

Session XXXIII. 1870 (March 1870).

1. The Diversion of Roads Special Ordinance 1870

[23rd March, 1870.]

Whereas by an Act of the General Assembly of New Zealand entitled "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 sold exchanged or disposed of.

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 Subsection 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 there was or thereafter should be a public street road highway or thoroughfare.

And whereas it is for the public benefit that the parcels of land mentioned and described in Schedule A to this Ordinance and delineated on the Plans hereto annexed and thereon colored Pink should become Public Highways in lieu of the parcels of land mentioned and described in the Schedule B to this Ordinance and delineated on the Plans hereto annexed and thereon coloured Green and that the said last-mentioned parcels of land should cease to be public roads.

And whereas the persons respectively entitled thereto have conveyed the parcels of land mentioned in Schedule A to this Ordinance to the Superintendent of the Province of Canterbury and his successors upon trust for Public Highways and upon the treaty for the said conveyances it was agreed that the respective parcels of land mentioned in the Schedule B to this Ordinance should be given to the respective persons so conveying in exchange for the parcels of land conveyed by them respectively as aforesaid.

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. Parcels of land described in Schedule A to be Public Highways.

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From and after the passing of this Ordinance the parcels of land conveyed as aforesaid and more particularly described in the Schedule A hereto and coloured Pink on the plans hereunto annexed shall be and remain for ever Public Highways.

2. Public Roads passing over lands described in Schedule B to be Closed up.

Public Roads passing over lands described in Schedule B to be Closed up.

From and after the passing of this Ordinance the Public Roads passing over the parcels of land described in Schedule B hereto and coloured Green on the Plans hereto annexed shall be closed up.

3. Parcels of land mentioned in Schedule B to be granted to persons conveying parcels of land mentioned in Schedule A.

Each parcel of land mentioned and described in Schedule B hereto and coloured Green on the Plans hereunto annexed shall be granted to the person or persons conveying the parcel of land mentioned and described and set opposite thereto in the first column to hold the same unto the person or persons so conveying their heirs and assigns for the same estate for which they held the parcel of land conveyed by them as aforesaid.

4. The Title.

This Ordinance shall be entitled and may be cited as "The Diversion of Roads Special Ordinance 1870."

Schedule A.

Plan No. 1.

All that piece or parcel of land one chain wide being part of section No. 7665 commencing on the northern boundary of the said section at a point situate four chains fifty links from the north-west corner thereof and running in a south-westerly direction a distance of about seven chains to the south-west corner of the same section.

Comprising 2 Roods 32 Perches.

Plan No. 2.

All that piece or parcel of land one chain wide being part of section 571 commencing at a point on the southern side of the Old Pigeon Bay Road situate about five chains from the western boundary of the said section and running south-easterly a distance of twenty-four chains eighty-four links to the Little River Road.

Comprising 2 Acres 1 Rood 37 Perches.

Plan No. 3.

All that piece or parcel of land one chain wide being part of section 571 commencing at a point on the western boundary of the said section one chain and fifty links from the north-western corner thereof and running in a south-easterly direction a distance of about seven chains to the old Pigeon Bay Road

crossing the same at a point four chains and ninety links east of the western boundary of the said section.

Comprising 2 Roods 32 Perches.

All that piece or parcel of land one chain wide being part of section No. 5176 commencing on the northern boundary of the said section at a point situate about fifty links east of the north-western corner thereof and running in a south-easterly direction a distance of about seven chains to the northern boundary of section 6660 crossing that boundary at a point being five chains sixty links from the north-eastern corner of the latter section.

Comprising 2 Roods 32 Perches.

All that piece or parcel of land one chain wide being part of section 6660 commencing at a point on the northern boundary of the said section situate five chains sixty links from the north-eastern corner thereof and running in an easterly direction distance of about four chains fifty links to the western boundary of section 571 crossing that boundary at a point being one chain and fifty links from the north-western corner of the latter section.

Comprising 1 Rood 32 Perches.

Schedule B.

Plan No. 1.

All that piece or parcel of land one chain wide being the road separating sections 7665 and 8997 and extending from the road forming the eastern boundary of these sections to the proposed new Akaroa road.

Comprising 3 Acres 2 Roods 4 Perches.

All that piece or parcel of land one chain wide being the continuation of the road separating sections 7665 and 8997 commencing at the proposed new Akaroa road and running along part of the western and northern boundaries of the first mentioned section a distance altogether on the average of eight chains ninety links.

Comprising 3 Roods 22 Perches.

Plan No. 2.

