

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,

24th November, 1910.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Buddo.

MUNICIPAL CORPORATIONS AMENDMENT.

ANALYSIS

- | | |
|---|--|
| <ul style="list-style-type: none"> Title. 1. Short Title and commencement. 2. Section 6 of principal Act amended. 3. Section 6 of principal Act further amended. 4. Limitation of time for enrolment claim. 5. Section 11 of principal Act amended. 6. Polling-hours. 7. Disposal of ballot-papers, &c., after general elections. 8. Permissive use of voting-machines. 9. Councillor elected as temporary Mayor. 10. Section 42 of principal Act amended. 11. Section 59 of principal Act amended. 12. Deputy Mayor, 13. Councillors' travelling-expenses. 14. Section 74 of principal Act amended. 15. Separate bank accounts. 16. Temporary provision as to existing overdrafts. 17. Fire Insurance Fund. 18. Transfers from separate accounts. 19. Alternative procedure for constitution of new borough or altering boundaries of a borough. 20. Boundaries of altered borough or subdivision to be gazetted. 21. Mode of entering into contracts. | <ul style="list-style-type: none"> 22. Section 152 of principal Act amended. 23. Repeal. 24. Section 167 of principal Act amended. 25. Subways under railway. 26. Section 216 of principal Act amended. 27. Power to advance cost of drainage connections, &c. Power to raise money for that purpose. Repeal. 28. Fire-prevention inspection. 29. Illegal erection of dwellinghouses. 30. Section 306 of principal Act amended. 31. Section 345 of principal Act amended. 32. Power to refuse certain licenses. 33. Landowners to pay compensation for increase in value derived from widening street. Application of Part III of the Public Works Act. Several claims may be heard together. Compensation Court may ascertain owner. Claims to be made within one year. Owners may pay compensation by instalments. Instalments may be paid off before due. Charge may be vacated. Application of compensation. 34. Liability for united Superannuation Fund. 35. Bonds. Schedule. |
|---|--|

A BILL INTITULED

AN ACT to amend the Municipal Corporations Act, 1908.

Title.

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

- | | |
|--|---|
| <ul style="list-style-type: none"> 1. (1.) This Act may be cited as the Municipal Corporations Amendment Act, 1910, and shall form part of and be read together with the Municipal Corporations Act, 1908 (hereinafter referred to as the principal Act). 10 (2.) This Act shall commence on the first day of January, nineteen hundred and eleven. 2. Section six of the principal Act is hereby amended by omitting the words "fifth day of March" in subsection one, and substituting the words "fifteenth day of February." 15 3. (1.) Subsection one of section six of the principal Act is hereby further amended by inserting in paragraph (c), after the words "meaning thereby," the words "either that he has resided for one year in New Zealand, and has resided in the borough, or in the ward of a divided borough, during the three months then last past, and is a British subject, either by birth or naturalization in New Zealand, or." 20 | <ul style="list-style-type: none"> Short Title and commencement. Section 6 of principal Act amended. Section 6 of principal Act further amended. |
|--|---|

(2.) This section shall not operate so as to affect any election of a member of a Council held before the general election of members next after the passing of this Act.

(3.) For the purposes of this section a man shall be deemed to reside in the place in which he has his permanent home. 5

Limitation of time for enrolment claim.

4. No claim by any person to be entered upon the district electors roll of any borough, the population of which exceeds *five* thousand, shall be lodged during the fourteen days preceding the day on which the said roll is deemed closed under section thirty of the principal Act in the case of an ordinary election. 10

Section 11 of principal Act amended.

5. Section eleven of the principal Act is hereby amended by omitting the words "the fourth Wednesday in March in each year" in subsection four, and substituting the words "some day in the month of March (not later than the fifteenth) in each year in which a general election of the Council is to be held." 15

Polling-hours.

