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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,
30th August, 1883.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Johnston.

PUBLIC WORKS ACT 1882 AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Repeal.</p> <p>3. "The Public Works Act, 1882," amended.</p> <p>4. Awards of costs in compensation cases.</p> <p style="text-align: center;">ROADS.</p> <p>5. Maintenance of bridge, ferry, or ford within a town district.</p> <p>6. Maintenance of bridge, ferry, or ford, when borough unable to defray the cost.</p>	<p>7. Road dividing two boroughs to be maintained at mutual cost.</p> <p>8. Borough Council may acquire land for extending, diverting, or widening streets.</p> <p>9. Removal of overhanging trees or gorse, sweetbriar, bramble, or broom on roads.</p> <p>10. Trimmings of hedges, &c., not to be thrown on roads.</p> <p>11. Removal of gorse, sweetbriar, bramble, or broom on river-beds.</p>
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A BILL INTITULED

AN ACT to amend "The Public Works Act, 1882."

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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| 5 | 1. The Short Title of this Act is "The Public Works Act 1882 Amendment Act, 1883." | Short Title. |
| | 2. Section one hundred and one of "The Public Works Act, 1882" (herein referred to as "the said Act"), is hereby repealed. | Repeal. |
| 10 | 3. The said Act is hereby amended as follows:—
In section eleven all the words from "The provisions of this" inclusive to the end, shall be omitted.
In section fifty-six the word "sixty-three" shall be inserted in lieu of the word "sixty-four":
In section eighty-three all the words after "county roads" shall be omitted: | "The Public Works Act, 1882," amended. |
| 15 | In section eighty-five all the words from "In cases where," to the end of the section, shall be omitted, and the following words substituted: "Wherever the operation of 'The Counties Act, 1876' is suspended, the Governor shall have and may exercise all the functions vested in a County Council under this section." | |
| 20 | In section one hundred and twenty-three, fifth subsection thereof, the word "eleven" shall be substituted for "twelve." | |
| 25 | 4. Section fifty-seven of the said Act is hereby repealed, and the following substituted therefor,— | Awards of costs in compensation cases. |

The Court shall fix and determine the amount of the costs of the inquiry, and shall include the same in their award, and shall direct by whom such costs shall be paid.

Such costs shall include all reasonable costs and charges incurred in the inquiry, including the fees of Court, fees payable to Assessors, the expenses of witnesses, and the employment of counsel, solicitors, or agents, including the costs between solicitor and client. 5

The Court may declare that a gross sum shall be awarded in respect of such costs without specifying the same, or may apportion any such costs between the parties to the proceedings in such manner or proportion as may be thought just. 10

But if the sum awarded does not exceed three-fourths of the amount claimed the claimant shall not be entitled to recover any costs, unless the Court shall otherwise direct.

The Court may in any case declare that no costs shall be awarded, and the fact shall be stated in the award. 15

ROADS.

Maintenance of bridge, ferry, or ford within a town district.

5. The provisions of section eighty-seven of the said Act relating to the maintenance of a bridge, ferry, or ford across a river which divides two counties, shall operate as originally enacted, notwithstanding that such bridge, ferry, or ford is entirely within the limits of a town district. 20

Maintenance of bridge, ferry, or ford when borough unable to defray the cost.

6. Where there is a bridge, ferry, or ford across a river at a point where the two banks are situate within a borough the inhabitants of which at the time of the last census were returned as numbering less than four thousand, and the Minister shall be satisfied that it would be unreasonable that the Borough Council should defray the whole cost of maintaining the same, the Governor may appoint any adjacent local body to have the control of such bridge, ferry, or ford, and to be charged with the cost of maintaining the same, or may apportion such cost between the borough and the adjacent local bodies in manner as he shall think fair, and nevertheless appoint any one of such bodies to have such control. Every such bridge, ferry, or ford shall for all purposes of such maintenance be deemed to be entirely within the limits of the jurisdiction of the local body having the control thereof. 25 30 35

Road dividing two boroughs to be maintained at mutual cost.