All that piece or parcel of land one chain wide being the road separating sections 8448 and 11387 and 8798 and 13749 extending from the road reserved along the beach to the old Pigeon Bay road.

Comprising 3 Acres 3 Roods 24 Perches.

Plan No. 3.

All that piece or parcel of land one chain wide being the road separating sections 11324 and 10445 bounded on the eastward by the new Akaroa road and on the westward by the old Pigeon Bay road

Comprising 1 Acre 3 Roods 17 Perches.

All that piece or parcel of land one chain wide being that portion of the old Pigeon Bay road within section 571 extending from the eastern boundary of the said section to the proposed new Akaroa road.

Comprising 2 Acres 3 Roods 8 Perches.

**2. The Christchurch Municipal Corporation Reserves Ordinance 1870 D.
NZG 1870 p248.**

[23rd March 1870.]

Whereas the lands tenements and hereditaments described in the Schedule to this Ordinance annexed are vested in the Superintendent of the Province of Canterbury and his successors subject to the provisions of an Act passed by the General Assembly of New Zealand intituled "The Public Reserves Act 1854" And whereas an Act was passed by the said General Assembly of New Zealand intituled "The Public Reserves Act Amendment Act 1862" whereby the Superintendent and Provincial Council of any Province may by any Ordinance duly passed in that behalf direct and declare that any lands vested or which might thereafter be vested in the Superintendent of any Province under the provisions of "The Public Reserves Act 1854" upon trust for any public purposes

should be transferred to and vested in and held by any Corporation Commissioners or other person or persons having corporate succession to be named in such 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 provisoes and conditions as should in such Ordinance be expressed and declared And whereas it is expedient that the said lands tenements and hereditaments so vested in the Superintendent of the Province of Canterbury as aforesaid and described in the Schedule hereto annexed should be vested in the Mayor Councillors and citizens of the City of Christchurch.

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. Lands Tenements and Hereditaments described in Schedule to be vested in Mayor Councillors and Citizens of City of Christchurch.

That the said lands tenements and hereditaments described in the said Schedule shall be and the same are hereby transferred to and vested in Mayor vested in and held by the Mayor Councillors and citizens of the City of Christchurch and their successors as a Body Corporate in trust for municipal purposes of the City of Christchurch.

2. Superintendent may grant and convey to said Corporate Body said lands tenements and hereditaments.

That it shall be lawful for the Superintendent in Council to grant and convey to said grant and convey to the said Corporate Body the said lands tenements and hereditaments hereinbefore declared to be vested in such body upon trust for the purposes hereinbefore expressed.

3. Said Corporate Body may lease and manage said lands tenements and hereditaments.

That notwithstanding the trust hereinbefore declared it shall be lawful for the said Corporate Body to lease and manage the said lands tenements and hereditaments at such rents issues and profits as they may deem expedient so that such lease or leases be not for any longer period than twenty-one years to take effect from the day of the execution thereof and so that no fine premium or forfeit be taken for the same.

4. Rents issues and profits shall form part of City Funds of said Corporate Body.

All rents issues and profits received by virtue of this Ordinance shall form part of the city funds of the said Corporate Body.

Schedule.

All that piece or parcel of land situate in the Christchurch district near the Horse Shoe Lagoon and containing by admeasurement Thirty Acres more or less commencing at a point on the south-western side of the road forming the north-eastern boundary of section No. 3099 the said point being the easternmost corner of that section thence south-westerly along the south-eastern boundary of the same a distance of twenty chains fifty links thence westerly along the East Christchurch road to its junction with the road forming the western boundary of section No. 3099 thence southerly along the said road to its junction with the road forming the northern boundary of section No. 557 thence easterly and north-easterly following that road to its junction with the road first before mentioned and from thence returning north-westerly along the same to the commencing point and numbered 209 (in red) on the map of the Chief Surveyor of the Province of Canterbury setting out and describing the rural land in the Christchurch district aforesaid.

All that piece or parcel of land situate in the Christchurch district and containing by admeasurement Eighteen Acres more or less commencing at the junction of the southern side of the road forming the southern boundary of Reserve No. 107 (in red) with the western side of the road forming the western boundary of sections Nos. 1148 and 1145 thence south-easterly and southerly following the latter road a distance of twenty-eight chains measured in a straight line to its junction with the road forming part of the north-eastern boundary of section No. 1144 thence north-westerly north-easterly and northerly following that road to its junction with the road forming the southern boundary of reserve No. 107 (in red) first before mentioned and from thence returning easterly along the same to the commencing point and numbered 210 (in red) on the map of the Chief Surveyor of the Province of Canterbury setting out and describing the rural land in the Christchurch district aforesaid.

