that area bounded towards the north-west by the boundary of the Hundreds towards the north-east by the north-eastern boundaries of section 9 Block VIII Maungatua Survey District and 17 irregular block and 7 block VI West Taieri District thence by the south-eastern boundaries of sections 7 8 9 10 and 11 block VI aforesaid thence by sections 5 block VI and 11 block II West Taieri Survey District thence by block III Maungatua Survey District by the Lea Canal and Waipori Lake to Waihola Lake thence by a line across the Lake to the south corner of section 5 block XXII Waihola Survey District towards the south-east by Waihola Road District to the southern angle of section 9 on the south by sections 10 3 and 2 Waihola Survey District north-west and west by Application 2130 thence by block I Table Hill Survey District to the north branch of the Tokomairiro River and by the said river to the boundary of Hundreds.

Sub-divisions of Waipori Road District.

Maungatua Sub-division

Is bounded towards the north-west and north-east by the north-western and north-eastern boundaries of the Waipori Road District above described and towards the south-west by the Waipori River.

Clarendon Sub-division

Is bounded towards the north-west by boundary of Hundreds towards the north-east by the Waipori River towards the east by the Waipori and Waihola Lakes and towards the south by an east and west line through Trig. Station M Clarendon Survey District.

Waihola West Sub-division

Is bounded towards the north by the Clarendon sub-division towards the south-east by the Waihola Road District and towards the west by the western boundary of the Waipori Road District before described.

18.—Mount Stuart Road District.

Comprises all that area bounded towards the north and west by the Waitahuna East Survey District southern boundary of Table Hill Survey District to the boundary of Hundreds and thence by said boundary to the north branch of the Tokomairiro River towards the east and south-east by the north branch of the said river and Tokomairiro Road District towards the south and west by the Crichton Road District.

Sub-divisions of Mount Stuart Road District.

Glenore Sub-division.

Bounded towards the north-west by the boundary of Hundreds towards the east and south-east by the north branch of the Tokomairiro River and Tokomairiro Road District and towards the south-west by the south branch of the Tokomairiro River.

Adamsthorpe Sub-division.

Bounded towards the north-east by Table Hill Survey District and the south branch of the Tokomairiro River towards the south-east by the Southern Trunk Road and towards the south-west by sections 10 and 3 block XXXIX XLIV XLV 10 and 7 block VII Hillend thence by the road line passing Trig. Stations V and U to the boundary of Waitahuna East Survey District.

Lovelsbrook Sub-division

Is bounded towards the north-east by Adamsthorpe sub-division towards the south and west by Crichton Road District and towards the north-west by Waitahuna East Survey District.

19.—Balmoral Road District.

Is bounded towards the north-east by the boundary of Hundreds towards the east by the Crichton Road District towards the south by the Main South Road and the town of Balclutha towards the south-west by the Clutha River.

Sub-divisions of Balmoral Road District.

Hillend Sub-division

Bounded towards the north-east by Stuart Hundred by Crichton Road District the Main South Road and the town of Balclutha towards the south-west by the Clutha River and towards the north-west by the Waitahuna River.

Waitahuna West Sub-division

Is bounded towards the north-east by the boundary of Hundreds towards the south-east by the Waitahuna River and towards the south-west by the Clutha River.

20.—Clydevale Road District

Comprises all that area contained within the boundaries of the Pomahaka Hundred.

21.—Pomahaka Road District

Comprises all that area bounded towards the north and east by the Pomahaka and Clutha Rivers towards the south by the Main South Road to Wairuna Stream thence by the Lake Road to the Wairuna Stream and towards the west by the said Wairuna Stream.

Sub-divisions of Pomahaka Road District.

Ashleydown Sub-division

Is bounded on the north and north-east by the Pomahaka River on the south-east by the Waiwera River on the south-west by the Lake Road to the crossing of the Wairuna Stream thence on the west by the said stream to the Pomahaka River.

Te Houka Sub-division

Is bounded on the north-east by the Clutha River from the confluence of the Waiwera Stream to the Main South Road on the south by the Main South Road to the Waiwera Stream and west by the Waiwera Stream to the Clutha River.

22.—Clinton Road District

Comprises all that area bounded on the north-east by Pomahaka Road District towards the east by the Clutha Road District towards the south-west by the boundary of the Hundreds and towards the north-west by the boundary of the Hundreds.

Sub-divisions of Clinton Road District.

Kaihiku Sub-division

Bounded towards the west by the eastern boundary of the Waiwera District towards the north by the Main South Road towards the east by the Warepa District and towards the south by the boundary of Hundreds.

Popotunoa Sub-division

Bounded towards the north-east by the Lake Road towards the east by the Waiwera River towards the south-west by the boundary of Hundreds and towards the north-west by the boundary of Hundreds.

Waiwera Sub-division

Is bounded on the north by the Main South Road to the Waiwera River on the west by the Waiwera River to the boundary of Hundreds south by the boundary of Hundreds and east by western side of section 12 block III Warepa Survey District thence to the south-east angle of section 10 block CIV Clutha Survey District and continuing the eastern boundary of section 10 to its junction with the Main South Road.

23.—Clutha Road District

Comprises all that area bounded towards the north and north-west by Clinton and Pomahaka Road Districts towards the east by the Clutha River towards the south by South Molyneux Road District and the Puerua Stream to its source thence by a direct line to the Waiwera River and towards the west by the Waiwera River.

Sub-divisions of Clutha Road District.

Warepa Sub-division.

Is bounded towards the north by the Main South Road towards the east by the Clutha River towards the south by Waitapeka and Puerua sub-divisions towards the south-west by the boundary of the Hundreds and towards the north-west by Kaihiku Stream the north-western boundary of section 12 block CII and by blocks LXXXI LXXXII and LXXXIII Clutha Survey District to the Main South Road.

Stream Head Sub-division

Is bounded towards the north-east by the boundary of Clutha Hundreds towards the south by Puerua Stream and a direct line to the Waiwera River and towards the west by the Waiwera River.

24.—South Molyneux Road District

Comprises all that area bounded towards the north and north-west by Run 129 and the Puerua Stream and the boundary line between blocks 16 and 12 Clutha Survey District continued to the Clutha River towards the east and south-east by the Clutha River and the Ocean towards the west by the western boundary line of Woodland Survey District and its continuation due north to Run 129.

Sub-divisions of South Molyneux Road District.

Catlin's River Sub-division

Is bounded towards the north and north-west by Run 129 and a direct line thence to the Watershed between the Ahuriri and Owake Valleys towards the north-east by the said Watershed towards the south-east by the Ocean and toward the west by the western boundary of Woodlands Survey District and its continuation due north to Run 129.

Ahuriri Sub-division

Is bounded towards the north by Glenomaru Stream towards the north-east by East Clutha Hundred towards the south-east by the Ocean and towards the south-west by Catlin's River sub-division before described.

Port Molyneux Sub-division

Is bounded towards the north by Glenomaru stream to its junction with the Puerua thence by the Puerua towards the east by the Ocean and towards the south-west by Ahuriri sub-division.

Puerua Sub-division

Is bounded towards the north and east by the Puerua Stream towards the south by the Glenomaru Stream and Catlin's River sub-division and towards the west by Puerua Stream.

