

Session XXXVIII. 1872.

1. The Diversion of Roads Special Ordinance No. 6 1872.

[24th December 1872.]

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 exchange the land over which any such public street road highway or thoroughfare was laid out or passed And also that it should be lawful for the Governor in the name and on behalf of Her Majesty to make and execute Crown Grants of any land which should be so exchanged.

And whereas by an Act of the General Assembly of New Zealand intituled "The Provincial Council Powers Extension Act 1865" it is enacted that it shall be lawful for the Superintendent and Provincial Council of any Province and notwithstanding the restriction contained in the Tenth Sub-section of the Nineteenth Section of the Constitution Act to ordain or pass any Law or Ordinance which but for such restriction might have been ordained or passed by such Superintendent and Council affecting any part of the Waste Lands of the Crown within the Province which then was or hereafter should be a public street road highway or thoroughfare.

And whereas it is for the public benefit that parcels of land described in the first column of the Schedule A hereto and coloured pink on the Plan hereto annexed should become a public highway in lieu of the parcels of land described in the second column of the said Schedule and coloured green on the Plan hereto annexed and that the last-mentioned parcels of land should cease to be a public road and should be granted in exchange for the first-mentioned parcels of land in manner hereinafter mentioned.

And whereas it is for the public benefit that the parcel of land described in the Schedule B hereto and coloured green on the Plan hereto annexed should cease to be a public road:

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

1. Land conveyed to become highway and old road to be stopped up.

When and so soon as the parcels of land described in the first column of the Schedule A hereto shall have been conveyed to the Superintendent and his successors for a public road the same shall be and remain for ever a public highway and a public highway passing over the parcels of land described in the second column of the said Schedule A and the parcel of land described in Schedule B hereto shall be stopped up.

2. Land over which old road passed to be granted in exchange for land conveyed.

When and so soon as the parcels of land described in the first column of the said Schedule has been so conveyed each parcel of land described in the second column of the said Schedule shall be granted in fee to the persons conveying the parcel of land standing opposite to it in the first column in exchange for the land conveyed by them.

3. Title.

This Ordinance shall be intituled and may be cited as “The Diversion of Roads Special Ordinance No. 6 1872.”

Schedule.

Locality – Malvern District, near Russell’s Flat.

First Column	Second Column
<p>All that piece or parcel of land one chain wide being part of rural section 9986 containing by admeasurement one acre and thirty perches more or less the centre line of which commences at a point on the north-eastern boundary of section 9281. situate 2 chains 14 links from the north-eastern corner thereof thence north-easterly following a line at an angle of 78 deg. 48 mm. with the said north-eastern boundary a distance of 3 chains, 67 links thence north-easterly at an angle of 171 deg. 58 min. a distance of 5 chains, 69 links thence south-easterly at an angle of 164 deg. 6 min, a distance of about 2 chains 50 links bounded on the north-westward and south-eastward by lines respectively parallel to and 50 links distant from the centre line above described on the south-westward by section 9231 and on the north-eastward by the north-eastern boundary of section 9986 and more particularly delineated and described by the plan hereunto annexed and coloured pink thereon.</p>	<p>All that piece or parcel of land one chain wide containing by admeasurement one acre two roods and three perches more or less being that portion of the road originally surveyed and situate within rural section 9986 and more particularly delineated and described by the plan hereunto annexed and coloured green thereon.</p>
<p>All that piece or parcel of land one chain wide being part of rural section 9231 containing by admeasurement one acre and eight perches more or less the centre line of which commences at a point on the north-</p>	<p>All that piece or parcel of land one chain wide containing by admeasurement one acre one rood and twenty-four perches more or less being that portion of the road originally surveyed and situate within rural</p>

eastern boundary of the said section situate 2 chains 14 links from the north-eastern corner thereof thence south-westerly at an angle of 101 deg. 12 min. with the said north-eastern boundary a distance of 7 chains 43 links thence again south-westerly at an angle of 156 deg. 48 min a distance of 8 chains 18 links bounded on the north-westward and south-eastward by lines respectively parallel to and 50 links distant from the centre line above described on the south-westward by section 10231 and on the north-eastward by section 9986 and more particularly delineated and described by the plan hereunto annexed and coloured pink thereon.