All that piece or parcel of land situate in the Christchurch district and containing by admeasurement Twenty-two Acres more or less commencing at a point on the north-eastern side of the road forming the south-western boundary of section No. 1144 the said point being the southernmost corner of that section thence northerly along the eastern boundary of the same a distance of twenty-six chains sixty links thence south-easterly southerly and westerly following the road forming the western boundary of sections Nos. 1145 and 1146 a distance of about forty chains to its junction with the road first mentioned and from thence returning north-westerly along the same to the commencing point and numbered 211 (in red) on the map of the Chief Surveyor of the Province of Canterbury setting out and describing the rural land in the Christchurch district aforesaid.

All that piece or parcel of land situate in the Christchurch district and containing by admeasurement Thirty Acres more or less commencing at the junction of the

eastern side of the road forming the eastern boundary of sections Nos. 901 and 4533 with the southern side of the road forming the southern boundary of section No. 8776 thence easterly following the latter road nine chains seventy links thence southerly along the road forming the western boundary of section No. 8188 a distance of twenty-one chains thence westerly and north-westerly following the road forming the north-eastern boundary of section No 1148 a distance of twenty chains twenty links to its junction with the road first before mentioned thence northerly along the same to the commencing point and numbered 212 (in red) on the map of the Chief Surveyor of the Province of Canterbury setting out and describing the rural laud in the Christchurch district aforesaid:

3. The Educational Reserves Leasing Ordinance 1870.

Whereas by several Crown Grants bearing the dates respectively as contained in the Schedule hereto all those parcels of land described in the said Crown Grants and delineated in the plans drawn in the margin of the said Crown Grants with all the rights and appurtenances thereto belonging were granted unto the Superintendent of the Province of Canterbury and his successors in trust for Educational purposes.

And whereas it is expedient that the said Superintendent of the said Province of Canterbury and his successors should have power to demise and lease the said parcels of land.

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. Superintendent in Council may from time to time demise and lease after public tender for any term not exceeding twenty-one years all or any part of Reserves described in Schedule.

It shall be lawful for the Superintendent in Council from time to time demise and lease after public tender for any term or terms not exceeding twenty-one years All or any part of the Reserves described in the Schedule to this Ordinance upon such terms and conditions and at such rent or rents as to the Superintendent in Council may seem proper.

2. Title.

This Ordinance shall be intituled and may be cited as "The Educational Reserves Leasing Ordinance 1870."

Schedule.

Number of Reserve as delineated in red on Map of the Chief Surveyor of the Province of Canterbury.	District.	Acreage. A. R. P.	Date of Crown Grant.
397	Mandeville	759 0 0	9 th Sept. 1869
398	Oxford	97 0 0	9 th Sept. 1869
673	Waitangi	136 0 0	25 th June 1868
674	Waitangi	60 0 0	25 th June 1868
675	Waitangi	157 0 0	25 th June 1868
676	Waitangi	123 0 0	25 th June 1868
677	Waitangi	325 0 0	25 th June 1868
678	Waitangi	473 0 0	25 th June 1868
679	Waitangi	754 0 0	25 th June 1868
921	Christchurch	68 0 0	9 th Sept. 1869
922	Christchurch	38 0 0	9 th Sept. 1869
923	Christchurch	68 0 0	9 th Sept. 1869
926	Oxford	96 0 0	9 th Sept. 1869
927	Oxford	490 0 0	9 th Sept. 1869

4. The Cemetery Reserves Management Ordinance 1870

[23rd March 1870.]

Whereas by authority of the "Public Reserves Act 1854" certain lands have been and are now vested in the Superintendent of the Province of Canterbury upon trust for Public Cemeteries And whereas by the said "Public Reserves Act 1854" it is provided that the Superintendent and Provincial Council of any Province may by any Act or Ordinance duly passed in that behalf regulate the management and administration of the lands vested in the Superintendent as aforesaid and whereas it is expedient to make provision for such management and administration of all such reserves as are now vested in the Superintendent for the purposes aforesaid.

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

1. Superintendent with advice of Executive Council may appoint persons to be managers of reserves.

It shall be lawful for the Superintendent with the advice of the Executive Council from time to time to appoint so many persons as he may think fit to be Managers of all or any of the said reserves and to remove from the said 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 shall be published in the Provincial Government Gazette.

2. Managers of Cemetery shall have power to enclose some or any part thereof: to lay out and ornament same: and preserve and maintain same in proper order and expend moneys in their hands in such matters and in burial of poor persons.