7. After section eighty-six of the said Act there shall be read the provision following:—

When a road lies lengthwise on the boundaries of two boroughs or of a borough and town district such road shall be constructed and maintained by the two boroughs or borough and town district respectively, on such terms and conditions as may be mutually agreed upon, and, failing such agreement, the Resident Magistrate of the district in which the road is may determine what portions of the road shall be constructed or maintained by each of the boroughs or borough and town district respectively, or that the whole shall be constructed or maintained by one borough or town district, and that the other borough or town district shall pay a certain proportion of the cost thereof: Provided always that no change shall be made in the levels of any road abutting on two boroughs or borough and town district without the consent of both the boroughs or of the borough and town district. 40 50 55

8. When, in order to lay out any new street, or divert, alter the course of, or extend or widen any existing street, if the Council shall deem it expedient to acquire more land on either or both sides of such proposed street or extension, widening, or diversion than is required for such proposed street, extension, widening, or diversion, the Council may take such land in accordance with the provisions contained in sections one hundred and seventy-nine and one hundred and eighty of "The Municipal Corporations Act, 1876," and any enactments in amendment of the aforesaid sections, but subject to the limitation contained in section one hundred and eighty-two of the Act last aforesaid.

Borough Council may acquire land for extending, diverting, or widening streets.

And when such street shall have been laid out, extended, diverted, or widened as aforesaid, the Council may cause any surplus area so acquired to be sold in the manner prescribed by section fourteen of "The Public Works Act, 1882."

9. The occupier or in case there is no occupier then the owner of the land on each side of a road shall be answerable for the grubbing up, clearing away, and destroying of gorse, sweetbriar, bramble, and broom on such road for half the width thereof adjoining to the land occupied or owned by him: Provided that the local authority has reasonable ground for believing that the said gorse, sweetbriar, bramble, or broom have spread from such adjoining land or the fence thereof.

Removal of overhanging trees or gorse, sweetbriar, bramble, or broom on roads.

The local authority may order the occupier, or in case there is no occupier, then the owner of any land abutting upon any road or street—

- (1.) To remove any part of a tree, or lower or trim any part of a hedge, overhanging a road or street so as to injure it; or
- (2.) To clear away and destroy, within the above-mentioned limits, all obstructions to traffic arising from the growth of gorse, sweetbriar, bramble, or broom upon such road or street.

In the event of any such occupier or owner failing to comply with such order within one month from the receipt thereof, he shall be liable to a penalty not exceeding five pounds for every day during which such order is not obeyed, and a further sum equal to the cost incurred by the local authority in removing such tree, or lowering or trimming such hedge, or grubbing up and removing such gorse, sweetbriar, bramble, or broom.

But the power hereby granted to the local authority shall only be exercised upon the report of any two members of the local authority, after together viewing the place, that such injury is being done, or upon the certificate of a competent surveyor to the like effect.

10. If any person shall throw, or cause to be thrown, the trimmings of any hedge or tree, or any gorse, sweetbriar, bramble, broom, or other rubbish upon any road, and shall neglect to remove the same within two weeks from the receipt of an order so to do from the local authority, the local authority may cause such trimmings, gorse, sweetbriar, bramble, broom, or other rubbish to be removed; and the cost of the removal of the same and all expenses attendant thereupon shall be recoverable accordingly from such person by the local authority.

Trimmings of hedges, &c., not to be thrown on roads

Removal of gorse,
sweetbriar, bramble,
or broom on river-
beds.

11. The local authority may grub up, clear away, and destroy all gorse, sweetbriar, bramble, and broom growing on any river-bed in the county, road district, or town district, and maintain such river-bed free from gorse, sweetbriar, bramble, and broom, and may apply any of the county or district funds to the purpose from time to time. 5

When a river or river-bed divides two districts the local authority on either side may clear and maintain free from gorse, sweetbriar, bramble, and broom such river-bed for half the width thereof adjoining the bank within the district of the local authority.

New paragraph.

But the power hereby granted to the local authority shall only be exercised upon the report of any two members of the local authority after together viewing the place, or upon the certificate of a competent surveyor to the like effect. 10