

461.

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,  
20th December, 1887.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

*Hon. Mr. Mitchelson.*

PUBLIC WORKS ACTS AMENDMENT.

ANALYSIS.

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## A BILL INTITULED

Title.	AN ACT to further amend "The Public Works Act, 1882," and the Acts amending the same.	
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	5
Short Title.	1. The Short Title of this Act is "The Public Works Acts Amendment Act, 1887." It shall be read together with "The Public Works Act, 1882," and the several Acts amending the same.	
Repeal.	2. The following sections of "The Public Works Act, 1882," and its amendments are hereby repealed, viz.: Sections eighty-eight and eighty-nine of "The Public Works Act, 1882;" sections nine to twelve, both inclusive, of "The Public Works Act 1882 Amendment Act, 1884;" and sections five, six, and seven of "The Public Works Act 1882 Amendment Act (No. 2), 1885"; but saving and excepting anything lawfully done, or any right, title, interest, or privilege acquired, or any legal or other proceedings already commenced under or by virtue of the said sections.	10 15
Interpretation.	3. In this Act— "District" means a district under the jurisdiction of a local authority as herein defined.	20
Governor may vest control of bridge, ferry, or ford in local authority, apportion cost of maintenance.	4. The Governor may by Proclamation publicly notified, direct that any bridge already constructed, or which may hereafter be constructed, and any ferry or ford already established or which may hereafter be established over or across any river or arm of the sea respectively shall, from and after a date to be fixed in such Proclamation, be under the exclusive care, control, and management of the Minister or of such local authority as shall be mentioned in that behalf in such Proclamation; and may by any subsequent Proclamation publicly notified from time to time vary or alter such care, control, and management; and may by any such Proclamation as aforesaid fix and determine whether all or any, and if so, what part of the cost of maintaining, repairing, improving, or reconstructing any such bridge or of managing and maintaining any such ferry or ford and the machinery and appliances used therewith is to be provided and paid by any local authority or local authorities (if more than one), and if so by what local authority or local authorities (if more than one), and may by any such Proclamation as aforesaid	25 30 35

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direct how, when, and to whom any such payment is to be made; and every payment so directed to be made shall be made as directed by such Proclamation, and unless so made may be recovered in any Court of competent jurisdiction at the suit of the Minister as a debt due to Her Majesty or of the local authority, as the case may be, to which such payment ought to be so made.

5. In fixing and apportioning the cost of maintaining, repairing, improving, or reconstructing any such bridge, or of managing or maintaining any such ferry or ford, and the machinery and appliances used therewith, the Governor shall take into account the net revenue (if any) derived from or incident to the use of such bridge, ferry, or ford by the Minister or by the local authority, as the case may be, having the care, control, management, or maintenance thereof.

Revenues to be considered in apportion maintenance.

6. The Governor may, from time to time, with the view of determining whether it is expedient to vest the exclusive care, control, management, and maintenance of any such bridge, ferry, or ford either in the Minister or any local authority, or with the view of determining the proportion in which it would be fair and reasonable to fix and determine the amount to be provided and paid by any local authority or local authorities for or towards the cost of maintaining, repairing, improving, or reconstructing any such bridge, or of managing or maintaining any such ferry or ford, and the machinery and appliances used therewith, direct any Resident Magistrate or other person or persons to be a Commissioner or Commissioners to inquire and report to him upon any matter which he shall deem necessary to enable him to determine any such question as aforesaid; and such Commissioner or Commissioners shall have all the powers of a Board or commission appointed by the Governor in Council under the provisions of "The Commissioners' Powers Act, 1867," and "The Commissioners' Powers Act 1867 Amendment Act, 1872." Such Commissioner or Commissioners shall report to the Governor, after such inquiry, as he or they shall deem requisite and reasonable, his or their opinion as to the matters respecting which he or they were appointed to report; but it shall not be obligatory upon the Governor to act in accordance with any opinion that may be expressed by such Commissioner or Commissioners, nor to give effect to any recommendation that may be contained in his or their report.