Waitepeka Sub-division

Bounded towards the north-west by blocks 16 17 and 22 Clutha Survey District towards the north and east by the Clutha River south-east by the Clutha River and towards the south and west by the Puerua Stream.

25.—Matau Road District

Is bounded towards the north by Balmoral and Crichton Road Districts towards the east by Tuakitoto Lake Kaitangata Lake and their outlet to the Matau Branch of the Clutha River thence by the Matau to its junction with the Koau Branch of the Clutha River towards the south-west by the Koau branch to the Matau and towards the west by the Town of Balclutha.

Sub-divisions of Matau Road District.

North Molgneux Sub-division

Is bounded towards the north by Balmoral and Crichton Road Districts towards the east by Tuakitoto Lake Kaitangata Lake and their outlet to the Matau River towards the south and south-west by the Matau River and towards the west by the Town of Balclutha.

Inch Clutha Sub-division

Is bounded towards the north-east and east by the Matau branch of the Clutha River towards the south-east by the Matau branch towards the south-west by the Koau branch and towards the north by the Koau branch.

26.—Crichton Road District

Comprises all that area bounded towards the north by the Watershed west of Lovell's Creek the Main South Road and Southbridge sub-division towards the south-east by Kaitangata Road District and towards the south and west by the Kaitangata and Tuakitoto Lakes section 3 block X Tuakitoto Survey District and sections 7 8 16 15 and 14 block I Hillend Survey District and towards the west by the Main South Road to Trig. Station D thence by the road line along the Watershed through blocks VI III and XI Hillend Survey District to the south-eastern corner of block III Waitahuna East Survey District.

Sub-divisions of Crichton Road District.

Tuakitoto Sub-division

Is bounded on the north by a direct line from Mount Misery to the north-east angle of section 25 block II Kaitangata Survey District thence by section 24 and by a straight line from south-west angle of said section 24 through Trig. Station H to north-east angle of section 8 block IV North Tuakitoto thence by section 16 block XXXVIII Tokomairiro and sections 1 2 and 3 block X North Tuakitoto to Main South Road thence by the Main South Road to Lovell's Creek thence on the west by Lovell's Creek Kaitangata and Tuakitoto Lakes to north-west angle of section 3 block I South Tuakitoto thence on the north by section 4 block I North Tuakitoto thence on the east by the Kaitangata Road District.

Stony Creek Sub-division

Bounded towards the north-east by the western Watershed of Lovell's Creek from Waitahuna Hundred to the Main South Road and by the Main South Road to Lovell's Creek towards the east by Lovell's Creek and Tuakitoto Lake towards the south by sections 14 15 16 8 and 7 block I Hillend Survey District and section 3 block X South Tuakitoto Survey District and towards the west by the Main South Road to Trig. Station D thence by the road line along the watershed through blocks VI III and XI Hillend Survey District to the south-eastern corner of block III Waitahuna East Survey District.

27.—KAITANGATA ROAD DISTRICT

Comprises all that area bounded towards the north-east by the Tokomairiro River and Survey District towards the south-east by the Ocean towards the west by the Matau River and Kaitangata Creek to the north-west angle of section 3 block I South Tuakitoto Survey District thence on the north-west by a boundary line between sections 3 and 4 said block I and said line continued to the watershed thence by the said watershed to Two Stone Hill thence by a straight line to Trig. Station J thence by the eastern boundaries of blocks V and II and by sections 24 25 26 27 28 29 30 31 32 and 33 block I Kaitangata Survey District.

Sub-divisions of Kaitangata Survey District.

Coombe Hay Sub-division

Comprises all that area bounded on the west by sections 33 32 31 30 29 28 27 26 25 24 block I Kaitangata Survey District and sections 39 38 37 36 35 and 34 block II Kaitangata Survey District and by a road line forming a portion of western boundary of block III Kaitangata Survey District thence on the south by the northern boundary of the Wangaloa sub-division to the Ocean on the south-east by the Ocean to the Tokomairiro River and on the north-east by the Tokomairiro River and sections 4 5 6 7 and 8 block XXVIII Tokomairiro Survey District.

Wangaloa Sub-division

Bounded on the west by the Matau River and Kaitangata Creek to the north-west angle of section 3 block I South Tuakitoto Survey District thence on the north by a boundary line between sections 3 and 4 said block I and said line continued to watershed thence on the west by said watershed to Two Stone Hill thence on the north-west by a straight line to Trig. Station J thence on the north by blocks III and IV Kaitangata Survey District thence on the east by section 1 block XIV Coast District to the Ocean on the south by the Ocean to the Matau River the point of starting.

28.—TOKOMAIRIRO ROAD DISTRICT

Comprises all that area bounded towards the north-east by Waipori Road District and by Glenavon sub-division towards the south-east by the south-eastern boundary of block II Akatore Survey District sections 14 13 31 block I Akatore Survey District towards the east by sections 31 32 33 and 23 block I Akatore aforesaid and section 29 block VI said district towards the south-west by Kaitangata and Crichton Road Districts and towards the north-west by the Mount Stuart Road district.

Sub-divisions of Tokomairiro Road District.

Southbridge Sub-division

Is bounded on the north-east by section 33 block I Kaitangata Survey District section 12 block XXXVIII sections 2 3 8 block XXX Tokomairiro Survey District and the south branch of the Tokomairiro River on the north-west by the Main South Road on the south by section 8 block VI section 8 block V section 8 block IV North Tuakitoto Survey District thence by a straight line through sections 1 2 3 4 5 to Trig. Station H in section 22 block II Kaitangata on the south-east by section 25 block II Kaitangata and a straight line from the north-east angle of section 25 block II Kaitangata to Mount Misery thence from Mount Misery on the east by a road line to south-east corner of section 33 block I Kaitangata Survey District.

Helensbrook Sub-division

Is bounded towards the north-east by Milburn sub-division towards the south by Hillingdon sub-division towards the south-west by Milton sub-division and towards the west by block II Table Hill Survey District.

Milburn Sub-division

Is bounded on the north by the northern boundary of block I Table Hill Survey District on the west by the north branch of the Tokomairiro River to section 2 block II Table Hill Survey District on the south-west by sections 10 and 13 block I sections 39 46 51 58 63 70 76 and 80 Tokomairiro Survey District Sections 9 and 4 and a direct line through sections 1 and 2 to south-west angle of section 3 block II Akatore Survey District thence on the south and east by the southern and eastern boundary of said block II to the northern boundary of said block thence by said northern boundary to the eastern boundary of the Glenavon Road District thence on the east and north by the said Glenavon Road District to the Main South Road.

Milton Sub-division

Is bounded on the north-west by sections 50 49 and 48 block II Table Hill Survey District block XXIII Tokomairiro Survey District and section 198 block XXV Tokomairiro Survey District on the south-west by the Tokomairiro River to section 8 block XXX Tokomairiro Survey District section 1 block XXXII and parts of sections 3 and 11 and section 4 block XXXI Tokomairiro Survey District sections 32 20 and 19 block I Kaitan-

gata to Tokomairiro River thence by the said river to the south-east angle of section 30 block VI Akatore on the east by section 29 block VI Akatore and by sections 23 33 32 and 31 block I Akatore thence by Surveyed Road Line to north-east angle of section 30 thence on the north by northern boundary of said section 30 to south-east angle of section 3, block I Akatore thence on the east by eastern boundaries of said section to its north-east angle thence on the north by section 2 block I Akatore section 86 block X Tokomairiro Survey District sections 93 and 98 block XI sections 105 and 110 block XII section 117 block XII and section 127 block XV Tokomairiro Survey District.

