

**Session XLI. 1874.**

## **1. The Reserve No. 304 Ordinance, 1873, Amendment Ordinance 1874.**

[1<sup>st</sup> July 1874.]

Whereas an Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury in the thirty-ninth Session thereof intituled "The Reserve No. 304 Ordinance 1873" and whereas an error occurred in the Schedule to the said Ordinance and it is desirable that the same should be amended:

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

### **1. Repealing Clause.**

The Schedule to the said Ordinance shall be and the same is hereby repealed.

### **2. Schedule to this Ordinance to be read and interpreted as Schedule to said Ordinance.**

From and after the passing of this Ordinance the Schedule hereunder written shall be read and interpreted as the Schedule to the read and interpreted as Schedule to the said Ordinance in the same manner as if the Schedule hereto had been originally appended to the said Ordinance.

### **3. Title.**

This Ordinance shall be intituled and may be cited as "The Reserve No. 304 Ordinance 1873 Amendment Ordinance 1874."

### **Schedule.**

All that piece or parcel of land being part of Reserve No. 304 (in red) containing by admeasurement eighteen acres two roods more or less commencing at the northernmost corner of Reserve No. 314 (in red) thence north-easterly following a line in continuation of the north-western boundary of the latter Reserve to the Reserve for the Rolleston and Southbridge railway thence northeasterly following the last-mentioned Reserve to the north-eastern boundary of Reserve No. 304 aforesaid and from thence returning along the north. eastern north-western and south-western boundaries thereof to the commencing point.

## **2. The Railway Tolls and Management Ordinance 1872 Amendment Ordinance 1874.**

[1<sup>st</sup> July, 1874.]

Whereas an Ordinance was passed by the Superintendent and Provincial Council of the Province of Canterbury intituled "The Railway Tolls and Management Ordinance 1872" And whereas it is expedient to amend the said Ordinance.

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

### **1. Portion of Schedule annexed to said Ordinance abolished.**

That portion of the Schedule referred to in the said Ordinance and thereunto annexed which is under the heading of "Warehousing Charges" shall be, and the same is hereby abolished.

### **2. Schedule annexed to be read and considered part of Schedule of said Ordinance.**

The Schedule hereunto annexed shall henceforth be read and considered to be a part of the Schedule to the said Ordinance in the place of the part thereof which is hereby abolished.

### **Schedule.**

#### **Warehousing Charges.**

On all Goods not otherwise described not removed from the Railway within one hour, and on all Goods awaiting order for delivery, Two Shillings and Sixpence per Ton per week or part of a week.

On Wool not removed from the Railway within one hour, One Shilling per Bale per week or part of a week.

On Bonded Goods for Customs' examination, One Shilling per Ton, and if not removed immediately after being passed by the Customs an additional charge of Two Shillings and Sixpence per Ton per week or part of a week.

On Timber not removed from the Railway within one hour, Twopence per one hundred superficial feet per week or fraction of a week.

### **3. The Public Seal Ordinance Amendment Ordinance 1874.**

[1<sup>st</sup> July 1874.]

Whereas it is expedient to amend “The Public Seal Ordinance Session I., No. 6” be it therefore enacted as follows:

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

#### **1. Repealing Clause.**

Clause 5 of “ The Public Seal Ordinance Session I., No. 6” is hereby repealed and the following clause may stand in lieu thereof.

#### **2. Public Seal how to be used.**

The Public Seal shall not be used except in the presence of a member of the Executive Council and everything sealed therewith shall be signed by the Keeper of the Public Records and by the members of the Executive Council witnessing the sealing thereof Provided always that it shall not be necessary that the sealing with the Public Seal of the Province of warrants appointing members of the Executive Council shall be done in the presence of a member of the Executive Council nor that a member of the Executive Council shall sign such warrants as last mentioned as a witness to the sealing thereof.

#### **3. Title.**

The Ordinance shall be intituled and may be cited as “The Public Seal Ordinance Amendment Ordinance 1874.”

### **4. The Racecourse Reserve Ordinance Amendment Ordinance 1874.**

[Reserved for the signification of the Governor’s pleasure thereon, 1<sup>st</sup> July 1874.]