Governor may refer certain questions to Commissioners.

7. All costs, charges, and expenses attending or incidental to the exercise of the powers conferred upon the Governor or upon such Commissioner or Commissioners or other persons shall be a charge upon the revenues of such local authority or local authorities as the Governor shall direct, and may be recovered as a debt due to Her Majesty in any Court of competent jurisdiction.

Cost of exercising powers to be paid by local authority.

8. In case any local authority or local authorities shall refuse or neglect to maintain, work, improve, or repair any bridge, ferry, or ford (including the working of swing- or lifting-spans in bridges, where such have been provided) under its or their care, control, and management, or to reconstruct any such bridge, ferry, or ford when requisite, the Minister may undertake such maintenance, repairs, improvements, or reconstruction in the place of

Power to Minister to maintain bridge, &c., in case of refusal by local authority and recover cost.

the local authority or local authorities so refusing or neglecting as aforesaid, and may provide for the care, working, and management of such bridge, ford, or ferry, and may recover all costs, charges, and expenses attending or incidental to his so doing from such local authority or local authorities as a debt due to Her Majesty, in any Court of competent jurisdiction. 5

In the exercise of the authority conferred upon him by this section the Minister and any and every person authorized by him shall have all the powers and authorities which under any law are or may be vested in or could be exercised by the local authority or local authorities in the place of which the Minister shall be acting. 10

Moneys due by local authority may be deducted from moneys payable to it by Government.

9. In all cases where, under this Act, any money is authorized to be recovered from any local authority as a debt due to Her Majesty the Colonial Treasurer may deduct the same, or any portion thereof, from any subsidies or other moneys (if any) that may be payable by or on behalf of Her Majesty, from time to time, to such local authority under any law for the time being in force, but without prejudice to the right of the Minister to recover the unsatisfied balance, if any, of such debt from such local authority or local authorities as a debt due to Her Majesty, in any Court of competent jurisdiction. 15 20

Governor may set apart Crown land or take part of public reserve for railways.

10. The Governor may by Proclamation issued in the manner set forth in section one hundred and thirty of "The Public Works Act, 1882," set apart any Crown land or any part of any public reserve which may be required for any railway authorised to be constructed, and all Crown land and land forming part of any public reserve either heretofore or hereafter to be set apart or taken for the purposes of any such railway shall be deemed to be absolutely vested in Her Majesty for the purposes of such railway, and all Crown land and land forming part of any public reserve so set apart or taken shall be deemed to have been legally set apart and taken for such purposes any law to the contrary notwithstanding. 25 30

Proclamation taking same to be lodged.

11. The Minister shall cause a copy of every Proclamation setting apart any Crown land or taking any part of a public reserve for railway purposes to be lodged in the office of the Surveyor-General, and the Surveyor-General shall cause the land included in such Proclamation to be shown upon the proper maps and records of the district affected by such Proclamation in such manner as to prevent such land being disposed of in any manner at variance with such Proclamation. 35 40

For the purposes of this enactment the expressions "Crown lands" and "public reserves" have the same meanings as are attached thereto respectively by "The Land Act, 1885," and "The Public Reserves Act, 1881."

Area of land used or set apart to be deemed to be of width of 2 chains.

12. (1.) Where out of any Crown lands or public reserve upon which any railway has been or may hereafter be constructed, no definite area or part of such lands or reserve has been or may be taken by Proclamation for railway purposes, it shall in any such case be deemed that a width of two chains of such lands or reserve (one chain to each side of the centre line of the railway) has been taken for the purposes of such railway, and shall be included within the limits thereof, and for all purposes be deemed to be part of such railway accordingly. 45 50

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(2.) If at any time it is desired that any such lands or portion of a reserve so deemed to be part of any railway, or any part thereof respectively, shall cease to be part of such railway, the Governor may, from time to time, by a notice published in the *Gazette* defining accurately the portion desired to be retained as part of the railway, declare that the residue thereof shall again become lands of the Crown, or a part of the public reserve from which it was originally taken; and such notice shall take effect accordingly, and such residue shall return to its original status as Crown land or public reserve, as the case may be.