29.—Glenledi Road District

Comprises all that area bounded towards the north by the Clarendon Survey District towards the south-east by the Ocean towards the south-west by the Tokomairiro River and towards the west and north-west by Tokomairiro Road district.

Sub-divisions of Glenledi Road District.

Akatore Sub-division

Bounded towards the north by the Clarendon Survey District towards the south-east by the Ocean towards the south-west by the Koaura or Shag Creek and towards the north-west by block II Akatore Survey District.

Hillingdon Sub-division

Bounded towards the north-east by the Akatore Sub-division towards the south-east by the Ocean towards the south-west by the Tokomairiro River west and north by the Tokomairiro Road District.

30.—Waihola Road District

Comprises all that area bounded towards the north-west by the Main South Road and the Waipori Road District towards the east by the Taieri River and the Ocean towards the south and south-west by Glenledi and Tokomairiro Road Districts.

Sub-divisions of Waihola Road District.

Waihola East Sub-division

Bounded towards the north-west by the Waipori Road District and the Main South Road towards the east by the Taieri River towards the south-east by the Watershed and towards the south-west by block II Waihola Survey District.

Taieri Beach Sub-division

Is bounded on the north-east by the Taieri River to the eastern boundary of the Waihola East Road District thence on the west by the said eastern boundary thence on the south and west by the northern and eastern boundary of the Glenavon Road District thence again on the south by the southern boundary of block VI Clarendon Survey District to the mouth of the Akatore River thence on the east by the Ocean.

Glenavon Sub-division

Is bounded on the north by sections 2 of 18 4 3 and 1 block III Clarendon sections 20 and 16 block II east by sections 11 and 12 block II and north by blocks II and IV Clarendon and east by block VI Clarendon south by sections 20 19 18 17 and 24 block II Akatore and section 73 Tokomairiro and on the north-west by sections 6 5 and 4 Tokomairiro thence by the continuation of the boundary line between sections 3 and 4 Tokomairiro Survey District to Main South Road thence again on the north-west by said road line.

31.—Kuri Bush Road District

Comprises all that area bounded towards the north-west by the Taieri River towards the north-east by Grey Road District sections 2 of 24 19 and 6 block III Otokia Survey District towards the south-east by the Ocean and towards the south-west by the Taieri River.

Sub-divisions of Kuri Bush Ro District.

Kurimoto Sub-division

Is bounded towards the north-west by the Motupipi sub-division towards the north-east by Grey and Seaside Road Districts towards the south east by the Ocean and towards the south-west by the Native Reserve.

Motupipi Sub-division

Is bounded towards the north-west by the Taieri River towards north-east by Grey Road District towards the south-east by the road line along the watershed between the Taieri River and the Ocean from section 34 block II Otokia Survey District to Trig. station T (Maori Reserve).

32.—Sea-side Road District.

Comprises all that area bounded towards the north-west by Grey Road District towards the north and east by Kaikorai Road District towards the south-east by Suburban Road District and the Ocean and towards the west by the Kuri Bush Road District.

Sub-divisions of Sea-side Road District.

Walton Sub-division.

Bounded towards the north-west by Saddle Hill sub-division towards the north and east by Kaikorai Road District towards the south-east by Suburban Road District and the Ocean and towards the west by Otokia Survey District.

Brighton Sub-division.

Bounded towards the north-west by Grey Road District towards the north-east by Walton sub-division towards the south-east by the Ocean and towards the west by the Kuri Bush Road District.

33.—Grey Road District

Comprises all that area bounded towards the north by the Taieri River and Taieri Road District and the Main South Road towards the east by sections 41 and 72 block VII Dunedin and East Taieri Survey District and section 26 Green Island West Survey District towards the south by section 71 block VII Dunedin and East Taieri Survey District and a direct line through section 34 and by sections 33 1 of 22 39 a line through section 30 sections 20 37 36 11 and 10 block VIII Dunedin and East Taieri Survey District thence on the east by block VIII aforesaid thence again on the south by sections 11 10 1 of 18 and a direct line through 2 of 18 1 of 19 and 20 block I Otokia Survey District 1 of 27 2 of 26 3 of 26 2 of 25 and 2 of 24 block III Otokia Survey District and towards the south-west by sections 23 2 of 22 30 and 1 of 22 block III and by sections 2 of 25 3 of 23 2 of 23 and 34 block II Otokia Survey District to a district road thence by the district road and the boundary line between river sections 6 and 7 Taieri District to the Taieri River.

Sub-divisions of Grey Road District.

Otokia Sub-division

Is bounded towards the north-west by the Taieri River and Main South Road towards the east by Saddle Hill and Walton sub-divisions towards the south by the southern boundary of Grey Road District and towards the south-west by the south-western boundary of the Grey Road District before described.

Saddle Hill Sub-division

Is bounded on the north and north-west by the Main South Road on the west by section 41 irregular block Taieri Survey District section 32 app. 19 sections 17 and 15 block I Otokia Survey District on the south by sections 10 11 36 37 and 20 a line through section 30 to the north-west angle of section 39 1 of 22 and 33 a line through section 34 block VIII Dunedin and East Taieri Survey District to its eastern boundary and by section 71 block VII in the said survey district and on the east by section 41 block VII Dunedin and East Taieri Survey District and by section 26 Green Island West Survey District.

34.—Kaikorai Road District

Comprises all that area bounded towards the north and north-east by the watershed of Abbots Creek and Kaikorai Stream and the Half-way Bush Road District towards the south-east and south by the Roslyn Mornington and Suburban Road District and on the south and west by the Main South Road.

Sub-divisions of the Kaikorai Road District.

Abbots Hill Sub-division

Comprises all that area bounded towards the north by the Dunedin and West Taieri Road towards the south-west and west by part of block XIII Taieri Survey District and sections 47 17 18 19 21 23 39 and 62 and part of 63 block VI Dunedin and East Taieri Survey District and section 76 block V Lower Kaikorai Survey District and that line continued to the Main South Road towards the south and south-east by the Main South Road towards the east by sections 42 46 47 57 56 55 54 53 52 and 51 block VI Town District and a continuation of the same line to the eastern angle of section 18 block V Kaikorai Survey District and by block IX Dunedin and East Taieri Survey District and towards the north-east and east by the Kaikorai Stream and sections 161 49 48 47 46 45 44 43 and 42 Wakari Survey District.

Abbottsford Sub-division

Bounded towards the north by the northern watershed of Abbotts Creek and Kaikorai Stream towards the east by section 75 block V Lower Kaikorai District thence by its continuation through section 63 and by the western boundaries of 41 40 34 24 and 22 block VI Dunedin and East Taieri Survey District and towards the south-west by the Main South Road.

35.—Suburban Road District

Comprises all that area bounded towards the north by Abbotshill and Abbotsford sub-divisions towards the east by Caversham and Mornington Road Districts towards the south by the Ocean and towards the west by Abbot's Creek.

Sub-divisions of Suburban Road District.

