

New Parliament.

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and having this day passed, as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,  
23rd October, 1884.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Mr. Levestam.

MUNICIPAL CORPORATIONS ACT 1876 AMENDMENT, No. 1.

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A BILL INTITULED

AN ACT to amend "The Municipal Corporations 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:—

5 1. The Short Title of this Act is "The Municipal Corporations Act 1876 Amendment Act, 1884, No. 1." Short Title.

2. The Council may at any time and from time to time, and in manner provided in section forty-six of "The Municipal Corporations Act, 1876" (hereinafter referred to as "the said Act"), amend Council may amend burgess list.  
10 any burgess list by the addition or erasure of names of persons who have acquired or parted with their qualification respectively, and whether such burgess list is for the time being in force or not:

15 Provided that this section shall not authorize the insertion on any such list of any defaulter's name which appears at the time on the defaulter's list, and that no amendment of any such list shall be made at any time within one month from prior to the day appointed for any ordinary election, nor after the creation of any vacancy, which shall make an extraordinary election necessary, until such elections respectively have been concluded and made.

20 New clause.

25 3. Whenever, in the opinion of the Council, damage to public or private property within the borough is likely to arise from the overflow of any stream by reason of any rocks, stones, gravel, timber, or other impediment to its flow, it shall be lawful for the Resident Magistrate, upon the application of the Council, and after such inquiry as he may think necessary, to grant an order authorizing the Council to apply the borough funds in or towards the removal of

such impediments, and for that purpose to enter upon such stream and upon the adjoining lands, notwithstanding the same may be private lands.

*Struck out.*

3. Section two hundred and thirty-seven of the said Act is hereby amended by the insertion, in the eighth line, between the words "the Council" and the words "and the Council," of the following words: "and such nuisance may be abated by filling up with earth the land on which the nuisance occurs, to a level not higher than the permanent level of the adjacent streets, if in the opinion of the Council, expressed by resolution, such filling-up shall be the only effectual means of abating such nuisance;" and by the addition of the words "or filled up" at the end thereof.

4. The Council may make drains or channels for carrying off any overflow water from a stream, and may apply the borough funds in or towards the removing from any stream, channel, or watercourse, any stones, gravel, timber, or anything whatsoever which impedes the free flow of the water, and is the cause, or, in the opinion of the Council, may, in the event of freshes or floods, be the cause of damage to any public or private property within the borough.

Separate rates may be levied for works in part of borough.

5. 4. Where it appears that any work which the Council is authorized to execute is for the special benefit of any particular portion of the borough, the Council may, for defraying the expenses incurred in executing such work, by special order distinctly defining such portion, make and levy a separate rate; but the total amount of all such separate rates made for any one year in any part of the borough shall not exceed *one shilling* in the pound.

Such rate to be made on petition.

No such special order shall be made unless a petition shall be presented to the Council praying that a separate rate may be made and levied, signed by two-thirds of the ratepayers having a majority of votes in such portion of the borough liable to be rated to such separate rate.

How moneys to be applied.

The Council shall apply the moneys collected and received from any such portion of the borough respectively by virtue of any such separate rate or rates towards the expense of such works as herein mentioned, or towards recouping themselves the expense of any such works which may have been constructed before such separate rate was resolved on.

*Struck out.*

6. The Council, with the consent of the burgesses of any particular portion of the borough, to be ascertained as provided by the said Act in relation to a proposal to raise a special loan, may from time to time raise a special loan for the purpose of doing some work or improvement in such part of the borough, and may make and levy a separate rate on such part as a security for such loan and to provide for the payment of interest thereon and the repayment thereof.

In any such case, and for the purpose of ascertaining the consent of the burgesses as aforesaid, and before the poll is taken on the proposal to raise such special loan, the Town Clerk shall make up a separate roll of the burgesses whose names appear on the burgess roll of the borough or any ward thereof in respect of a qualification situate in the particular portion of the borough aforesaid, in the same manner, except as aforesaid, as such Clerk is required by section five of "The Municipal Corporations Act 1876 Amendment Act, 1877," to make up a special roll of burgesses on any proposal to raise a special loan for the entire borough.

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7-5. If at any time after a borough is divided into wards any ward shall contain within its limits a less number of ratepayers than twenty-five, such ward shall thereupon cease to be a separate ward of a borough, and shall be merged into and form a portion of such ward of the same borough as the Council shall by resolution declare, and the Councillors for such ward shall thereupon cease to be Councillors of the borough.