Whereas an Ordinance was passed by the Superintendent and Provincial Council of Canterbury intituled “The Racecourse Reserve Ordinance Session XI. No. 7” And whereas it is expedient to amend the said Ordinance:

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

#### **1. Repealing Clause.**

That Clause 2 of the said Ordinance be repealed.

## **2. Lessee may fix fee and payments for admission not exceeding amount specified.**

The lessee of the said course may from time to time fix and receive such fees and payments in respect of admission of persons horses and vehicles into any portion of such land as he may think fit Provided that they shall not exceed for every horse two shillings and sixpence for every two-wheeled vehicle drawn by any horse or other beast ten shillings for every additional horse or other beast drawing such vehicle one shilling for every four-wheeled vehicle drawn by one horse or more twenty shillings and for every foot passenger one shilling Provided always such fees be expended on the permanent improvement of the said public racecourse or the furtherance of the races to be held thereon.

## **3. Title.**

This Ordinance shall be intituled and may be cited as "The Racecourse Reserve Ordinance Amendment Ordinance 1874.

## **5. The Lyttelton Harbour Reserve Ordinance 1874.**

[Reserved for the signification of the Governor's pleasure thereon, 1<sup>st</sup> July 1874.]

Whereas by an Act of the General Assembly of New Zealand the short title of which is "The Lyttelton Harbour Works Loan Act 1872" it was enacted (inter alia) that it should be lawful for the Superintendent meaning by the Superintendent the Superintendent of the Province of Canterbury for the time being acting under the advice and consent of his Executive Council to construct Harbour Works in the Harbour of Lyttelton on any land which then was or thereafter might be vested in him whether above or below high water mark or partly above and partly below high water mark and to defray the cost thereof out of any monies to be raised under the provisions of the now recited Act subject however to certain conditions and particularly to a condition that all persons being owners of or having any lesser estate or interest in any land which might be deprived of frontage upon the waters of Erskine Bay or be injuriously affected by the construction of the said Harbour Works shall be entitled to receive compensation for such deprivation of water frontage or injury the amount whereof should be ascertained in the manner therein mentioned or referred to And whereas under and in pursuance of "The Public Reserves Act 1854 a grant under the hand of the Governor and the Public Seal of the said Colony was on the Fourth day of May One thousand eight hundred and seventy issued to the Superintendent of Canterbury whereby the lands more particularly described in the first Schedule hereto and being part of the reserve No. 1242 (in red) on the map of the Chief Surveyor of the Province of Canterbury with the rights and appurtenances thereto belonging were (inter edict) granted unto the said Superintendent to hold unto him and his successors in trust as a site for the railway and other works in connection with the railway and the

harbour and port of Lyttelton And whereas the said Superintendent acting by and with the advice and consent of his Executive Council has agreed with the owners of sections numbered 332 333 334 335 336 337 338 339 340 341 on the map of the Chief Surveyor of the Province of Canterbury setting out and describing the town of Lyttelton in the manner directed by the said hereinbefore in part recited Act of Assembly for compensation to be rendered to each of the owners on account of such sections being deprived of water frontage and otherwise injuriously affected by the construction of the Lyttelton Harbour Works And whereas by way of such compensation it has been agreed between the said Superintendent and the owners of the said sections that the said Superintendent should construct or cause to be constructed a roadway fifty links wide beginning at the south-west corner of a quarter-acre section of town land being section numbered 322 on the map of the Chief Surveyor of the Province of Canterbury setting out and describing the town of Lyttelton running thence with a width of fifty links as aforesaid in a south-easterly direction at an angle of  $120^{\circ} 30'$  in a straight line a distance of seven hundred and thirteen links thence at an angle of  $210^{\circ}$  in a straight line for a distance of four hundred and sixty links and being distant sixty-five feet from the top edge of the slope of the embankment of the reclaimed ground measured at right angles to the road thence in a line nearly parallel to the top of the slope of the embankment for a distance of five hundred and forty links the road being thirty-three feet in width and thirty-one feet six inches distant at that point which roadway passes along the former high water frontage of the before-mentioned lands is more particularly shown on the plan hereto annexed and therein coloured yellow and shall give or reserve to the said owners their heirs successors or assigns a right of way over such roadway And that the said Superintendent should pay or cause to be paid to such owners all the legal engineering surveying and other expenses which the said owners shall have been put to by reason of or in consequence of such deprivation or injury And whereas owing to their regular conformation of the said sections it has been found necessary in order to make the said road regular and straight in some parts to make the said road partly upon land of the said owners parts of the above-mentioned sections and above the former high water mark of the said sections And also for the same reason in some places that the inland boundary of the said road is in some places below the former high water mark of the said sections And whereas in consequence of the above recited circumstances the said owners respectively and the said Superintendent have mutually agreed as follows That the owners shall respectively convey to the said Superintendent those lands parts of the above-mentioned sections and being part of the lands required for the said road and being situate above the high water mark of the said sections and also that the said Superintendent should convey and assure to the said owners respectively the lands more particularly described in the Schedule hereto being the lands above referred to as the lands situate. between the inland boundary of the said road and the former high water mark of the said sections And whereas it is therefore expedient to empower the said Superintendent to carry out the above recited agreements and in pursuance thereof to empower the said Superintendent to grant as before mentioned a right