Corstorphine Sub-division

Is bounded towards the north by the Main South Road towards the west and north by section 83 Lower Kaikorai Survey District and sections 7 22 23 24 25 83 116 117 and 118 Green Island Bush Survey District and a line from the south-west angle of section 119 to the Ocean at the western angle of section 155 Green Island Bush Survey District towards the south by the Ocean towards the east by section 25 block VII Town Survey District and a direct line from thence to the east angle of section 23 Ocean Beach Survey District thence towards the south and east by sections 24 25 26 27 28 29 30 31 and 32 Ocean Beach Survey District and a continuation of that line to the Ocean.

Green Island Sub-division

Comprises all that area bounded towards the north by the Main South Road towards the west by Abbot's Creek towards the north-west by the river Kaikorai towards the south by the Ocean towards the east and south by section 82 Lower Kaikorai Survey District sections 8 21 88 87 86 85 84 115 127 126 and 125 Green Island Bush Survey

District and a line from the western angle of section 125 to the Ocean at the western angle of section 155 Green Island Bush Survey District.

36.—Caversham Road District.

Is bounded towards the north by sections 46 58 59 63 64 65 and 99 block VI and section 4 block VII Town District and the Main South Road to Cemetery Reserve thence by the Town Belt to the Anderson's Bay Road thence on the east by the said road to the north angle of section 69 block VII Town District thence on the south by the said section 69 thence on the east by sections 69 and 82 block VII and that line continued to the Ocean Beach thence on the south by the Ocean Beach to road line continued south from section 32 Ocean Beach District thence on the west by the said sections 23 22 and 21 and a direct line from northern angle of section 21 Ocean Beach District to south-west angle of section 28 block VI Town District thence by said section 28 to the Main South Road thence on the south by the Main South Road to section 45 of the said block VI thence on the west by the said section 45 and 31 Lower Kaikorai to point of commencement.

37.—Mornington Road District.

Comprises all that area bounded towards the north-west by part of block V Lower Kaikorai Survey District and sections 50 49 and 48 block VI Town Survey District towards the south by sections 42 41 38 37 34 33 31 30 27 26 23 22 19 18 11 10 9 8 7 6 and 5 block VI Town Survey District to section 4 block VI. Town Survey District thence towards the south-west by section 5 block VI. Town Survey District to Main South Road thence towards the south by the Main South Road to the Dunedin Town Belt towards the east by the Dunedin Town Belt and towards the north-east by the boundary line between sections 86 and 87 block VI Town District and a continuation of that line to the southern angle of section 6 block V Lower Kaikorai Survey District.

38.—Peninsula Road District.

Comprises all that area bounded towards the north-west by Otago Harbor towards the north-east by Portobello Road District towards the south-east by the Ocean and towards the south-west by the boundary line between sections 68 and 69 block VII Town District and its continuation in a direct line to the Ocean.

Sub-divisions of Peninsula Road District.

Anderson's Bay Sub-division

Is bounded towards the north-west by a road line Otago Harbor and the North-east Harbor Sub-division towards the east by a line proceeding from the eastern angle of section 45 Upper Harbor East Survey District in a direct line to the Tomahawk Survey District thence on the south-east by the Tomahawk Survey District to section 22 block VIII Anderson's Bay Survey District thence by sections 22 21 20 19 18 and 17 to section 10 block VIII thence along the boundary line between the said sections 10 and 17 and its continuation to the lagoon thence by the lagoon and the northern boundary of block VII Otago Peninsula Survey District to the line forming the boundary between sections 82 and 83 block VII Town District and thence towards the south-west by the said boundary line continued to the road line the starting point.

Tomahawk Sub-division

Is bounded towards the north-west by Anderson's Bay Sub-division towards the north-east by Highcliffe Sub-division towards the south-east by the Ocean and towards the south-west by a continuation of the boundary line between sections 82 and 83 block VII Town District to the Ocean.

N.E. Harbor Sub-division

Is bounded towards the north-west by Otago Harbor from the south-west corner of section 13 Upper Harbor East Survey District westward to the south-east angle of section 13 (Quarry Reserve) block V Anderson's Bay Survey District thence bounded on the south and south-east by sections 12 1 2 3 4 5 6 7 and 8 block V Anderson's Bay Survey District thence by sections 1 and 2 block VIII Anderson's Bay Survey District thence by applications 1326 1522 and 419 block I Otago Peninsula Survey District to the boundary line between sections 43 and 44 Upper Harbor East Survey District thence on the east by a continuation of that line to Main Portobello Road thence on the south-east by the said Portobello Road to the south-east angle of section 62 block I Otago Peninsula thence on the north east by sections 62 61 60 and 71 block I Otago Peninsula Survey District and section 13 Upper Harbor East Survey District to starting point.

Highcliffe Sub-division

Is bounded towards the north-west by North-east Harbor Sub-division towards the north-east by Sandymount Sub-division towards the south-east by the Ocean and towards the south-west by the Tomahawk Survey District.

39.—Portobello Road District.

Comprises all that area bounded towards the north-west by Otago Harbor towards the north-east by the Native Reserve towards the south-east by the Ocean and Hooper's Inlet and towards the south-west by sections 1 2 and 51 block III Otago Peninsula and the North-east Harbor sub-division.

Sub-divisions of Portobello Road District.

Portobello Bay Sub-division

Is bounded towards the north-west by Otago Harbor towards the north-east by the Native Reserve towards the south.east by the Ocean and towards the south-west by Hooper's Inlet Broad Bay Sub-division and Otago Harbor.

Sandymount Sub-division

Is bounded towards the north-west by North-east Harbor and Broad Bay Sub-divisions towards the north-east by Hooper's Inlet and the Ocean towards the south-east by the Ocean and towards the south-west by sections 1 2 and 51 block III Otago Peninsula Survey District.

Broad Bay Sub-division

Is bounded towards the north-west by Otago Harbor towards the north-east by sections 1 2 3 and 4 block V and 29 27 25 23 21 19 17 15 and 14 block IV Portobello Survey District and Hooper's Inlet towards the south-east by sections 30 and 31 block V Portobello Survey District and by block III Otago Peninsula Survey District and towards the south-west by the North-east Harbor Road District.

SECOND SCHEDULE.

Section 5.

To His Honor the Superintendent of Otago

We the undersigned being such number of persons as is required by the fifth section of the "Road Boards Ordinance 1870" respectfully request that your Honor will under the provisions of the said Ordinance constitute the district described in the Schedule hereto a road district under the said Ordinance.

And your Petitioners will ever pray &c.

THIRD SCHEDULE.

Section 7.

(Schedule above referred to).

PROXY PAPERS.

To A.B. of [*giving description and place of abode*]

By virtue of the provisions of the "Road Boards Ordinance 1870" I C.D. of [*state residence and description*] being a ratepayer enrolled on ratepayers' roll for [ ] district in respect of [*state shortly property for which rated*] [*or if no ratepayers' roll say*] being enrolled on the electoral roll for the district of in respect of [*state what property*] hereby authorize you to sign my name for me and on my behalf to a petition for the constitution of the district specified in the Schedule hereto into a road district under the said Ordinance.

Dated this day of 187 .

(Signed) C.D.

Signed before me at this day of

J.P.

