


NEW ZEALAND
GOVERNMENT GAZETTE
PROVINCE OF CANTERBURY.

Published by Authority.

 *All Public Notifications which appear in this Gazette, with any Official Signatures, are to be considered as Official Communications made to those persons to whom they may relate, and are to be obeyed accordingly.*

By His Honor's Command,
EDWARD JOLLIE,
Provincial Secretary.

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WEDNESDAY, SEPTEMBER 13, 1865.

[No. LI.]

Provincial Secretary's Office,
Christchurch, September 7, 1865.

THE following Bill is published in accordance with clause 2 of
"The Diversion of Roads Ordinance, Session XI., No. 3."

EDW. JOLLIE,
Provincial Secretary.

A BILL intituled "The North Avon Bridge and Road Diversion
Ordinance, 1865."

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 divert or stop up any public street road highway or thoroughfare in any such Province and also to divert or stop up any river stream or creek in such Province and to build bridges dams wharves and other erections on the banks or in the beds of any such river stream or creek and also to sell exchange or otherwise dispose of the land over which any such public street road highway or thoroughfare was laid out or passed or the bed of any river stream or creek so diverted or stopped up" And whereas by an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury intituled

“ The Diversion of Roads Ordinance Session XI. No. 3 ” it is ordained that excepting as therein otherwise provided no public road shall be closed up or diverted except under the authority of a Special Ordinance of the said Superintendent and Provincial Council: And whereas it is expedient to stop up part of the public road reserved along the north bank of the River Avon in the Christchurch District in the Province of Canterbury so far as part of such road forms part of the southern boundary of a certain rural section numbered 7 in the said district of which section Joseph Cornish Helmore is tenant in fee simple in possession and to divert part of such road in through and over the said section and to connect the road on the south side of the said river (hereinafter called the North Park Road) running through the northern part of Hagley Park Reserve in the said province and leading from the north-west corner of Christchurch Town Belt to the Riccarton Road with the retained portion of the said public road on the north bank aforesaid by means of a bridge across the said river and a new road from the said bridge to the said North Park Road: And whereas the said Joseph Cornish Helmore is willing at his own expense to set out and form the road so to be diverted through in and over the said section and to build the bridge and make the new road hereinafter described.

Be it enacted by the Superintendent of the Province of Canterbury by and with the advice and consent of the Provincial Council thereof as follows :

1. The strip of land in Hagley Park in the said Christchurch district described in the schedule to this Ordinance and in the plan hereto annexed and therein colored green leading from the said North Park Road to the southern bank of the River Avon in the said district and which strip of land is fifty links in width throughout is hereby reserved as a public road and shall henceforth be and be deemed to be a public highway to all intents and purposes whatsoever.

2. It shall be lawful for the said Joseph Cornish Helmore his heirs and assigns but at his or their own cost to cut lay out form and metal the strip of land last aforesaid so that the same may be duly serviceable as a public highway: Provided that the same shall be so cut set out formed and metalled to the satisfaction of the Chief Surveyor of the Province certified as hereinafter provided.

3. The portion of the said map colored black of the public road heretofore reserved along the north bank of the said River Avon such portion being fifty links wide in a continuous line with the other roads hereby reserved is hereby declared to be and remain a public highway to all intents and purposes anything in this Ordinance notwithstanding.

4. It shall be lawful for the said Joseph Cornish Helmore his heirs and assigns but at his and their own cost to erect a bridge across the said River Avon of not less than fourteen feet wide in the place on the said map colored red connecting the public road reserved in and by the first section of this Ordinance with the retained portion of the public road described in the third section of this Ordinance and for such purpose to occupy such portion of land in the bed of the said river and on either bank thereof as appears by the said plan to be set out as the site of the said bridge: Provided that such bridge shall be so constructed as to be sufficient to the satisfaction of the Assistant or Acting Provincial or other Engineer appointed by the Provincial Government certified as hereinafter provided for the general purposes of traffic of foot passengers animals and carriages of all descriptions.

5. The said bridge shall immediately upon the same being so certified become a public bridge and highway to all intents and purposes whatsoever: Provided only that it shall be obligatory on the said Joseph Cornish Helmore his heirs and assigns at his and their own cost at all times until the expiration of four years from the passing of this Act to maintain and keep in repair the said bridge.

6. It shall be obligatory on the said Joseph Cornish Helmore his heirs and assigns on and from the passing of this Ordinance to dedicate to the public as and for a public highway for the general purposes of traffic of foot passengers animals and carriages of all descriptions a new road of not less than fifty links wide in and upon the said Rural Section numbered 7 commencing on the southern boundary thereof in a continuous line with the said road and bridge hereinbefore reserved and provided for and running in through and over the part of the said section described in the schedule and plan aforesaid and therein colored blue but so as such road shall not in any way interfere with the usual and proper flow of water in a mill-race twelve feet wide over which the said road passes as shown on the plan hereto and therein colored brown.

7. The two portions described in the said schedule and plan and therein colored yellow of the public road reserved along the north bank of the said River Avon (and which portions are respectively twenty-five feet wide and together with and including the said retained portion thereof colored black on the said map form the whole of the southern boundary of the said Section numbered 7) shall on and after the passing of this Act cease to be a public highway and the same shall forthwith be granted to the said Joseph Cornish Helmore his heirs and assigns in fee simple free from all rights either public or private by which the same were heretofore affected: And it shall be further lawful for the Governor in the name and on behalf of

Her Majesty to make and execute to the said Joseph Cornish Helmore his heirs and assigns a proper Crown Grant or Crown Grants of the same land.

8. The certificate under the hand of the Assistant or Acting or other Engineer appointed by the Provincial Government for the time being of the said Province published in the Provincial "Government Gazette" and the certificate of the Chief Surveyor of the said Province published in the Provincial "Government Gazette" showing that the matters and things the performance and completion whereof are in and by this Ordinance required to be certified by them respectively have been and are performed and completed shall be sufficient and conclusive evidence of such performance and completion respectively.

9. This Ordinance shall be intituled and may be cited as "The North Avon Bridge and Road Diversion Ordinance 1865."

SCHEDULE.

ROAD CLOSED UP.

LOCALITY.	QUANTITY.	REMARKS.
Two portions of Road on north bank of River Avon, southern boundary of rural section No. 7 Christchurch district.	A. 0 R. 1 P. 38	Required by Mr. J. C. Helmore.

ROADS TO BE OPENED.

LOCALITY.	QUANTITY.	REMARKS.
Road from North Hagley Park Road to south bank River Avon Hagley Park	A. 0 R. 0 P. 28	This road is to go through part of Hagley Park Reserve and leads to the proposed bridge.
Road through rural section No: 7 ...	1 0 27	Road to be given by Mr. J. C. Helmore in lieu of road to be stopped.

CHRISTCHURCH :

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