of way over the said road and also to convey to the said owners the said lands above-mentioned:

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

**1. Power given to Superintendent to grant owners, &c., of sections 332 to 341 both inclusive a right-of-way over road hereinbefore mentioned.**

It shall and may be lawful for the said Superintendent by Deed under the Public Seal of the said Province to grant unto the owners of the said sections their heirs and assigns and the owners and occupiers for the time being of the said sections their agents servants tenants workmen and others authorised by them to go upon and pass and repass either on foot or on horseback and either with carts or carriages or vehicles of any description whatsoever and with cattle and sheep and either by night or by day into over and upon All that piece or parcel of land hereinbefore mentioned and described and being the said roadway.

**2. Superintendent may convey conditionally all or any pieces of land described in Schedule.**

It shall and may be lawful for the said Superintendent by Deed as aforesaid to convey and assure unto such person or persons and upon such items and conditions as he may judge reasonable all or any of the pieces of land described in the Schedule hereto.

**3. Title.**

This Ordinance shall be intituled and may be cited as "The Lyttelton Harbour Reserve Ordinance 1874."

**The Schedule.**

**Land to be Conveyed to Owner of Section No. 340.**

All that parcel of land part of the said Reserve bounded on the north by a straight line 9 links long running South-westerly being in continuation of the northern boundary of section 340 thence at an angle south-easterly along the inland boundary of the said road a distance of twenty-one links thence northerly along the boundary of the said Reserve to the eastern extremity of the line firstly before mentioned.

**Land to be Conveyed to Owner of Section 339.**

All that parcel of land part of the said reserve bounded on the south by the continuation of the northern boundary of section 340 a distance of nine links on the west by the inland boundary of the said road a distance of ninety-one links on the north by a line twenty links long being a continuation of the most northerly boundary of section No. 339 and on the east or north-east by the boundary of the said reserve.

**Land to be Conveyed to Owner of Section 338.**

All that parcel of land part of the said reserve bounded on the south by the continuation of the most northerly part of section No. 339 a distance of twenty links on the West by the inland boundary of the said road a distance of ninety-one links on the north by a straight line eight links long being a continuation of the northern boundary of section 838 and on the east or north-east by the boundary of the said reserve.

**Land to be Conveyed to Owner of Section 337.**

All that parcel of land part of the said reserve bounded on the south by the continuation of the northern boundary of section No. 338 a distance of eight links on the west by the inland boundary of the said road for a distance of forty links from the western extremity of the said line eight links long and bounded on the north and east by boundary of the said reserve.

**Land to be Conveyed to Owner of Section 333.**

All that parcel of land part of the said reserve commencing at the most westerly extremity of the northern boundary of section 334 thence along the boundary line of the said reserve to the most westerly extremity of the northern boundary of section 333 thence in a straight line south-westerly a distance of twelve links in continuation of the said northern boundary thence south-easterly along the inland boundary of the said road a distance of eighty-eight links to the commencing point.

**Land to be Conveyed to Owner of Section 332.**

All that parcel of land part of the said reserve bounded on the south by the continuation of the northern boundary of section 333 a distance of twelve links on the west by the inland boundary of the said road for a distance of twenty links from the most north-westerly extremity of the said line twelve links long and on the north and east by the boundary line of the said reserve.