All that piece or parcel of land one chain wide being part of rural section 10231 containing by admeasurement two roods five perches more or less bounded on the south-westward by section 10232 on the north eastward by section 9231 on the north-westward by a straight line drawn from a point on the north-eastern boundary of section 10231 seventy-one links distant from the north-eastern corner thereof to a point on the south-western boundary of the same section situate 2 chains 54 links from its north-west corner and on the south-eastward by a line parallel to and one chain distant from the last described boundary and more particularly delineated and described by the plan hereunto annexed and coloured pink thereon.

All that piece or parcel of land one chain wide being part of rural section 10232 containing by admeasurement two roods seven perches more or less bounded on the northward by a line 7 chains 40 links in length drawn from

section 9231 and more particularly delineated and described by the plan hereunto annexed and coloured green thereon.

All that piece or parcel of land one chain wide containing by admeasurement two roods twenty-three perches more or less being that portion of the road originally surveyed and situate within rural section 10231 and more particularly delineated and described by the plan hereunto annexed and coloured green thereon.

All that piece or parcel of land one chain wide containing by admeasurement two roods and twenty perches more or less being that portion of the road originally surveyed and situate within rural section 10282

<p>the northern angle of the road as originally surveyed within the above-mentioned section to a point on the north-eastern boundary of the said section situate 2 chains 54 links from the north-eastern corner thereof on the north-eastward by section 10231 and on the southward by the northern side of the aforesaid road and by a line parallel to and one chain distant from the first described boundary and more particularly delineated and described by the plan hereunto annexed and coloured pink thereon.</p>	<p>extending from the north-eastern boundary of the above-mentioned section 10232 to its junction with the southern side of the proposed road deviation and more particularly delineated and described by the plan hereunto annexed and coloured green thereon.</p>
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Schedule B.

All that piece or parcel of land one chain wide containing by admeasurement two acres and thirty perches more or less being that portion of the road extending from the north-eastern boundary of section 9986 in an easterly direction a distance on the average of about 21 chains 90 links to the proposed road deviation and more particularly delineated and described by the plan hereunto annexed and coloured green thereon.

2. The Public Domains Ordinance 1872.

[24th December 1872.]

Whereas by an Act of the General Assembly of New Zealand in Parliament assembled intituled "The Canterbury Public Domains Act 1872" after reciting that certain lands within the Province of Canterbury more particularly described in the schedule to the said Act are vested in the Superintendent of the said Province in trust for the public uses of the said province under and subject to the provisions of "The Canterbury Association's Ordinance Session IV, No. 6" and of "The Canterbury Association's Reserves Ordinance, Session V, No. 2" and more especially for the purposes of public domains gardens plantations and pleasure grounds It is enacted that the Superintendent and Provincial Council of Canterbury may by Ordinance to be passed in that behalf declare that the said lands named in the schedule to the said Act or any of them shall from and after a date to be determined by such Ordinance be held to be under the operation of

the said Act and may from time to time by Ordinance as aforesaid declare that any lands which have been or may hereafter be vested in the said Superintendent for the purposes of public domains gardens or recreation grounds shall in like manner be subject to the provisions of the said Act and that from and after the date fixed in any such Ordinance the lands specified therein shall be subject to the provisions of the said Act:

And whereas the lands particularly described in the schedule to this Ordinance are vested in the said Superintendent for the purposes aforesaid or some of them:

And whereas it is expedient to bring the said Act into operation as to the said lands described in the schedule to the said Act and also as to the lands described in the schedule to this Ordinance:

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

1. Title.

This Ordinance shall be intuled and may be cited as “The Public Domains Ordinance 1872.”

2. Lands described in Schedule to be held to be under operation of Act.

It is hereby declared that the lands described in the schedule to the said Act and the lands described in the schedule to this Ordinance shall from and after the first day of January A.D. 1873 be held to be under the operation and subject to the provisions of the said Act of the General Assembly of New Zealand.

Schedule.