6. Notwithstanding anything contained in any other Act, at all elections under the principal Act and at all polls taken on any proposals under that Act or any other Act submitted to the votes of the electors or ratepayers of the borough, or of any ward or other defined portion thereof, the poll shall close at seven o'clock in the afternoon of the day appointed for the election or poll and not earlier. 20

Disposal of ballot-papers, &c., after general elections

7. (1.) Immediately after the close of the poll at any general election of Councillors the Returning Officer and each Deputy Returning Officer shall seal up all the voting-papers used at his booth, and indorse such packet, and also the copy of the roll marked as provided by section twenty-three of the Local Elections and Polls Act, 1908, with the name of the booth; and each Deputy Returning Officer shall deliver the said packet and copy of the roll to the Returning Officer. 25 30

(2.) All such packets shall be dealt with in the manner provided by section twenty-nine of the last-mentioned Act, and all such copies of the roll shall be handed over by the Returning Officer to the Town Clerk, and shall be retained by him until the close of the next succeeding general election of Councillors. 35

Permissive use of voting-machines.

8. (1.) The Governor may at any time, by Order in Council made at the request of the Council of a borough, direct that at any election or poll held or taken within the borough, or at any one or more specified polling-places at any such election or poll, a voting-machine specified in the Order shall be used by way of experiment, and such Order shall be complied with by the Returning Officer at such election, or poll, or polling-place. 40

(2.) By such Order the Governor shall prescribe the mode in which the machine shall be used and the modifications of the Local Elections and Polls Act, 1908, necessarily consequent on such use. 45

(3.) On the making of any such Order, the Council shall provide the Returning Officer with a sufficient number of voting-machines.

(4.) As soon as practicable after the election or poll at which any machine has been used as aforesaid, the Returning Officer shall forward to the Minister of Internal Affairs a full report as to the working of the machine and its adaptability for the purpose for which it was intended. 50

9. The following subsection is hereby added to section twenty-six of the principal Act:—

Councillor elected as temporary Mayor.

5 “(3). If such vacancy occurs within two months before the date fixed for the annual election of Mayor a Councillor elected Mayor under this section shall (notwithstanding subsection five of section twenty-five) not vacate his office as Councillor.”

10 10. Section forty-two of the principal Act is hereby amended by omitting from paragraph (h) thereof the words “(other than as a shareholder in an incorporated company or in an association or partnership consisting of more than twenty persons),” and substituting the words “(otherwise than as a member of an incorporated company in which there are more than twenty members, and of which he is neither a director nor the general manager).”

Section 42 of principal Act amended.

15 11. Section fifty-nine of the principal Act is hereby amended by adding, after the words “pecuniary interest” in subsection one thereof, the words “(otherwise than as a member of an incorporated company in which there are more than twenty members, and of which he is neither a director nor the general manager).”

Section 59 of principal Act amended.

20 12. (1.) The Council may, if it thinks fit, appoint one of its members to be Deputy Mayor, who, with the consent of the Mayor, or, in the event of the Mayor becoming incapable of acting, without such consent, shall have all the authority of the Mayor, excepting to act as a Justice of the Peace, until the Mayor resumes his duties.

Deputy Mayor.

25 (2.) Section thirty-one of the principal Act is hereby repealed.

13. The Council may out of its District Fund pay to Councillors travelling on business of the Council with the authority of the Council, such travelling-expenses as may be fixed by regulations made by the Governor in Council.

Councillors' travelling-expenses.

30 14. Section seventy-four of the principal Act is hereby amended by omitting from subsection one the words “and which are payable to the district,” and substituting the words “under the provisions of this Act or any by-law made thereunder or any Act incorporated therewith.”

Section 74 of principal Act amended.

35 15. (1.) Notwithstanding anything in section seventy-five of the principal Act, the Council may, if it thinks fit, pay into a separate bank account all moneys accruing from any public undertaking or work controlled by it.

Separate bank accounts.

