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COUNTIES ACT AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Meaning of "public works" extended. 3. Weight of loads on roads may be regulated. 4. Where rivers, &c., run lengthwise between two counties, the middle thereof to constitute boundary. Repairs of banks of dividing rivers of counties. 5. Proclamations to be submitted to Assembly. 6. Public pounds heretofore established may be brought under Counties Act. 7. Road district included in two or more counties may merge in such counties. Powers and functions of respective counties in respect of parts of districts merged. 8. Councils may agree as to division of property, &c., and apportion liabilities. 9. If no agreement made, actions and contracts, &c., may be enforced against either of such counties. 10. Every merger of road district to be gazetted. 11. When said Act not in force, Governor in Council to administer Act. | <ol style="list-style-type: none"> 12. Power to lease ferries and ferry reserves without auction or public tender. 13. Power to contract for building of bridges and to grant right to collect tolls. 14. Several counties may be united in contract. <p style="text-align: center;">TRAMWAYS.</p> <ol style="list-style-type: none"> 15. Power to County Councils to construct tramways. 16. Powers of County Councils in respect of such works. 17. Power to make by-laws as to tramways. 18. Further powers of County Councils to lay tramways on roads and streets, &c. 19. Cost of constructing and working tramways to be paid out of County Fund. 20. Incorporation of certain sections of "The Tramways Act, 1872." 21. County Councils may authorize a company or persons to construct tramways. 22. Restriction of the powers of promoters. 23. Act not to abridge public rights. 24. Repeal of section 29 of "The Public Works Act, 1878." |
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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 :—

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| <ol style="list-style-type: none"> 1. The Short Title of this Act is "The Counties Act Amendment Act, 1880." 2. The expression "public works" in "The Counties Act, 1876" (hereinafter called "the said Act"), and any Act amending the same, shall include works for the purposes of water supply, irrigation, and drainage of land. 3. The Council may make by-laws regulating the weight of loads to be carried on any road or highway within the county under the care or control of such Council. Every person committing a breach of any such by-law shall be liable to a penalty not exceeding five pounds. 4. Where any non-navigable river or stream runs lengthways between two or more counties wholly or in part, then the boundaries of each such county shall extend to the middle of such river or stream, following its natural course, and the boundaries of any county affected by this provision shall be deemed to be and are hereby altered accordingly. 5. Each of the counties divided by such river or stream shall bear all cost of cleansing the portion of such river or stream included within its boundaries, and of keeping in repair and maintaining the banks of such river or stream within such boundaries; but nothing herein contained shall control or interfere with any powers conferred upon the Governor or the Minister by "The Public Works Act, 1876," or any Act amending the same. 6. A copy of every Proclamation issued under the fourteenth section of the said Act shall be laid before both Houses of the General Assembly in the session of Parliament next ensuing after the issue thereof, and within ten days after the commencement of such session. 7. So much of the fifteenth section as provides that "a copy of every such Proclamation shall be laid before Parliament within ten days after its next sitting after the issue thereof," is hereby repealed. | <p>Short Title.</p> <p>Meaning of "public works" extended.</p> <p>Weight of loads on roads may be regulated.</p> <p>Where rivers, &c., run lengthwise between two counties, the middle thereof to constitute boundary.</p> <p>Repair of banks of dividing rivers of counties.</p> <p>Proclamations to be submitted to Assembly.</p> |
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Public pounds heretofore established may be brought under Counties Act.

6. 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. 5

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

7. 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. 10

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

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 the part of the road district so merged. 15

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

8. 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 manner as they may think fit.

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 conclusive on all other persons whomsoever. 20

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

9. 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 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. 25

Every merger of road district to be gazetted.

10. Upon any merger of a road district with a county the Council of the county in which the road district is merged shall cause a notification of such merger to be gazetted.

When said Act not in force Governor in Council to administer Act.

11. When the whole of the said Act is not in operation in any county, the powers, duties, and functions by this Act vested in a County Council shall vest in and may be exercised from time to time by the Governor in Council. 35

Power to lease ferries and ferry reserves without auction or public tender.

12. When any public reserve is granted to or vested in any County Council for the purposes of a ferry or ferries, or where any ferry is granted to, vested in, or under the control of such Council, notwithstanding any provision to the contrary contained in "The Public Reserves Act, 1877," or any amendment thereof, or in "The Public Works Act, 1876," or any amendment thereof, such Council shall have the power of leasing such reserve or ferry, or any part of such reserve, for any term not exceeding *fourteen* years, for such rent and on such terms and conditions as to the maintenance of such ferry as they may think fit, to the same person or persons, and without submitting such lease to public auction or public tender. 40

Power to contract for building of bridges and to grant right to collect tolls.

13. It shall be lawful for any County Council to contract with any person or persons or body corporate for the building by such person or persons or body at his or their own cost of a bridge or bridges in connection with any county road or roads, and such contract may provide (subject to such terms and conditions as may be agreed upon) for granting to such builder or builders the right of levying and collecting for a definite period, and applying to his or their own use and 45

profit, tolls or charges for the use of such bridges :

Provided that such tolls and charges shall first be submitted to and approved by the County Council :

Provided also that it shall be lawful for such Council to exercise in favour of such builders all such powers in respect of leasing ferry reserves as are herein-before conferred upon County Councils.

14. It shall be lawful for the Councils of several adjoining counties to unite in such contract as is in the last preceding section mentioned, and all the provisions of such section shall apply to such contract: Provided that, in case of dispute among such Councils respecting the approval of tolls and charges, such dispute shall be settled by the Governor.

Several counties may unite in contract.

TRAMWAYS.

15. Any County Council may, in the manner provided by "The Counties Act, 1876," 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.

16. 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.

Powers of County Councils in respect of such works.

17. 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.

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

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

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

- (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;
- (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.

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

19. 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. 5

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

20. 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.

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

21. 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. 10

But this provision shall not empower the promoters to make by-laws for any of the purposes set forth in the *seventeenth* section of this Act, and the power to make by-laws shall only be exercisable by the Council. 15

Restriction of the powers of promoters.

22. 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. 20

Act not to abridge public rights.

23. 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.

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

24. 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. 25