The Managers of any such Reserve and Cemetery shall have power to enclose power to enclose the whole or any part of the land reserved or set apart for such purposes as aforesaid with proper and sufficient walls rails fences or palisades and to erect suitable gates and entrances and to lay out and ornament such Cemetery in such manner as may be most convenient and suitable for the burial of the dead and to embellish the same with such walks avenues roads and shrubs as may to them seem fitting and proper and to preserve maintain and keep in a cleanly and orderly state and condition and cause to be so maintained and kept the whole of any such Cemetery and its walls and fences and all monuments tomb-stones enclosures buildings erections walks and shrubberies therein and belonging thereto and shall lay out and expend subject to the directions of the Superintendent with the advice aforesaid the moneys in their hands from time to time to be received by them under this Ordinance in and about the matters aforesaid and in the burial of poor persons.

3. Managers may make rules and regulations to be submitted to the Superintendent and Executive Council and published in Gazette.

The Managers of any such Cemetery shall have power and authority to make such rules and regulations and to do and perform all such acts matters and things as may be necessary and proper for any of the purposes aforesaid for directing the positions of all graves vaults monuments and tomb-stones to be made erected and placed in the said Cemetery the depths of graves the construction of coffins to be admitted into vaults and the covering of vaults so as to prevent the escape of any noxious exhalation or evaporation in the said Cemetery and for protecting the buildings monuments shrubberies plantations and enclosures therein and thereof from destruction or damage and for prosecuting all persons who shall or may at any time do or cause to be done any damage to any such buildings monuments tombstones shrubberies plantations or

enclosures : Provided that no such rule or regulation shall be in force until the same has been submitted to the Superintendent and Executive Council and published in the Provincial Government Gazette.

4. Managers not to interfere with performance of any religious ceremony: Minister to have free access and admission to portion of specially set apart for his denomination.

The said Managers shall not by any rule or regulation or any act matter or thing at any time interfere directly or indirectly with the performance of any religious ceremony in the burial of the dead according to the usage of the communion to which the deceased may have belonged: And it shall be lawful for any Minister of any denomination for which any portion of such Cemeteries shall be specially set apart to have free access and admission to such portion of the said Cemeteries at all times as they respectively shall think fit and freely to exercise their spiritual functions therein without any hindrance or disturbance from the Managers of any such Cemetery or any person whatever.

5. Managers may permit graves or vaults to be dug or made and monuments and tombstones to be erected or placed in Cemetery upon payment to them of such fees as they may establish: Register to be kept of graves vaults monuments or tombstones.

It shall be lawful for the Managers of any such Cemetery to permit any grave or vault to be dug and made in such Cemetery and any monument or tomb-stone to be erected or placed in any parts of such Cemetery as they may think proper upon payment to them by the person desiring to dig and make such grave or vault and to erect or place such monument or tomb-stone of such fees as shall from time to time be established by the said Managers and any person so digging making erecting or placing such grave vault monument or tomb-stone by and with such permission and upon payment of the fees as aforesaid shall be entitled to have such grave vault monument or tombstone reserved maintained and kept up according to the terms of such permission to and for the sole and separate use of such person and his representatives for ever Provided that a plan of every monument proposed to be erected and placed shall be exhibited to the said Managers before such permission is given and that the said Managers shall be at liberty to withhold such permission and to prevent the erection of any monument or tombstone which shall appear to them to be inappropriate or unbecoming and shall determine and fix the position of any monument or tombstone which may be proposed to be erected or placed according to the description size and character thereof having reference to the general plan for ornamenting the said Cemetery in an appropriate manner A Register of such permissions and of the terms and conditions thereof shall be kept by the Managers and within fourteen days after any such permission has been given an entry of the date thereof and of the parties thereto and a proper description of the ground set apart for such grave or vault so as the situation thereof may be ascertained shall be made in the said Register by the Managers or their Clerk for making which entry a fee not exceeding two shillings and sixpence may be

charged to the person receiving such permission and the said Register may be perused by any person at all reasonable times upon payment to the Managers of a fee of one shilling.

6. Fees to be according to a scale made by Managers with the consent of the Superintendent and Executive Council and published in Gazette.

The fees to be established by the Managers of any such Cemetery and paid by the person desiring to dig and make any grave or vault or to erect or place any tombstone or monument in the said Cemetery as aforesaid shall be according to a scale of all such fees to be made by the said Managers with the consent of the Superintendent and Executive Council and published in the Provincial Government Gazette Provided that nothing herein contained shall be deemed to prevent the said Managers from allowing the burial of any poor person in such Cemetery free from any charge whatsoever.