40 (2.) The Council may, if it thinks fit, keep a separate account in its books showing the receipts and expenditure on account of any public undertaking controlled by it, including any payments out of such receipts for or towards interest on any loan raised for the purposes of such undertaking; and all such separate accounts shall be audited.

45 16. Any Council that at the time of the passing of this Act has not raised a special loan under section ninety-seven of the principal Act or under section one hundred and fifty-five of the Municipal Corporations Act, 1900, is hereby authorized, by special order, and without taking any poll, to borrow and raise by way of special loan a sum of money sufficient to clear off any overdraft as existing on the thirty-first day of March, nineteen hundred and ten.

Temporary provision as to existing overdrafts.

50 17. The Council may in every or any year set aside out of its General Account any moneys to form a fund for the re-erection,

Fire Insurance Fund.

repair, or reinstatement of any buildings or other property of the Corporation that may become destroyed or damaged by fire, and may from time to time invest any moneys so set aside and pay the proceeds of such investment into the said fund.

Transfers from
separate accounts.

18. The Council may annually transfer to the General Account 5
from each separate account kept by it such sum as in the opinion of
the Council represents the proportionate part of the office, clerical,
legal, and other like expenses of the Council attributable to such
separate account :

Provided that if the Audit Office considers that the sum so 10
transferred is excessive, or that no sum should be transferred from
any particular separate account, the Council shall forthwith re-
transfer from the General Account the whole, or so much thereof as
the Audit Office directs, of the sum transferred from that separate
account. 15

Alternative
procedure for
constitution of new
borough or altering
boundaries of a
borough.

19. (1.) On the presentation to the Governor of a petition 15
praying that any area be constituted a new borough or added to or
excluded from any borough, signed by at least ten per centum of the
ratepayers within that area, and accompanied by a deposit of *ten*
pounds, the Governor shall, by Order in Council gazetted, direct that 20
a poll be taken on the proposal contained in the petition; and if the
result of the poll is in favour of the proposal, the Governor may, if he
thinks fit, declare according to the tenor of the proposal that the
area therein described shall be constituted a new borough or added
to or excluded from any borough. 25

(2.) Before directing the taking of the poll as aforesaid, the 25
Governor shall direct a Commission, consisting of the Commissioner
of Crown Lands and the officer in charge of the valuation district
in which the area is situated, to inquire and report to him as to the
suitability for municipal control of the area referred to in the 30
petition, and to make such alterations of the boundaries thereof
as they deem necessary and advisable.

(3.) The said Commission shall have all the powers and functions
of a Commission under the Commissions of Inquiry Act, 1908.

(4.) The poll shall be taken within the area as fixed by the said 35
Commission, and the proposal to be submitted at the poll shall be
modified accordingly.

(5.) The Governor may by Order in Council make such appoint-
ments and arrangements (including the preparation of a voters roll)
as he deems necessary for the purpose of taking the poll. 40

(6.) The cost of taking the poll shall be defrayed by such local
authority as the Governor by Order in Council directs.

(7.) If the result of the poll is not in favour of the proposal,
then no fresh petition containing a like proposal shall be presented
to the Governor within two years after the date of the poll. 45

(8.) The provisions of this section shall be deemed to be in
addition to and not in substitution for those of sections one hundred
and seventeen and one hundred and eighteen of the principal Act.

Boundaries of
altered borough or
subdivision to be
gazetted.

20. (1.) Whenever a new borough is constituted or the boundaries 50
of an existing borough are altered, the boundaries of the borough and
of every district affected by such constitution or alteration shall be
defined by notice in the *Gazette* under the hand of the Minister of
Internal Affairs.

(2.) A copy of every special order made by any Council creating subdivisions in a borough or altering the boundaries of any subdivision, together with a certificate under the hand of the Mayor that the special order has been duly passed, shall be sent to the said
 5 Minister and shall be by him gazetted free of charge, and such special order shall take effect only from the date of such gazetting or from some later date specified in the special order.