Description of reserve 262 (in red) being a site for a public garden and pleasure ground in the town of Timaru:

Twelve acres three roods thirty-seven perches more or less bounded on the northward by Brown street a distance of seven chains twenty-one links on the eastward by Ross street a distance of eighteen chains seventeen links on the southward by Catherine street a distance of six chains ninety-seven links and on the westward by rural section No 701 a distance of eighteen chains twenty links Subject nevertheless to the reserve for a boulevard two chains wide on the western boundary of the town for which reserve no allowance is made in the acreage, and numbered 262 (in red).

Description of reserve 344 (in red) being reserve for a public park &c in the town of Timaru:

Fifty-six acres more or less situate in the town of Timaru bounded on the northward by Queen street on the eastward by High street on the southward by the boulevard two chains wide and on the westward by the continuation of King street.

Description of reserve 307 (in red) being a reserve for a public garden and recreation ground in the township of Arowhenua:

One hundred and thirty-three acres in the township of Arowhenua bounded on north by High street and by reserve No 277 (in red) on west by the said reserve and also by the reserve for railway on east by Taumatahahu creek on south by the bank of river Tumuku.

Ten acres situate at Rangiora north of and adjoining rural section 1197 having ten chains frontage on a road leading to the Ashley and back easterly adjoining section 1197 ten chains and numbered 132 in red on the maps in the Land Office Christchurch for purposes of public recreation as described in a notification of His Honor the Superintendent of the 13th December 1858 and published in the Provincial Government Gazette of the 31st December 1858.

Description of Reserve 251 (in red) being site for a racecourse in the Timaru District.

One hundred and ninety-seven acres more or less commencing at a point on the western side of the South road the same being the first bend or turn in the road north of the north-eastern corner of section 3789 following the said road in a northerly direction a distance of forty-one chains thence westerly at a right angle a distance of thirty-five chains fifty links thence again at a right angle southerly a distance of thirty-nine chains ninety-eight links to the north-eastern boundary of section 7457 following south-easterly along that boundary a distance of twenty-nine chains eighty links to the north-western corner of the before-mentioned section 3789 following easterly along the northern boundary thereof a distance of twenty-one chains eighteen links to the road above mentioned and from thence returning along that road to the commencing point and numbered 251 (in red).

3. The Canterbury Roads Ordinance Amendment Ordinance 1872.

[24th December 1872.]

Whereas it is expedient to adopt an Act of the General Assembly of New Zealand intituled "The Canterbury Ratepayers' Rolls Revision Act 1872" and it is also expedient to amend "The Canterbury Roads Ordinance 1872."

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

1. Repealing Sections 32, &c.

Sections numbered 32 and 79 of "The Canterbury Roads Ordinance 1872" shall be and the same are hereby repealed The description of the Cust District in the second Schedule to the said. Ordinance shall be and the same is hereby repealed and the said Cust District shall be bounded as described in Schedule D to this Ordinance.

2. Adoption of Ratepayers' Roll Revision Act.

The said Act of the General Assembly of New Zealand is hereby adopted and shall come into force in the Province of Canterbury on the First day of June in the year of our Lord One thousand eight hundred and seventy-three.

3. Coming into operation of following Sections.

The following sections of this Ordinance shall come into operation on the First day of June in the year of our Lord One thousand eight hundred and seventy-three.

4. Repeal of Rating Sections in Ordinance 1872.

Sections of the said "Canterbury Roads Ordinance 1872" numbered from 37 to 59 both inclusive with the Schedules therein mentioned shall be and the same are hereby repealed.

5. Description of Rateable Property.

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 land occupied or used for public purposes by the Crown or the Government of New Zealand or by the Province of Canterbury or by the 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 and buildings used as athenaeums mechanics' institutes public schools or as residences of schoolmasters or schoolmistresses thereof provided they be inhabited only by the master or mistress of such schools or his or her family and burial grounds.

6. Ratepayers' Roll to be made.

The Board of each District shall cause to be made a Ratepayers' Roll according to the form given in Schedule A to this Ordinance which Roll shall contain the names in alphabetical order of all persons occupying property within the District liable to be rated according to the provisions of this Ordinance and also the names of the owners thereof And such Roll shall also contain the several particulars specified under each heading in the said form Provided that whenever the name of any owner liable to be rated or to be inserted in such roll cannot after diligent enquiry be ascertained it shall be sufficient to designate such owner as the "Owner" of the property rated without stating his name.