(3.) Nothing herein shall interfere with any public road or street on any such lands or reserve, within the area so included in the railway and lying along, adjacent to, or crossed by any such railway, except under and subject to the provisions of "The Public Works Act, 1882," and its amendments; nor shall anything herein affect any sale, lease, or other disposition of any such lands or reserve heretofore made and which may be at variance with this enactment.

(4.) For the purposes of this enactment, the expressions "Crown lands" and "public reserves" have the same meanings as are attached thereto respectively by "The Land Act, 1885," and "The Public Reserves Act, 1881."

13. Sections twenty-three, twenty-four, and twenty-five of "The Public Works Act, 1882," are hereby repealed, and the following is hereby enacted in lieu thereof:—

Power to take  
Native land and  
land owned by  
Natives.

Notwithstanding anything contained in any law in force to the contrary, the Governor may, in the manner prescribed in the said Act, take for any railway or other public work any Native land and any land which is held, owned, or occupied by any Native or Natives under Crown grant, certificate of title, or memorial of ownership.

Whenever it may be necessary to take any such land—

(1.) For any ~~Government~~ public work other than a railway, and where the title to such land is not derived from the Crown, the Governor in Council may order that such work shall be constructed on or through such land, to be defined in general terms by Order in Council, without complying with any of the provisions contained in "The Public Works Act, 1882;" and, upon such Order in Council being gazetted for at least two months after the making thereof, the Governor may take and hold all such lands as may be necessary for the construction of such work, and may enter upon any such lands for the purpose of making surveys or taking levels without giving any notice or making any application to any person owning or occupying such lands, other than such as may be prescribed in the Order in Council.

(2.) For any ~~Government~~ public work other than a railway, and where the title to such land is derived from the Crown, the land may be taken in the manner set forth in Part II. of "The Public Works Act, 1882," and its amendments.

(3.) For any railway authorised to be constructed under the provisions of any special Act, whether the land taken be Native land, or whether the title to the land taken is derived from the Crown or not, such land may be taken

in the manner set forth in Part VI. of "The Public Works Act, 1882," and its amendments.

How compensation to Native owners may be ascertained.

14. The portion of section twenty-six of "The said *Public Works Act, 1882*," from its commencement to the words "Her Majesty" at end of paragraph (b), subsection (1), is hereby repealed, 5  
and the following is enacted in lieu thereof:—

For the purpose of ascertaining the amount of compensation to be paid to the Natives interested in any Native land taken as aforesaid, or to the Native owners of any land under Crown grant, certificate of title, or memorial of ownership, 10  
the Minister may cause application to be made to the Native Land Court to ascertain what amount of compensation ought to be paid to the owners of, or other persons interested in, such land, and as to who are the persons 15  
entitled to be paid such compensation, and what land is affected by the Order in Council or Proclamation issued under the powers herein contained; and, after hearing such evidence as may be produced before it, or may be thought necessary, the Court may make such order or orders as to it shall seem fit. 20

Crown may elect to erect fences along boundaries of railways.

15. The Governor may from time to time, by Proclamation publicly gazetted, declare on behalf of Her Majesty that any fences constructed or intended to be constructed by or on behalf on Her Majesty for separating land taken for the use of any railway in such Proclamation mentioned from the adjoining lands not taken, shall to 25  
such extent as is mentioned in such Proclamation be thereafter maintained or erected and maintained as the case may require, at the cost of Her Majesty during such time as the railway may continue to be used by or on behalf of the Government of New Zealand, and such fences shall thereafter be maintained, or erected and maintained as the 30  
case may require, by the Government of New Zealand, or by the Railway Commissioners to whom the railways *may be or may* have been handed over accordingly, and in any case in which such Proclamation shall be issued, before any claim for compensation shall have been ascertained in relation to any land taken as aforesaid, the 35  
issue of such Proclamation shall be taken into account by the compensation Court in reduction of the amount of compensation to be awarded for severance.