(3.) No such special order shall be gazetted unless it is previously sent to the Chief Surveyor of the district in which the borough
 10 is situated together with a plan showing the boundaries of the subdivisions affected by the change, and unless the Chief Surveyor or some person appointed by him in that behalf certifies that the description contained in the special order is sufficient to render the boundaries of each subdivision affected capable of identification.

(4.) If the description in any special order is defective, but the
 15 Chief Surveyor or person as aforesaid certifies that the same can be amended, and the defect cured without making any change in what was evidently intended to be the area comprised in the description, then the same may be so amended at any ordinary meeting of the
 20 Council without making a new special order.

(5.) The production of a copy of the *Gazette* containing any such special order shall, until the contrary is proved, be conclusive evidence for all purposes that the special order was duly made.

21. No contract made by a Council shall be invalid by reason
 25 only that it is not made in the manner provided by section one hundred and thirty-two of the principal Act, if such contract has been made in pursuance of or to give effect to a resolution of the Council.

Validation of certain contracts.

22. Subsection one of section one hundred and fifty-two of the principal Act is hereby amended, as from the coming into operation
 30 of the principal Act, by omitting paragraph (c) and substituting the following:—

Section 152 of principal Act amended.

“ (c.) In the case of a borough originally constituted before the first day of January, nineteen hundred and one, has actually, and whether legally or not, been maintained and controlled as a public highway by any one or more of such local authorities and used by the public, for twenty years immediately preceding the said first day of January, nineteen hundred and one:

35 “ (d.) In the case of a borough originally constituted on or after the said first day of January, nineteen hundred and one, has actually, and whether legally or not, been maintained and controlled as a public highway by any one or more of such local authorities and used by the public, for twenty years immediately preceding the date of such constitution.”

23. Sections one hundred and sixty and one hundred and sixty-one of the principal Act are hereby repealed.

Repeal.

24. Section one hundred and sixty-seven of the principal Act is hereby amended by adding thereto the words “and the amount so
 50 imposed shall be recoverable as a rate.”

Section 167 of principal Act amended.

25. A Council may agree with the Minister of Railways for the construction by the Minister of a subway under or bridge over any

Subways under railway.

Government railway, and any such agreement may provide for the payment by the Council of the whole or any part of the cost of such construction and maintenance.

Section 216 of
principal Act
amended.

26. Section two hundred and sixteen of the principal Act is hereby amended by repealing subsection four, and substituting the following in lieu thereof:— 5

“(4.) If the owner fails to do the work specified in the notice and as therein directed, the Council may, if it thinks fit, cause the same to be done, and may recover from him the costs and expenses of the work, together with five per centum of those costs and expenses for supervision, and interest at the rate of six per centum per annum on the total sum until payment thereof; and such costs and expenses, percentage, and interest shall, until payment thereof, be a charge on the premises with respect to which the work was done.” 10

Power to advance
cost of drainage
connections, &c.

27. (1.) The Council and the owner of any premises may agree, in writing, that any moneys payable by the owner under any provision of Part XXIII of the principal Act for or in respect of any work, materials, or things executed, provided, or done by the Council on or to those premises in pursuance of that Part of the principal Act or of any by-law of the borough on the subject of drainage or sanitation shall be repayable in one amount at a fixed time, with interest at a rate not exceeding six per centum per annum, or by instalments extending over a number of years, with interest at the rate aforesaid. 15 20

(2.) Such agreement may contain any incidental provisions, and may provide for the earlier payment of the remaining instalments, or any of them, on terms to be mentioned in the agreement. 25

(3.) Such agreement may, where the moneys are repayable in one amount, contain provisions for securing the repayment thereof; and where the moneys are repayable by instalments, each such instalment shall be recoverable as a rate, subject nevertheless to the following conditions:— 30

(a.) The owner for the time being of the premises in question shall in all cases be deemed the person primarily liable for payment: 35