7. Before any corpse shall be permitted to be interred in any vault or grave evidence may be required that the person, if any, in whom for the time being the exclusive right of burial or interment therein is vested has consented thereto.

Before any corpse shall be permitted to be interred in any vault brick grave or in any place of burial the exclusive right of burial or interment wherein shall have been sold or granted by the said Managers as a family or private burial place it shall be lawful for the said Managers or any officer employed by them to require and they or he shall be entitled to have to them or him satisfactory evidence that the person for the time entitled as owner to the exclusive right of burial or interment in such vault brick grave or other burial place has consented or would not object to such interment taking place therein.

8. Managers may take down and remove any tombstone monuments or other erections placed or built contrary to terms and conditions.

It shall be lawful for the said Managers to take down and remove any tombstones monuments or other erections which shall have been placed erected or built contrary to the terms and conditions upon which permission to place erect or construct the same was granted or in case such terms and conditions as well as the regulations of the said Cemetery shall not have been complied with.

9. Managers may set apart portions of Cemetery for religious denominations such portions may be consecrated and Mortuary Chapel may be built.

It shall be lawful for the Managers of any Reserve on the application of members of any religious denomination whose principles demand that land used for the burial of their dead should be consecrated to set apart a portion of the said Reserve for the burial of the dead according to the rites of such denomination And the Managers shall permit such portion so set aside to be consecrated according to the rites of the particular denomination and the part which is so consecrated shall be used only for burials according to the rites of the particular

denomination And the Managers shall define by suitable marks not being dividing fence the portions so set aside or consecrated Provided that if the Managers shall be of opinion that the members of the religious denomination residing in the Town or District for the use of which Town or District the Cemetery is set apart are inconsiderable in number it shall be lawful for the Managers to refuse the application and the members so applying as aforesaid may thereupon appeal to the Superintendent against the decision of the Managers and the Superintendent with the advice of his Executive Council shall consider the appeal and make such order thereupon as shall seem to meet the justice of the case And the Managers of any such Cemetery may out of any funds at their disposal which may accrue erect a Mortuary Chapel for general use and may allow the members of any religious denomination at their own expense to erect and build within such part of the said Cemetery as shall be specially set apart to be consecrated for that denomination a suitable Mortuary Chapel for the performance of the rites and ceremonies in the burial of the dead according to the usage of such denomination. Provided that the plans specifications elevations and models thereof with lodges and other buildings and conveniences thereto shall be first submitted for the approval of the said Managers and shall be approved by them.

10. Meetings of Managers.

All meetings of the Managers of any such Cemetery shall be convened according to the rules to be adopted by them for such purpose and all questions matters and things which shall be discussed or considered at any such meeting shall be decided and determined by the majority in number of the Managers then present; provided that the said Managers being three or more in number shall not be competent to proceed to business unless there be at least three of them present and all such Managers shall have power to make such rules and regulations as may be necessary for their own guidance and management.

11. Managers may appoint grave diggers and other servants and pay same.

The Managers may appoint grave diggers and other servants necessary for the care and use of the Cemetery and may pay them such wages and allowance as they think fit out of the fees and other moneys received by the Managers under this Ordinance and may remove them or any of them at their pleasure.

12. Managers to keep full and particular account of all sums of money received and expended by them.

A full and particular account shall be kept by the Managers of every such Cemetery of all sums of money received and expended by them and an abstract of such account shall be made up from the day of their first appointment to the Thirty-first day of December in the first year of their appointment and from the first day of January to the Thirty-first day of December both inclusive in each subsequent year and such account and abstract shall be transmitted to the Superintendent as early as practicable and not later than the Twentieth day of January in every year and shall be verified respectively by a declaration by three at least of such Managers to be made before a Justice of the Peace of the

Colony of New Zealand and every such abstract shall be published in some newspaper circulating in the district and if such Managers shall omit to make and transmit such accounts and abstracts they shall forfeit and pay for every such offence a sum not exceeding five pounds.

13. Manager to send to Superintendent along with accounts a statement of the condition of Cemetery.

The said Managers shall send to the Superintendent along with such accounts a statement of the condition of such Cemetery as to repairs order and ornament and suggestions as to the work or alterations necessary or expedient in the ensuing year for such repairs order and ornament and an estimate of the expense which may probably be incurred in effecting the same.

14. Proceedings to be taken and fines and penalties recovered in a summary way.

All proceedings under this Ordinance shall be had and taken and all fines and penalties shall be recovered in a summary way.

15. Title.

This Ordinance shall be termed and may be cited and referred to as the "Cemetery Reserves Management Ordinance 1870."