7. Ratepayers' Roll for subdivision.

Where any district shall be divided into subdivisions the sections hereof relating to the formation and amendment of the Ratepayers' Roll shall be read with reference to such District in manner following that is to say instead of the Ratepayers' Roll for the District at large there shall be a separate Ratepayers' Roll for each subdivision of the District and the Ratepayers' Roll for each subdivision as amended and revised from time to time and signed by the Chairman of the Board or not less than two members of the Board shall be the Ratepayers' Roll for the subdivision and shall continue in force for the said subdivision until another Ratepayers' Roll shall have duly come into force for the same and subject to the provisions herein contained shall take effect according to their tenor respectively for each separate subdivision of such district instead of the district at large.

8. Valuation to be made.

The Board of each district shall annually within two months after the thirtieth day of June in each year cause to be made for such district a valuation of all the rateable property within the district by competent persons to be called valuers and such valuers shall have such powers and duties as are hereinafter prescribed and the rates to be made by any Board of a district for the purpose of this Ordinance shall be made upon the valuation contained in the Ratepayers' Roll for the time being in force for such district 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 live per centum upon the fair capital value of the fee simple thereof.

9. Valuer Empowered to Enter on Premises.

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 all rateable property within the district without being liable to any legal proceedings on account thereof.

10. Valuer Empowered to make Enquiries.

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 authorised 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.

11. Board to cause Roll to be Corrected.

The Board shall on or before the first Tuesday in the month of September in each year cause the Ratepayers' Roll to be corrected both in respect to the names of the persons liable to be rated and in respect to the description of the rateable property entered therein and shall also cause the annual value of such property as assessed to be entered on such Roll.

12. Roll to be open for Inspection.

The Board shall cause copies of the Ratepayers' Roll to be left for inspection at one or more places within the District and each Board shall exhibit one copy of the Roll at the office of the Secretary for Public Works Christchurch and shall on or before the said first Tuesday in September give public notice of the places where such corrected Roll and copies may be inspected and such Roll shall be open to the inspection of all Ratepayers and of all persons claiming to be affected thereby or of any person authorised by them in writing at all reasonable hours on every day not being a Sunday or public holiday until the first Tuesday in the month of October next following.

13. Notice to be sent to non-resident Ratepayers.

The Board shall within fourteen days after the completion of the Roll for each year cause a notice in the form or to the effect in the Schedule B to this Ordinance to be sent through the post to any person or persons on the said Roll who shall not be actually resident within the district addressed to his last known place of abode within the Province of Canterbury but not elsewhere and in no case shall a person residing out of the district be liable for rates unless a notice has been posted to him at his residence or last known place of abode within the Province of Canterbury and copies of the Ratepayers' Roll of the district have been exhibited in accordance with the provisions of this Ordinance.

14. Power to Levy Rates.

The Board of every district shall once at least in every year and may from time to time as they see fit in manner hereinafter mentioned make and levy rates to be called general rates equally upon all rateable property within such district and no such rates made in any one year shall exceed the amount of one shilling in the pound of the annual value of such property and the Board of every district may also make and levy special rates for the purposes and subject to the provisions hereinafter expressed and contained.

15. Special Rates.

When it appears to the Board that any work or improvement is for the special benefit of any particular portion of the district the Board may for defraying the

expenses incurred in doing or executing such work by special order distinctly defining such portion and approved by the Superintendent make and levy a rate or rates to be called a "special" rate equally on all rateable property situated within such portion and no rate or rates made in any one year shall exceed in the aggregate the amount of two shillings in the pound of the annual value of such property Provided always that public notice shall be given of the intention to levy such a rate at least one month before the same is levied and if within such time a protest be left at the office of the Board signed by at least one-half the ratepayers within such portion reckoned according to their votes then such rate shall not be levied and such special rate so levied shall be expended only for the purposes for which the same has been made anything herein contained to the contrary notwithstanding..

16. Time when Rates may be made.

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.