FOURTH SCHEDULE.

Section 50.

FORM OF RATE.

An Assessment to the General District Rate [*or if the case be so* a Special Rate] made this day of in the year of our Lord 18 after the rate of pence in the pound by virtue of the "Road Boards Ordinance 1870."

No. on the rate.	Surname of person rated.	Christian name of persons rated.	Trade or Occupation.	Name of owner of rateable property.	Description and situation of rateable property.	Sub-divisions of district [*where district divided into sub-divisions.*]	Gross Annual Value.	Full Net Annual Value.	Rate at d. in the pound or per acre.

Signed by us this day of in the year of our Lord 18 .

A B
C D } Members of the Board of the District of
E F

Section 90.

FIFTH SCHEDULE.

VOTERS' List for the district of [*if for the sub-division of a district* for the sub-division of the district of].

Surname of Person supposed to be entitled to Vote.	Christian Names of same Person.	Trade or Occupation.	Description and situation of property giving title to vote.	Whether as owner or occupier.	Value at which property is assessed.	Number of votes.

(Signed) E.F.
Clerk of Board.

Section 93.

SIXTH SCHEDULE.

To the clerk of the board of the district of

I HEREBY give you notice that I claim to have my name inserted in the Voters' List for the district of [*or if the district has been divided into sub-divisions say* for the sub-division of the district of] in virtue of my qualification as under—

Surname of Claimant.	Christian Names of Claimant.	Trade or occupation.	Description and situation of property in respect of which vote is claimed.	Whether claiming as owner or occupier.	Value at which property is assessed to last rate or if not so assessed is valued by owner or occupier.	Number of votes claimed.

Dated this day of 18 .

(Signed) A.B. [*Christian names and surname in full*] of [*state residence*].

Section 93.

SEVENTH SCHEDULE.

To the clerk of the board of the district of and to A.B. of

I HEREBY give you notice that I object to the name of A.B. of being retained [*or if the objection be to the number of votes assigned to A.B, say* being retained as for any number of votes exceeding] on the Voters' List for the district of [*or if the district has been divided into sub-divisions say* for the sub-division of the district of] on the following grounds [*here state the grounds of objection*].

(Signed) C.D.

[*Objector must here state his name and description as inserted in the Voters' List*].

EIGHTH SCHEDULE.

Section 93.

LIST of Persons having claimed to be placed on the Voters' List for the district of *or if the district has been divided into sub-divisions say* for the sub-division of the district of] made in the year 18 .

Surname of persons in full.	Christian names of same person.	Trade or occupation.	Description and situation of property in respect of which vote is claimed.	Whether claimant claims as occupier or owner.	Value as stated in claim.	Number of Votes claimed.

(Signed) E.F.
Clerk to the Board.

NINTH SCHEDULE.

Section 93.

LIST of Persons whose names appear on the Voters' List for the district of [*or if the district has been divided into sub-divisions say* for the sub-division of the district of] against whom objections have been sent in.

Surname of Person objected to in full.	Christian Names of the same Person.	Description of Person objected to on Voters' List.	Christian Names and Surname of objector.	Substance and grounds of objection.

(Signed) E.F.
Clerk of the Board.

TENTH SCHEDULE.

Sections 100, 106.

VOTERS' Roll for the district of [*or if the district has been divided into sub-divisions*] for the sub-division of the district of for year ending October 18 .

Number.	Voters' Surname.	Voters' Christian Names.	Trade or Occupation	Description and situation of rateable property.	Annual Value.	Number of Votes to which Voter is entitled.
					£ s. d.	

(Signed) E.F.
Clerk of the Board.

Section 116.

ELEVENTH SCHEDULE.

To the Returning Officer of the Road District of [*or if divided into sub-divisions* for the sub-division of the Road District of]

I THE undersigned do hereby give notice that I withdraw myself as a candidate at the election of members of the district board to be held on the day of in and for the district of [*or* the sub-division of the district of]

Dated this day of in the year 18

[*Here follow the signatures of nominators.*]

(Signed) A.B.

Section 121.

TWELFTH SCHEDULE.

I A.B. do hereby solemnly declare that I will not either directly or indirectly by any means whatever publish or make known before the close of the poll the number of votes which may be given for any candidate at the present election.

(Signed) (A.B.)

Section 182.

THIRTEENTH SCHEDULE.

FORM OF A VALUATION AND RETURN.

District of

VALUATION by me a valuer for the above district of the undermentioned rateable properties therein situated.

Subdivision of District.	Christian Name of Occupier.	Surname of Occupier.	Occupier's Trade or Occupation.	Owner.			Trade or Occupation.	Description and situation of rateable property.	If let for what term and in what manner.	Gross Annual Value.	Full Net Annual Value.
				Surname.	Christian Name.	Residence.					

Returned this day of A.D. 18

(Signed) A.B.

Valuer.

Section 223

FOURTEENTH SCHEDULE.

FORM OF MORTGAGED RATES.

Mortgage number [ ]

District Board and Ratepayers of the [ ] District.

By virtue of an Ordinance intituled the "Road Boards Ordinance 1870," the District Board and Ratepayers of the District in the Province of Otago in consideration of the sum of paid to them by of for the purposes of the said Ordinance do grant and assign unto the said his executors administrators and assigns all (here describe the rates or moneys to be mortgaged) To hold to the said his executors administrators and assigns from the day of the date hereof until the said sum of with interest at the rate of per centum per annum for the same shall be fully paid and satisfied and it is hereby declared that the said principal sum shall be repaid on the day of and that in the meantime the interest thereof shall be paid on the day of and the day of in every year.

In witness whereof the said District Road Board and Ratepayers of the District have hereunto set their corporate seal this day of one thousand eight hundred and

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FIFTEENTH SCHEDULE.

Section 226.

Form of Transfer of Mortgage.

I A. B. in consideration of paid to me by C. D. of hereby transfer to the said C. D. his executors administrators and assigns a certain mortgage number made by the District Board and Ratepayers of the District by virtue of the "Road Board Ordinance 1870" bearing date the day of for securing the sum of and interest at the rate of per centum per annum and all my right to and interest in the money thereby secured and to the rates thereby assigned.

In witness whereof I have hereunto set my hand and seal this day of one thousand eight hundred and .

Signed sealed and delivered }
in the presence of }

SIXTEENTH SCHEDULE.

Section 243.

Ordinances Repealed.

"Otago Roads Ordinance 1865" No. 190 of Session XX.

"Otago Roads Ordinance 1865 Extension and Amendment Ordinance" No. 210 of Session XXI.

"Road Districts Loan Ordinance 1865" No. 223 of Session XXI.

DUNEDIN NEW ZEALAND.

Printed under the authority of the Provincial Government of Otago, by Mills, Dick and Co., of Stafford street, Printers to the said Provincial Government for the time being.

[COPY.]

"THE HAWKE'S BAY AND MARLBOROUGH RIVERS ACT 1868" REFERRED TO IN THE "MANAGEMENT OF RIVERS ORDINANCE 1870."

(Published for general information.)

AN ACT *to make provision for the Management of Rivers in the Provinces of Hawke's Bay and Marlborough.* [20TH OCTOBER 1868. Title.