(b.) A separate book shall be kept by the Collector of Rates to the Council, in which particulars of such instalments (distinguishing capital from interest), and of the works in respect whereof they are payable, and of the dates for payment thereof, and of the names of persons paying the same shall be entered; and such book shall be *prima facie* evidence of the correctness of its contents. 40

(4.) The moneys payable by the owner as aforesaid shall include not only the actual cost of the work, materials, or things, but also a sum equal to five per centum of such actual cost to cover the cost of supervision by the servants of the Council. 45

(5.) Capital moneys advanced by the Council under this section may, when repaid, be advanced to other owners for the purposes aforesaid, and subject thereto all such capital moneys shall be applied in or towards the repayment of any special loan raised as hereinafter mentioned, either by payment into the sinking fund (if any) or in such other manner as the Council, with the sanction of the Audit Office, determines. 50

(6.) Interest moneys on any advances shall be applied in or towards payment of the interest or other annual charges in respect of the special loan aforesaid.

5 (7.) For the purpose of providing funds out of which advances as aforesaid may be made, the Council may borrow moneys by way of special loan under the Local Bodies' Loans Act, 1908, and any such special loan may form part of a special loan raised for the execution of any municipal drainage-works, or it may be raised at any time after the execution of such works, and the special rate made
10 for the security of the said loan may be made and levied over the whole of the borough or over any defined portion thereof.

Power to raise money for that purpose.

(8.) This section is in substitution for section two hundred and nineteen of the principal Act, and that section is hereby accordingly repealed.

Repeal.

15 28. (1.) Subsection one of section two hundred and sixty of the principal Act is hereby amended by inserting, after "residential purposes" in line four, the words "or which (being over one story in height) is used for offices or other purposes."

Fire-prevention inspection.

20 (2.) Subsection two of the same section is hereby amended by inserting, after the word "reside" in line two, the words "or be employed."

25 29. Every dwellinghouse which, after the commencement of this Act, is erected in breach of the provisions of section two hundred and ninety-four of the principal Act shall be deemed to be unfit for occupation, and may at any time within two years after such erection be dealt with under section two hundred and ninety-one thereof, without the necessity of any certificate as therein mentioned.

Illegal erection of dwellinghouses.

30 30. Section three hundred and six of the principal Act is hereby amended by inserting, after the word "Sunday" in subsection one, the words "Good Friday, or Christmas Day."

Section 306 of principal Act amended.

31. Section three hundred and forty-five of the principal Act is hereby amended by inserting the following paragraphs:—

Section 345 of principal Act amended.

35 "(*ee.*) Prescribing the minimum frontage and area of an allotment of land on which a dwellinghouse may be erected in the borough or any specified part thereof:

New.

40 "Provided that nothing in this paragraph shall apply to any allotment of land shown on a plan of subdivision deposited at any Lands or Deeds Registration Office or approved by the local authority prior to the passing of this Act.

"(*o.*) The licensing of refreshment-rooms:

45 "(*p.*) For defining and licensing itinerant traders (not being hawkers or pedlars), and imposing a license fee not exceeding *five pounds*:

"Provided that such fee shall be refunded if the licensee remains continuously in business in the borough for six months:

50 "(*q.*) For permitting hawkers and pedlars and keepers of coffee and other stalls to occupy stands in such streets and public places as the Council thinks fit."

32. The Council may refuse to issue a license for a common lodging-house or billiard-room if satisfied that the proposed licensee

Power to refuse certain licenses.

is not a person of good character ; but, before refusing a license on this ground, the Council shall give the applicant an opportunity to be heard before a Committee of the Council.

Landowners to pay compensation for increase in value derived from widening street.