Amendment of section 132 of "The Public Works Act, 1882."

Power to make by-laws regulating use of Government roads.

16. The words "or street" shall be deemed to be inserted after the word "road" wherever the word "road" occurs throughout 40  
section one hundred and thirty-two of "The Public Works Act, 1882."

17. The Minister may from time to time, by notice gazetted, do the following things in respect to Government roads, and also in respect to bridges, ferries, and fords under the control of the Minister,— 45

(1.) May from time to time make, alter, or revoke by-laws upon the following subjects:—

(a.) Regulating, either in proportion to the weight of load or the number of animals employed to draw the same, the width of the tires of wheels which shall be 50  
used by all vehicles, whether plying for hire or not.

(b.) Regulating the number of passengers and the quantity and weight of goods which may be carried in each such vehicle, or the number of horses that may be

employed to draw the same, and to prevent such number, quantity, or weight being exceeded.

(c.) Regulating the weight of any engine, agricultural or other machine, or vehicle of any kind, and the weight of any load or material of any kind which shall be permitted to cross any bridge, and the times when such engines, agricultural or other machines, or vehicles shall be allowed to cross any bridge.

(d.) Regulating the pace, mode, or manner, and times at which any horses, cattle, engines, agricultural or other machines, or vehicles shall cross or be driven, led, or taken over any bridge.

(e.) Fixing any penalty for every breach of any such by-law of an amount which shall be in the discretion of the Court fixing the same, but so that the same shall in no case exceed the sum of *five* pounds sterling.

18. In respect to by-laws made under the *last-preceding* section the following provisions shall apply:— Proof of by-laws.

(1.) A copy of the *Gazette* containing any such by-law shall be evidence in all Courts of the same having been duly made under the authority of this Act.

(2.) A copy of all by-laws having special reference to bridges shall be conspicuously displayed and maintained in a clearly legible condition at each and every bridge to which such by-laws have reference.

(3.) Printed copies of all by-laws having reference to the traffic on Government roads generally, or on any one Government road in particular, shall be on sale to every person applying for the same at the Public Works Office in Wellington, and at some convenient place or places on or adjacent to the road or roads to which such by-laws refer, at a price of not more than one shilling per copy.

19. Nothing in this Act, nor in any by-law made thereunder, shall be deemed to relieve any person from any penalty, punishment, or action to which he would otherwise be liable in respect of anything done by him in breach of any such by-law; and the Minister may sue any person for any damage done to any road or bridge or other works in contravention of any by-law made under this Act, in addition to recovering the amount of the penalty for the breach of the by-law.

By-laws not to relieve offenders from other proceedings.

20. Section eighty-five of "The Public Works Act, 1882," together with the amendment of same contained in section two of "The Public Works Act 1882 Amendment Act, 1884," is hereby repealed, and the following is hereby enacted in lieu thereof:—

County Councils may vest control of road or part of road in local authority.

The Council of any county may, by special order, declare that all or any part of any district road shall, from and after a date to be fixed therein, be under the exclusive control of such local authority within the county as shall be mentioned in such special order, and may, by the same special order, direct that the cost of constructing and maintaining any such road or part of a road shall be borne either by the local authority to which the exclusive control thereof is given, or that a proportion of such cost to be fixed in and by such special order shall

be borne by any other local authority or local authorities, and the local authority to which such exclusive control shall be granted may recover from such other local authority or local authorities the share so fixed of any reasonable expenditure incurred in constructing and maintaining any such road or part of a road as aforesaid in any Court of competent jurisdiction. Any County Council may in like manner and with like effect declare that any part of a county road within a town district shall be under the control of the Town Board. 5

Wherever the operation of "The Counties Act, 1876," or of any Act repealing or amending the same is suspended, the Governor shall have and may exercise all the functions vested in a County Council under this section. 10

Amendment of section 220 of "The Public Works Act, 1882."