WHEREAS it is expedient to make provision for the management of rivers in the Provinces of Hawke's Bay and Marlborough and for the construction and maintenance of works to lessen the damage which may be occasioned by the overflow of such rivers: Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

I. The Short Title of this Act shall be "The Hawke's Bay and Marlborough Rivers Act 1868." Short Title.

II. In interpreting this Act save where there is something in the context repugnant thereto or inconsistent therewith the following words and expressions shall mean or include the matters following—The word "Province" shall mean the Province of Hawke's Bay or Marlborough or any other Province within which this Act shall hereafter be brought into operation the word "Board" shall mean the Conservators for any district to be created under the provisions of this Act the word "Superintendent" shall mean the Superintendent for the time being of the Province of Hawke's Bay or Marlborough or the Superintendent for the time being of any other Province within which this Act shall be brought into operation. Interpretation.

III. For each district of the Province to be constituted as hereinafter mentioned there shall be a Board of Conservators who shall be elected as hereinafter provided. Board to be constituted.

IV. Upon the petition of the owners or occupiers of not less than three-fourths of the acreage of any district therein defined any part of the Province intersected or bounded by any river or rivers from the overflow of which damage may be apprehended the Superintendent shall by Proclamation in the Provincial *Gazette* declare that this Act shall come into operation within such part of the Province and shall by such Proclamation define the boundaries of the same and declare the same to be a district under this Act and shall also fix the name by which such district shall be known. Petition for constitution of Board.

V. The Superintendent shall also in such Proclamation determine the number of Conservators who are to constitute the Board for each such district but in no case shall the number be less than five nor more than seven. Number of Board.

VI. For the purpose of electing the first Board under the Act the Superintendent shall within one month after the Proclamation as aforesaid cause a list to be made of the owners or occupiers of property within such district and shall therein affix opposite to the name of each person in such list the number of acres owned or occupied by him and every person whose name shall appear therein shall be entitled to vote at the election of the first Board in the manner and according to the scale hereinafter provided. Election of first Board.

VII. As soon as the list as aforesaid is completed the Superintendent shall cause a copy thereof to be posted up in some conspicuous place in the district and shall within fourteen days by notice in some newspaper in general circulation within the district summon a general meeting of the voters at a convenient time and place within the district and the said voters having assembled and having appointed a chairman shall elect from amongst the persons qualified to vote at such meeting a sufficient number of persons to be the Board of the district Provided that if any candidate or elector shall demand a poll the polling shall take place on such day and at such place being not less than three nor more than seven days after the day of nomination as the chairman shall appoint and the mode of voting shall in all other respects be conducted in the same manner as is provided for the election of members of the Provincial Council and the chairman of such meeting or some person to be appointed by him shall preside at such polling and shall report in writing to the Superintendent the names of the persons so elected. Election of Board.

VIII. All questions and disputes which may arise concerning the election of any member of the Board shall be referred to the Superintendent by the petition in writing of not less than five electors setting forth the ground of dispute within fourteen days after the election and all questions respecting the vacancy of the office of members shall be referred to the Superintendent whose decision shall be final. Election disputes to be settled by Superintendent.

IX. Immediately after any such election as aforesaid the names of the persons elected as Conservators shall be published by the Superintendent in the Provincial *Gazette* and shall constitute the first board for the district. Names to be published.

New Board to be elected annually.

X. The members of the board shall continue in office for one year and at the expiration o one year from the date of the first general meeting for the election of the first Board and in every succeeding year and at a convenient place within each district to be fixed by the Board or if there be no Board then by the Superintendent the voters shall in manner herein provided elect a sufficient number of persons to be a Board for the district and the chairman of such meeting shall report in writing to the Superintendent the names of the persons so elected.

Vacancies how occasioned.

XI. If any Conservator shall resign or shall refuse to act or absent himself from the meetings of the Board for three months at any time without leave or become bankrupt or a public defaulter or be convicted of any crime he shall cease to be a Conservator and another person shall be elected as herein provided to supply the vacancy occasioned thereby.

Election and duties of Chairman.

XII. Every Board at its first meeting and from time to time whenever the office becomes vacant shall elect one of its members to be the Chairman thereof who shall preside at the meetings of the Board and shall have an original and also a casting vote thereat Provided that if the Chairman shall be absent from any meeting the members present shall appoint an acting Chairman who during such absence may exercise the powers of this Act vested in the Chairman.

Board how to meet.

Meetings.

XIII. The business of the Board shall be conducted at meetings to be held at such times and places as they shall appoint and a minute of every resolution agreed to shall be entered in a book to be kept for that purpose and signed by the Chairman and any two Conservators shall have power to convene a special meeting on giving five days' prior notice to the other Conservators stating therein the business to be transacted at such meeting.

Board to make rules for meetings.

XIV. At the first meeting of the Board they shall make such rules as may be necessary for the orderly conduct of their business but no meeting shall be deemed sufficient for the conduct of business unless three conservators shall be present.

Board to appoint Secretary &c.

XV. The Board may appoint a Secretary Treasurer and other necessary officers and may employ necessary servants and workmen and may fix the salaries and wages to be paid to each.

Rivers under control of Board.

XVI. All rivers streams and watercourses within any district constituted under this Act shall whether the same be navigable or not so far as may be requisite for the construction or maintenance of any works necessary to prevent or lessen any damage which may be occasioned by the overflow or the breaking of the banks of the same be to all intents and purposes within and subject to the jurisdiction of the Board.

Powers of Board.

XVII. The Board shall in addition to any other powers given to them by this Act have and possess the following powers that is to say—

(1.) They may without any previous agreement with the owner or occupier of any land within the district enter upon any such land whether the same shall be waste lands of the Crown or not and take levels of the same.

(2.) They may enter upon take and hold any such land for the purposes of this Act.

(3.) They may from time to time make maintain alter or discontinue any defence works or any other works whatsoever upon any land to be taken as aforesaid or upon any land bounded or intersected by any stream or river under their control or within their jurisdiction or upon any such stream or river for the purpose of preventing or lessening any damage which may be threatened or which may actually have occurred by the overflow of any such streams or rivers or from the breaking of the banks of the same.

(4.) They may from time to time divert impound or take away any water from any such streams or rivers or alter the course of the same.

(5.) They may for any of the purposes aforesaid at all reasonable times by themselves their servants or workmen and with or without carriages loaded or unloaded enter into and pass through and over any lands within the district for the purpose of carrying out any works to be constructed under the provisions of this Act and for the purpose of maintaining and repairing any existing works doing thereby no unnecessary or unavoidable damage to such lands.

(6.) They may lay or deposit upon any such lands any materials whatsoever to be used in the maintenance or construction of any such works and may erect thereon any temporary shelter for any workmen or persons engaged in such maintenance or construction causing thereby as little damage or inconvenience as may be.

Compensation to owners of land.

XVIII. In exercising the powers of compulsory taking of or entering upon or using lands hereinbefore conferred upon them the Board shall make to the owners and to persons having any lesser estate or interest therein compensation for such lands and for all damages sustained by such owners or other persons by reason of the powers vested in the Board by this Act the amount whereof shall be ascertained in the manner set forth in "The Lands Clauses Consolidation Act 1863."