33. (1.) Where the Council of a borough, after the coming into operation of this Act, widens any street in the borough, or widens any part of the length of any street, and takes or purchases or otherwise acquires land required for any such purpose from one side only of the street, then and in every such case the owner, or the several and respective owners, of land fronting upon or having any frontage to the opposite side of the street shall pay to the Corporation by way of compensation such sum or sums of money as represents the increased value given to such last-mentioned lands respectively, or likely to be given thereto, by the execution of the work of widening the said street or part of street and consequent thereon. 5 10 15

Application of Part III of the Public Works Act.

(2.) The several amounts to be paid to the Corporation as aforesaid shall be ascertained in manner provided by the Public Works Act, 1908, or in a manner as near thereto as in the opinion of the Compensation Court the circumstances of each case will admit, but so that the Corporation shall be the claimant and the owner or the several owners of lands so benefited or likely to be benefited as mentioned in the last preceding subsection shall be the respondents. Claims for compensation under this section may be made in or to the effect of the form numbered (1) in the Schedule hereto. 20

Several claims may be heard together.

(3.) The said Compensation Court shall have power, on the application of any party, to order that all or any claims for compensation under this section in respect of land in which several persons have interest shall be heard and determined together ; and any or all of the claims for compensation arising out of the widening of any street or part of any street and consequent thereon may, with the consent in writing of all parties, be heard and determined together. When the said Court hears and determines several compensation claims together it shall have power to apportion the compensation awarded, and the costs of the proceedings against the several respondents, in such proportions and in such manner as to the Court seems just. 25 30 35

Compensation Court may ascertain owner.

(4.) For the purpose of ascertaining and awarding compensation under this Act, the President of the Compensation Court shall have power to determine who are the owners of the lands, estates, or interests in respect of which compensation is claimed by the Corporation, or he may, if he thinks fit, state a case for the decision of the Supreme Court thereon ; and such determination or decision shall be followed by the Compensation Court in making its award. 40

Claims to be made within one year.

(5.) Claims for compensation under this section shall be made within one year from the execution of the work out of which they arise, and not afterwards. 45

Owners may pay compensation by instalments.

(6.) Any respondent may, if he so desires, pay the compensation awarded to be payable by him, with interest at the rate of four and a half per centum per annum, by equal half-yearly instalments extending over a period of twenty years or less ; in which case he shall within fourteen days from the date of the award give notice in writing to the Town Clerk of the period he intends to extend pay- 50

ment over, and shall within one month after the date of the award execute, and, such execution being duly attested, shall deliver to the Town Clerk a memorandum of charge upon the estate or interest forming the subject of the compensation claim made against him, which said charge shall be in the form numbered (2) in the Schedule hereto or to the like effect, and shall pay the costs of the preparation and completion of the said instrument; and thereupon such respondent shall have the right to pay such compensation by instalments as set forth in such notice and charge as aforesaid.

10 (7.) Such memorandum of charge shall, when registered, bind the property therein described, and operate as a first charge upon the estate or interest of the said respondent therein, and rank in priority to all estates, incumbrances, and interests created by him or any of his predecessors in title.

15 (8.) Any such charge may be registered without fee in the District Land Registration Office or in the Deeds Registration Office of the district wherein the land affected thereby is situate.

20 (9.) Notwithstanding anything to the contrary in any such charge, the Corporation shall receive the whole of the unpaid instalments secured by any such memorandum of charge at any time when the same is tendered, and for the purpose of any such tender interest shall be calculated and paid up to and including the day of such tender.

Instalments may be paid off before due.

25 (10.) A receipt signed by the Treasurer indorsed on any such memorandum of charge and expressed to be in full for all moneys secured thereby shall vacate such charge.

Charge may be vacated.

30 (11.) Moneys received by the Corporation under or by virtue of this Act shall be applied in carrying out the particular street-widening work in respect of which such moneys were received, and for no other purpose.

Application of compensation.

34. Where two or more boroughs agree to establish a united Superannuation Fund under the Local Authorities Superannuation Act, 1908, the moneys payable under the guarantee provided by section eleven of that Act shall be paid in the same proportion as that which the several subsidies payable to the fund by those boroughs bear to one another.

