

Mr. McCaughan.

Counties Act Amendment.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Power to County Councils to construct tramways.</p> <p>3. Powers of County Councils in respect of such works.</p> <p>4. Power to make by-laws as to tramways.</p> <p>5. Further powers of County Councils to lay tramways on roads and streets, &c.</p> <p>6. Cost of constructing and working tramways to be paid out of County Fund.</p> <p>7. Incorporation of certain sections of "The Tramways Act, 1872."</p> <p>8. County Councils may authorize a company or persons to construct tramways.</p>	<p>9. Restriction of the powers of promoters.</p> <p>10. Act not to abridge public rights.</p> <p>11. Repeal of section 29 of "The Public Works Act, 1878."</p> <p>12. Road district included in two or more counties may merge in such counties. Powers and functions of respective counties in respect of parts of district merged.</p> <p>13. Councils may agree as to division of property, &c., and apportion liabilities.</p> <p>14. If no agreement made, actions and contracts, &c., may be enforced against either of such counties.</p> <p>15. Public pounds heretofore established may be brought under Counties Act.</p>
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A BILL INTITULED

AN ACT to amend "The Counties Act, 1876."

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- 1. The Short Title of this Act is "The Counties Act Amendment Act, 1879." Short Title.
- 2. Any County Council may, in the manner provided by "The Counties Act, 1876" (hereinafter termed "the said Act"), and "The Public Works Act, 1876," make and construct tramways for the use and convenience of the public within the county, and may use and work the same. Power to County Councils to construct tramways.
- 3. Every such tramway shall be deemed to be a work which the County Council is authorized to undertake, and the Council shall have and may exercise all such rights and powers, and shall have and be liable to all such duties and liabilities, in respect of any such tramway, as it would have in respect of any county road or other work it is authorized by law to undertake. Power of County Councils in respect of such works.
- 4. The Council may make by-laws in respect of any such tramway— Power to make by-laws as to tramways.
 - (a.) For determining the fares and charges to be paid for passengers and goods carried on a tramway, and for the storage of goods at any station connected therewith;
 - (b.) For regulating the speed at which carriages may travel thereon, and the distances at which they may follow one another;
 - (c.) For prescribing the use of steam, horse, or other power for propelling carriages;
 - (d.) For making time-tables showing the times of the starting and arrival of carriages at all stations on the tramway;

- (e.) For regulating the ordinary traffic on any road or street on which any tramway is laid ;
- (f.) For regulating the conduct and punishing the misconduct of any persons employed on the tramway ;
- (g.) For preventing the commission of any nuisance upon a tramway, or in any premises or carriages belonging thereto. 5

Every such by-law shall be made in the manner and subject to the provisions affecting by-laws prescribed by the said Act.

Further powers of County Councils to lay tramways on roads and streets, &c.

5. A County Council may, in addition to the powers conferred by this Act,— 10

- (1.) Lay any such tramway in or on any county road, or any road or street under the control of any Road Board, without the consent of such Road Board ;
- (2.) May dig up, alter the surface, and temporarily stop the traffic on such road or street ; 15
- (3.) Alter any drain or culvert upon or under such road or street, but so that the flow of water shall not be thereby impeded ;
- (4.) With the consent of the Borough Council, exercise any such powers in respect of any road, street, drain, or culvert under the control of any such Council. 20

Cost of constructing and working tramways to be paid out of County Fund.

6. The cost of making and constructing any such tramway, and all stations or buildings required for the purposes thereof or to be used in connection therewith, and of working and using the same, shall be defrayed out of the County Fund, and all moneys received from the use or working of such tramway, or under this Act, shall be paid into the said fund. 25

Incorporation of certain sections of "The Tramways Act, 1872."

7. The sections from fifty to fifty-four of "The Tramways Act, 1872," both inclusive, shall be deemed to be incorporated with this Act, and shall apply to any tramway made hereunder. 30

County Councils may authorise a company or persons to construct tramways.

8. A County Council may, by special order, authorize any corporation, company, or persons (herein termed "the promoters") to exercise all or any of the powers hereby vested in it for the construction of tramways, on such terms and conditions as the promoters and the Council shall agree ; and, upon any such agreement being made, the promoters shall have all the duties and liabilities which the Council would have had in respect of any such tramway. 35

Restriction of the powers of promoters.

But this provision shall not empower the promoters to make by-laws for any of the purposes set forth in the *fourth* section of this Act, and the power to make by-laws shall only be exercisable by the Council. 40

Act not to abridge public rights.

9. The promoters shall not construct or lay any such tramway in or upon any street or road under the control of any Borough Council, or of any Road Board, without the previous consent of such Council or Board respectively. 45

Repeal of section 29 of "The Public Works Act, 1878."

10. Nothing in this Act shall take away or abridge the right of the public to pass along or across any street or road on which any tramway is laid, whether on or off the tramway, on foot, or on horseback, or with carriages not having flange wheels, or wheels suitable only to run on the rail of the tramway. 45

11. The twenty-ninth section of "The Public Works Act 1876 Amendment Act, 1878," is hereby repealed, but such repeal shall not affect or prejudice any order granted or made, or any rights or interests acquired or created, under that section before the passing of this Act. 50

Road district included in two or more counties may merge in such counties.

12. Whenever a road district shall be included in two or more counties, each part of such road district shall, for the purposes of the thirty-seventh, thirty-eighth, and thirty-ninth sections of the said Act, be deemed to be a separate road district, and may take all necessary proceedings prescribed by the said Act in order to effect a merger as if each such part were a separate road district. 55 60

Upon such merger being effected, and subject to the provisions hereinafter contained, the Corporation of each county and its Council, and all other persons affected, shall have all the powers, duties, and functions mentioned in the said thirty-ninth section, in respect of
 5 the part of the road district so merged.

Powers and functions of respective counties in respect of parts of district merged.

13. The Councils of the counties into which such road district has merged may agree to divide all real and personal property belonging to the Road Board, and to apportion all rates due or payable, and all liabilities, contracts, and engagements of the Road Board, in such
 10 manner as they may think fit.

Councils may agree as to division of property, &c., and apportion liabilities.

The effect of every such agreement shall be that the Corporation of each county and its Council shall stand in the place of the road district and the Road Board respectively in regard to all matters and things in such agreement provided for, and shall be binding and con-
 15 clusive on all other persons whomsoever.

14. If no agreement is made within two months after such merger is effected, then any action pending at the time of such merger against the Road Board, or any contract, liability, or engagements of such Board then remaining unperformed or outstanding, may respectively
 20 be continued and enforced against either of the Corporations of the counties into which such road district has been merged, at the option of any person having the legal right to continue such action or carry on or enforce any such contract, liability, or engagement.

If no agreement made, actions and contracts, &c., may be enforced against either of such counties.

15. The Council of any county may, by special order, assume the control and management of any pound within the county established or constituted under any law for the time being in force; and, upon such order taking effect, such pound shall be deemed to be a public pound established under the said Act, and all the provisions of the said Act shall extend and apply to such pound accordingly.

Public pounds heretofore established may be brought under Counties Act.