XIX. All land permanently taken for the purposes of this Act shall be conveyed to or vested in the Superintendent to be held by him upon trust for the purposes of this Act for the district within which the same shall be situated Provided always that upon any alienation of such lands whether absolute or otherwise the moneys to accrue from such alienation shall be paid over to the Board for the time being to be appropriated by them for the purposes of this Act. Land to be vested in Superintendent.

XX. For the purpose of creating and maintaining works to be constructed and maintained by any Board under the provisions of this Act and for the purpose of enabling the Board to carry out any other powers given to them by this Act there may be levied upon all lands within the district except as hereinafter provided the rates following that is to say upon lands in the district situated outside the limits of any town a rate not exceeding in any one year the sum of three shillings per acre and upon lands situated within the limits of any town comprised in such district a rate not exceeding one shilling in the pound upon the annual value of the same to be assessed as hereinafter mentioned. Lands to be rated.

XXI. It shall not be lawful to levy any rates on any lands belonging to or in the occupation of Her Majesty or the Provincial Government or on any lands used or set apart exclusively for public charitable religious literary or scientific purposes unless in the occupation of private persons. Lands exempt.

XXII. For the purposes of such rating all lands without the limits of a town shall be annually classified by the Board or by some person appointed by them in that behalf into the following classes that is to say— Classification of lands outside towns.

(1.) Lands liable to great actual damage.

(2.) Lands liable to less actual damage.

(3.) Lands not liable to actual damage.

XXIII. The rate payable in any one year in respect of lands outside the limits of a town shall be levied upon the several classes of land aforesaid in the proportion following, that is to say— Rate on classified land.

Class 1 shall be rated at double the amount per acre payable by class 2.

Class 2 shall be rated at one-half the amount per acre payable by class 1.

Class 3 shall be rated at one-fourth the amount per acre payable by class 1.

XXIV. The Board may from time to time by warrant under their hands at a meeting to be held for that purpose appoint one or more fit person or persons to examine and report upon all lands to be classified or to classify the same in manner aforesaid and such person or persons shall within thirty days after the delivery to them of the warrant of appointment report to the Board thereon and the classification of such lands shall thereupon forthwith be made either by the Board or by such person or persons as aforesaid as the Board may direct. Classification how made.

XXV. When any classification shall have been made as aforesaid the Board shall sign the same at a meeting of the Board and the Board shall immediately thereafter cause public notice of such classification to be published in some newspaper generally circulated within the district and of a place where the same may be inspected for a period of twenty-one days and the person in whose custody such classification shall be shall permit the same to be inspected by the owner or occupier of any land included therein during office hours. Classification to be published.

XXVI. For the purpose of fixing and determining the rates to be paid in respect of lands within the limits of any town comprised within the district the board may from time to time either themselves assess or by warrant under their hands at a meeting to be held for that purpose appoint one or more fit person or persons to be assessor or assessors to assess all such lands and such assessor or assessors shall within thirty days after the delivery to them of the warrant of appointment return to the Board an assessment for the said town. Rating of lands in towns.

XXVII. When any assessment shall have been made the Board shall sign the same at a meeting of the Board and shall cause public notice to be given of the same in some newspaper published or generally circulated in the town so assessed and of a place in the said town where the same may be inspected for the period of twenty-one days and the person in whose custody such assessment shall be shall permit the same to be inspected by every owner or occupier of property included therein during office hours. Assessment to be published.

XXVIII. Every such classification and assessment as aforesaid shall specify the lands comprised therein and the names of the owners and occupiers where known. Classification &c. to specify lands &c.

XXIX. If any person shall think himself aggrieved by such classification or assessment respectively upon any of the grounds expressly applicable thereto as hereinafter mentioned such person may appeal against the same on giving to the Board three days' notice of such appeal in Appeal.

the form set forth in the Schedule hereto such notice to be given within seven days next after the expiration of the twenty-one days appointed for the publication of the same and the grounds of appeal shall be as follows and no others—

That the classification does not fairly specify the actual liability to damage of the land of the appellant.

That the land of any person is assessed below its full annual value.

That the land of the appellant is assessed beyond its full annual value.

That any land liable to be classified or assessed is omitted from the classification or assessment.

Appeal to be heard by Justices.

XXX. Within three days after the expiration of such seven days as last aforesaid in case any notices of appeal shall have been given as aforesaid the Board shall publish a notice in some newspaper published and generally circulated as aforesaid of a day for the hearing of such appeals and such appeals may be heard at the nearest Resident Magistrate's Court or Court of Petty Sessions to be notified in such notice and such Court may after hearing such appeals cause the classification or assessment to be amended in such manner as may appear to them to be reasonable and shall sign such amended classification or assessment and the determination of the said Court shall be final and conclusive.

Costs of Appeal.

XXXI. In case upon any appeal as aforesaid the classification or assessment as the case may be shall be confirmed all costs and expenses whatsoever necessarily incurred by the Board in supporting such classification or assessment shall be paid and defrayed by the appellant and may be recovered as costs awarded upon such appeal and subject thereto the Court by which any appeals shall be heard shall have full power to award the costs incident to such appeal and the hearing thereof to either of the parties.

Classification &c. when confirmed conclusive.

XXXII. Every classification and assessment when signed by the Board as aforesaid in case there be no appeal and when signed by the Court as aforesaid after any appeal shall for the purpose of any proceedings for the recovery of rates payable under this Act be conclusive evidence of the liability of the person named therein.

Rates by whom payable.

XXXIII. All rates payable under this Act shall in the first instance be paid by the occupiers of the property rated but where any occupier shall hold the land rated for any term of which less than five years shall be unexpired he shall be entitled notwithstanding any contract to the contrary to deduct such rate from the rent payable by him to his immediate landlord unless by virtue of such contract he shall either during or at the expiration of his term be entitled or compellable to purchase the said land.

Rates to whom payable.

XXXIV. Every rate shall be paid by the person liable for the same to some person to be appointed by the Board for that purpose on a day and at a place or places to be fixed for that purpose by the Board by public notice in some newspaper published or generally circulated within the district the day of payment not being less than twenty-one days after the notification of such notice.

List to be published.

XXXV. The Board shall cause to be posted up at each place appointed for the payment of rates on the day of publication of such notice of payment as aforesaid a list setting forth the names of the persons liable for the payment of such rates and the sum payable by each person which list may be inspected during office hours on each day during the twenty-one days aforesaid by any person requring to inspect the same.

Rates recoverable summarily.

XXXVI. If the rate or any part thereof payable by any ratepayer shall not be paid on the day fixed for that purpose the same may be recovered in a summary way before any Justice of the Peace at the suit of the person appointed by the Board to receive the same.

Board may borrow.

XXXVII. The Board may from time to time as occasion shall require borrow and take up at interest any sum or sums of money on the security of the rates both general and special to be raised within the district to be applied for the purposes of this Act and may thereupon give to the person advancing or lending the same a mortgage for securing the amount advanced with interest thereon in the meantime after such rate as the Board may think reasonable Provided always that every sum so advanced shall be made re-payable and shall be re-paid by not less than ten nor more than fifteen yearly instalments exclusive of the annual interest from time to time payable in respect of the moneys remaining due upon the security.

Special rate.