Liability for united Superannuation Fund.

35 (12.) The following proviso is hereby added to clause nine of the Sixth Schedule to the principal Act:—

Bonds.

40 “ Provided that it shall not be obligatory upon the Council to take a bond where the contract-price does not exceed one hundred pounds.”

New.

45 36. (1.) Licenses granted under by-laws made pursuant to section one hundred and thirty-nine of the Public Works Act, 1908, by the Council of any of the cities of Auckland, Wellington, Christchurch, or Dunedin, shall extend and be available, not only within the city, but also within the district of every local authority any part of which is within five miles of any part of the boundary of that city, and the fees payable in respect of those licenses shall be apportioned among the several local authorities within whose district the license is so available.

Heavy-traffic licenses available within certain districts.

(2.) Such apportionment shall be made by agreement among the local authorities concerned, or, in default of agreement, by order of a Magistrate on the application of any of those local authorities.

(3.) Such agreement or order shall continue in force until terminated by a fresh agreement or order made after six months' notice has been given by any of the said local authorities to terminate the same. 5

(4.) The Governor may by Order in Council, made on the application of any Borough Council (other than those concerned under the preceding provisions of this section), direct that this section shall extend and apply to that borough and the districts of every local authority any part of which is within five miles of any part of the boundaries of that borough, and every such order shall have effect according to its tenor. 10

Financial adjustment on alteration of boundaries.

37. Where, pursuant to any adjustment made under section one hundred and twenty-seven of the principal Act, on the severance or addition of any area from or to a borough any liability is imposed on any local authority, it shall be lawful for that local authority to raise (without obtaining the consent of the ratepayers) a special loan not exceeding in amount the liability so imposed, and to secure the repayment of the same by a special rate over the area so severed or added, as the case may be. 15 20

Power to appoint special constables.

38. (1.) Any Magistrate or any two or more Justices may appoint in writing under his or their hands any officer, agent, or servant of any Council to be a special constable to act for such time and within such limits within the borough as may be appointed by the Council. 25

(2.) Every such special constable shall be sworn in by a Justice to execute the office of constable within the limits to which his appointment extends, and when so sworn in shall have, exercise, and enjoy the same powers and immunities, and be liable to all such duties and responsibilities as constables have or are subject to by law. 30

Schedule.

SCHEDULE.

(1.) CLAIM TO COMPENSATION.

Under the authority of the Municipal Corporations Amendment Act, 1910, and the Public Works Act, 1908.

To _____, owner of an estate or interest in fee-simple [or as tenant for life, or as leaseholder, or as the case may be] in the land described below.

WHEREAS the Mayor, Councillors, and Citizens of the Borough of _____ (hereinafter called the Corporation) have widened or are about to widen _____ Street, in the said borough, whereby the value of lands described below, which front the said street and in which you are interested as aforesaid, has been increased or is likely to be increased: This is to give you notice that the Corporation claims from you the sum of £ _____ as compensation for the said increase in value of the said lands.

[Description of lands.]

Given under my hand, this _____ day of _____, 19____, _____, Town Clerk.

(2.) CHARGE.

I, THE undersigned _____, do hereby, in pursuance of the Municipal Corporations Amendment Act, 1910, charge my estate or interest as [*Here describe the same*] in [*Here describe land*] with the payment to the Mayor, Councillors, and Citizens of the Borough of _____ (hereinafter called the Corporation) of [*Number*] equal half-yearly payments of £ _____, each payable on the _____ day of the months of _____ in each year, the first payment to be made on the _____ day of _____, 19 _____; such charge to be a first charge upon my said estate and interest in priority to all estates, incumbrances, and interests created by me or any of my predecessors in title, as provided by the said Act: And I, the said _____, hereby covenant with the Corporation to pay to the Corporation the said several instalments on the respective dates aforesaid.

Given under my hand, this _____ day of _____, 19 _____.