Ward containing less than twenty-five ratepayers merged.

*Struck out.*

8. The Council of a borough established under any Act relating to Municipal Corporations, notwithstanding that its inhabitants exceed the number set out in the twentieth section of "The Roads and Bridges Construction Act, 1882," may, upon an Order in Council signed by the Governor and published in the *New Zealand Gazette*, execute all the provisions of the said "Roads and Bridges Construction Act, 1882," and do all things and acts that may be done under the Act last-mentioned by the Council of a county.

9. The Council of any borough may from time to time amend any rate made by virtue of this Act, by inserting therein the name of any person claiming and entitled to have his name therein as owner or occupier, or by inserting the name of any person who ought to have been rated, or by striking out the name of any person who ought not to have been rated, or by making such other amendments therein as will make such rate conformable to the Rating and Corporation Acts, and no such amendments shall be held to avoid the rate: Provided always that every person aggrieved by any such alteration shall have the same right of appeal therefrom as he would have had if his name had been originally inserted in such rate and no such alteration had been made; and, as respects such person, the rate shall be considered to have been made at the time when he received notice of such alteration; and every person shall be entitled to receive fourteen days' notice of such alteration before the rate shall be payable by him, and all such alterations shall be initialled by any two Councillors.

10. Section ten of "The Municipal Corporations Act Amendment Act, 1880," is hereby repealed, and the following is enacted in lieu thereof:—

If the number of votes given for the proposal exceeds the number given against it by one-fifth, or, if the number of voters for the proposal exceeds one-half of the number of burgesses on the roll at the time of voting, and the number of votes exceeds the number of votes against it, then, in either event, the resolution shall be deemed to be carried, and the Council may proceed with the proposal accordingly; but, if not, then the resolution shall be deemed to be rejected, and the Council shall not so proceed.

11-6. The Council of any borough may, by special order,—

(a.) With the consent of the owner, by deed, declare any private street (within the borough) laid out within the said borough prior to the coming into operation of "The Municipal Corporations Act Amendment Act, 1878," notwithstanding that such private street is of any less width than forty feet, and that no petition shall have been presented to the Council in accordance with subsection two of section two hundred and eleven of "The Municipal Corporations Act, 1876," to be, and such private street shall, from the time

Private streets declared to be public streets.

named in such special order, become, a public street: Provided always that such private street shall, previous to the date of such special order, have been formed, metalled, and otherwise constructed in such manner and of such materials as the Council approves.

(b.) Declare, without such consent as aforesaid, any such private street to be, and such private street shall, from the date named in such special order, become, a public street, subject, however, to subsection two of section two hundred and eleven of the said Act: Provided that, prior to such special order, such private street shall have been formed, metalled, and otherwise constructed in such manner and of such materials as the Council approves.

The provisions of the one hundred and eighty-fifth section of the said Act, and all other provisions of any Act affecting public streets shall, from the day named in such special order, apply to such private streets.

Section fifteen of "The Municipal Corporations Act Amendment Act, 1880," is hereby repealed.

*Struck out.*

12. Section three hundred and twenty of the said Act is hereby repealed, and in lieu thereof it is enacted as follows:—

The driver of every cart shall, at the request of the buyer or seller of the load of such cart, or his agent, take such cart with or without the loading thereof to the nearest weighing machine provided by the Council and shall permit the same to be weighed, and if such cart be weighed with its load thereupon the driver shall, if required, take such cart after its load has been discharged to the weighing machine nearest to such place of discharge and permit it to be reweighed without such load, and if any such driver shall, for the purposes aforesaid, be required to take such cart a greater distance than half a mile, including the going to and returning from such machine respectively, the owner of the cart shall be paid for every horse which shall be used in drawing such cart, sixpence for the first half-mile, and a like sum for every additional half-mile, and such payment shall be made by the person requiring such cart to be weighed as aforesaid before the driver thereof shall be obliged to take it as aforesaid for the purpose of having it weighed.

The driver of any such cart who shall not, upon being so requested as aforesaid, and having such payment made or tendered as aforesaid, take the same to such weighing machine as hereinbefore directed, or who shall refuse to assist in the weighing of the same, shall forfeit to the person requiring such cart to be weighed a sum not exceeding twenty shillings, to be recovered before any Justice.