XXXVIII. The Board may at the request of a majority of the ratepayers of the district for the purpose of providing for the re-payment of any such loan as aforesaid make and levy in addition to the ordinary rates hereinbefore authorised to be raised a special rate chargeable in respect of the lands within the district in the same proportion in all respects and payable and recoverable in like manner as the ordinary rates to be levied under this Act but no such special rate shall in any year exceed the amount of principal and interest money payable for such year by virtue of such mortgage.

XXXIX. All moneys received under this Act shall be paid over by the person receiving the same to the Board for the district for which the same shall be received and shall be appropriated by such Board in carrying out the objects and purposes of this Act. **Money to be paid to Board.**

XL. It shall be lawful for the Superintendent if he shall think fit to commit to the Board for any district the expenditure of any moneys especially appropriated by the Provincial Council to purposes within the provisions of this Act and to pay over the same to such Board to be expended accordingly. **Superintendent may commit works to Board.**

XLI. All works involving the expenditure of any sum exceeding ten pounds shall be carried out under contract in writing and all contracts for works entered into by the Board shall be in the name of one of the Conservators who shall sue and be sued on such contracts in his own proper name in like manner as if such contracts were personal contracts by such Conservator but no execution upon mesne or final process in any action upon or arising out of such contract shall be issued or enforced against the person or property of such Conservator. **Works exceeding £10 to be by contract.**

XLII. No action against any Conservator upon or in relation to any such contract shall abate by his death or by reason that he has ceased to be a Conservator but the same may proceed against or in the name of any Conservator to be appointed or elected in his place or stead upon his being made a party to the said action by suggestion either as plaintiff or defendant as the case may be. **Actions not to abate.**

XLIII. In case any moneys shall become payable under any order or decree in any action by or against such Conservator it shall be the duty of the Board to pay and satisfy the same out of the first moneys at their disposal. **Judgment to be satisfied.**

XLIV. The plans specifications and estimates of any works intended to be carried out by the Board of any district where the estimated cost shall exceed the sum of five hundred pounds shall be submitted to the Superintendent of the Province before any contract for such works shall be made and such Superintendent snall for a period of twenty-one days thereafter have a power to veto such works and no contract for the construction of the same shall thereafter be entered into according to such plans and specifications. **Plans of works &c. exceeding value.**

XLV. The Superintendent and Provincial Council of the Province may by any Act or Ordinance to be passed by them in that behalf make all such provisions as may be necessary for ensuring the due protection of any works to be constructed or carried out by any Board and for imposing penalties upon persons obstructing interfering with or injuring such works Provided such provisions be not repugnant to the laws for the time being in force in New Zealand relating to the powers in that behalf of Superintendents and Provincial Councils. **Superintendent and Provincial Council to provide for protection of works.**

XLVI. For the purpose of the elections of Conservators after the first elections under the provisions of this Act all persons who at the time appointed for any such future election shall appear upon the classification or assessment as the case may be of lands within the district as owner or occupier of any lands liable to be rated shall be entitled to vote in the election of each Conservator in manner following that is to say— **Future election of Conservators.**

XLVII. In respect of lands outside the limits of a town where the voter shall be assessed **Voting at elections.**

For less than forty acres of land	one vote
For forty acres and less than one hundred acres	two votes
For one hundred acres and less than two hundred acres	three votes
For two hundred acres and less than five hundred acres	four votes
For five hundred acres and less than one thousand acres	five votes

And for every additional one thousand acres one additional vote And in respect of lands within he limits of a town where the amount of rate payable by the voter shall be

Under two pounds	one vote
Above two pounds and under five pounds	two votes
Above five pounds and under fifteen pounds	three votes
Above fifteen pounds and under thirty pounds	four votes
Above thirty pounds and under fifty pounds	five votes

And for every additional fifty pounds one additional vote.

XLVIII. In order to provide for the registration of electors under this Act and for the due and orderly conduct of elections of Conservators after the first election as aforesaid the Superintendent acting with the advice of the Executive Council shall make and publish in the *Gazette* of the Province and in some newspaper in general circulation in the district all such regulations as may be necessary for that purpose but so nevertheless that such regulations shall not be repugnant to or inconsistent with the provisions of this Act. **Superintendent and Executive Council to make regulations for elections.**

XLIX. The Board shall in books to be kept for that purpose enter true accounts of all sums of money by them received paid and expended and of the several matters in respect whereof such sums shall have been received paid and expended. **Accounts to be kept.**

L. At the first general meeting for the election of a Board and afterwards at the annual meeting in each successive year for the purpose aforesaid there shall be elected two or more Auditors to examine into and audit the accounts of the Board and in each successive year the **Auditors to be appointed.**

balance sheet as aforesaid so examined and audited shall be submitted to such meeting and a copy thereof signed by the Chairman shall be forwarded to the Superintendent Provided that in case of the resignation or otherwise of any Auditor it shall be competent for the Board to appoint an Auditor in his stead who shall act until the next general meeting of the ratepayers.

Moneys &c. to be paid over to new Board.

LI. All moneys found by such Auditor or Auditors to be due by any retiring Board together with all books of account vouchers and papers and all plans and other documents and all other property whatsoever belonging to or in the custody of the retiring Board shall be forthwith delivered and paid over to the Board for the time being.

Members of Board not to be contractors.

LII. No member of the Board shall during the continuance of his office become a contractor under or hold any paid office in the gift of the Board.

Judge &c. not to be disqualified.

LIII. No Judge Resident Magistrate or Justice of the Peace shall be disqualified from acting in pursuance of any of the provisions of this Act by reason of his being assessed as a ratepayer under this Act.

Fines how to be recovered.

LIV. All fines forfeitures and penalties imposed by this Act or by any Act of the Provincial Council passed under the provisions of this Act shall be recovered before any Resident Magistrate or any two Justices of the Peace at the suit of any Conservator for that purpose appointed at a meeting of the Board and shall be paid over to the Board to be expended by them for the purposes of this Act and it shall be lawful for the Board out of moneys received by them under the provisions of this Act to indemnify any Conservator suing as aforesaid from any costs charges or expenses necessarily incurred by him in respect of any such action or suit.

Superintendent and Provincial Councils of other Provinces may adopt act.

LV. It shall be lawful for the Superintendent and Provincial Council of any Province in the Colony by any Act or Ordinance in that behalf to bring this Act into operation within such Province and thereupon this Act shall come into operation in such Province in like manner to all intents and purposes as if the name of such Province had been inserted therein in lieu of the Provinces of Hawke's Bay and Marlborough.

Contracts to be by tender if above twenty pounds.

LVI. Every contract above twenty pounds entered into under this Act shall be by public tender and all tenders received in every case shall be published within three months after acceptance of the contract in the Government *Gazette* of the Province wherein the work contracted for is to be undertaken.

Schedule.

SCHEDULE.

To the Clerk of the Resident Magistrate (*or* Petty Sessional District) of I HEREBY give you notice that I object to the following portion of the Ratepayers' Roll 18 [*here state part or parts objected to*] and the following is the ground of my objection [*state ground of objection*] and that I shall appear in support of such objection at the meeting of Justices to be holden under the provisions of this Act.

Signature A.B.
Description
Place of abode

Dated this day of 18 .

DUNEDIN, NEW ZEALAND:

Printed under the authority of the Provincial Government of Otago by MILLS, DICK and Co., Stafford-street, Printers to the said Provincial Government for the time being.