17. Rates may be Retrospective.

The Board may make any such rate in order to raise money to pay charges and expenses to be incurred or in order to raise money to pay charges and expenses already incurred.

18. List to be Prepared before Levying Rate.

Previously to making or levying any rate the Board shall cause a list to be prepared setting forth the amount of rate proposed to be made the names of the persons liable to the payment thereof the sum payable by each of such persons the property in respect whereof each such sum shall be payable and the time at which such rate shall be paid and when such list shall have been completed and approved by the Board the Board shall if it think fit order the rate therein described to be made and levied and the list to be signed by the Chairman thereof.

19. Notice to Pay Rate to be Served.

When any rate shall become due the Board shall cause a notice in the form set forth in the Schedule C hereunto annexed to be served by a Collector duly authorised to receive the same upon every person liable to pay such rate and if such rate be not paid on the service of such notice it shall be paid at the place named therein within thirty days after the service thereof and if not paid within thirty days it shall be forthwith recovered according to law.

20. Persons Liable.

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.

21. Rates how Payable, when Property is Jointly Occupied.

When any rateable property is jointly occupied or if unoccupied is jointly owned by more persons than one each of such persons shall 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.

22. Weekly Tenants not to Pay Rates.

The- owners of all rateable property which is let to weekly tenants shall be rated 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.

23. Non-payment of Rates in case of Poverty.

It shall be lawful for the Board if it shall be represented to them by any person liable to pay any rate that he is unable by reason of poverty to pay such rate and if the Board shall be satisfied of the truth of such representation to remit and excuse the payment of such rate or any part thereof.

24. Penalty when Occupier Refuses to give Name of Owner.

If on the request of the Board of the district or any collector of the said rates duly authorised 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 authorised to receive the rents of the same such occupier shall be liable to a penalty not exceeding Five Pounds.

25. Ratepayers' Roll of Ordinance 1872, to remain in force until new Roll is prepared.

The Ratepayers' Roll and valuation and Rate Books in force on the thirtieth of May in the year of our Lord one thousand eight hundred and seventy three under the provisions of "The Canterbury Roads Ordinance 1872" shall continue in force until a new valuation and Ratepayers' Roll shall have been made under the provisions of this Ordinance.

26. Title.

This Ordinance shall be read and construed as part of "The Canterbury Roads Ordinance 1872" and shall be intituled and may be cited as "The Canterbury Roads Ordinance Amendment Ordinance 1872."

Schedule A.

**Ratepayers' Roll of the
District)**

District (or of the Sub-Division of the

Number of Rural Section.
Surname of Occupier in alphabetical order.
Christian name of Occupier.
Occupier's trade or occupation.
Owner.
 Surname.
 Christian Name.
 Residence.
 Trade or Occupation.
Description and Situation of Rateable Property.
If let for what term or in what manner.
Net Value. £ s. d.

Schedule B.

Take notice that your name appears as a Ratepayer on the Roll of the
District.

(A.B.) Chairman of Board.

Schedule C.

Notice to Pay Rate.

Road District of .

To Mr .

I hereby give you notice that at a meeting of the Road Board
for the District above-mentioned held on the day of
at a Rate of in the pound on the rateable property in
the District was ordered to be made and levied The sum which you are liable to
pay under this order is which sum you are required to pay to me
either on the service of this notice or within after such service at
my residence at . If the said rate is not paid within the time above
specified it will be recovered by legal process.

Collector of Rates for the

District.

Schedule D.

The Cust District comprises that portion of the Province bounded on the north by the Ashley District on the east by a true north and south line through trig, pole C. 30 on the bank of the Waimakariri on the west by the boundary lines between Runs 29 Class 3 and 164 Class 2 and 34 Class 3 and 208 Class 2 and on the south by the Oxford Tram road the Oxford and Ohoka road to the western boundary of section 4525 by part of the eastern boundary of section 4286 and by the road separating sections 4525 and 4523 and a line in continuation of the northern side thereof to the eastern boundary of this District.

4. *Reserve No 424 Ordinance 1872 AW. NZG 1873 p107

Missing.

5. Appropriation Ordinance 1872

Missing.