21. Section two hundred and twenty of "The Public Works Act, 1882," is hereby amended by the insertion of the word "reserved" before the word "acquired" appearing in the first and second lines of the said section. 15

Power to County Council, &c., to let or sell tramway.

22. Any County Council, Town Board, or Road Board owning any tramway or portion of a tramway may, by special order, let, for a period not exceeding twenty-one years, or absolutely sell the same, with the rolling-stock and appliances used therewith, upon such terms and conditions as such local body shall think fit, and may grant to the lessee or purchaser thereof, as the case may be, all or any of the powers, rights, and privileges of and incident to the working, maintaining, or extending the same which the local body itself possesses at the time of such letting or sale, but so, nevertheless, that the said tramway shall, immediately after the making of any such lease or sale, be deemed to be a tramway held and used by the lessee or purchaser thereof, as the case may be, under and subject to the provisions of "The Tramways Act, 1872." 20 25

Rolling-stock on tramways not to exceed 7½ feet in width.

23. Notwithstanding anything contained in "The Tramways Act, 1872," or in any order issued thereunder, it shall be lawful for the proprietors or persons working any tramway within any borough, county, Town Board, or Road Board district, with the consent of the local bodies, to use carriages or rolling-stock thereon the breadth of which, including anything attached thereto, shall not exceed seven and one-half feet, notwithstanding that the same may extend more than eleven inches on each side beyond the outer edge of the wheels of such carriages. 30 35

Purchase of railways by tramway companies.

24. It shall be lawful for any Tramway Company (if not repugnant to its rules or articles of association) by purchase or otherwise acquire possession of any suburban or other railway other than Government railway, together with all rights (including rolling stock) of or relating to such railway. 40

Condition of sale.

25. Notwithstanding anything in this contained, it shall be a condition of sale of any railway to a Tramway Company that the purchasing company shall within eighteen months from the date of sale, run not less than six trains each way each week for the whole length of the line. 45

county Council may declare county road to be district road.

26. Section eighty-one of "The Public Works Act, 1882," is hereby amended by adding the following words at the end of such section :— 50

The County Council may also, with the consent of the Road Board within whose jurisdiction the same shall lie, declare any county road to be a district road.



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27. Subsection two of section one hundred and thirty of "The Public Works Act, 1882," is hereby repealed, and the following provisions enacted in lieu thereof:—

Railway maps and plans to be made and copies deposited in Supreme Court.

The Minister shall cause to be made such maps and plans as may be necessary to explain the said line and the land through which the same passes, and shall cause a copy of the same to be deposited in the office of the Registrar of the Supreme Court; and such maps and plans shall be referred to in any such Proclamation, and shall form part thereof.

10 Such maps and plans shall lie open to public inspection at all reasonable hours.

28. Sections one hundred and forty-three and one hundred and seventy-nine of "The Public Works Act, 1882," are hereby repealed, and in lieu thereof it is hereby enacted as follows:—

Inspection of railways. No railway to be open for traffic except on certificate of Inspector.

15 The Minister may, from time to time, authorize any proper person or persons to inspect any railway, and such appointments may be general, authorizing the person or persons so appointed to inspect all or any railways as occasion may from time to time require; or special, applying to any one or more sections of railway specially named  
20 therein, and any person so authorized may, at all reasonable times, upon producing his authority if required, enter upon and examine any such railway, and the stations, works, and buildings, and the engines and carriages, and other rolling-stock belonging thereto.

No part of any railway constructed by the Governor under "The  
25 Public Works Act, 1882," or any Act amending the same, or under any other Act relating to the construction of public works or railways, shall be opened for traffic until such part of such railway shall have been inspected by some proper person appointed as aforesaid, nor until such person has reported to the Minister that he has inspected  
30 the whole of such part, and all the rolling-stock to be used thereon, and that such railway and rolling-stock are in good and efficient repair, and may be safely and conveniently used for public traffic thereon.

Every person wilfully obstructing any person duly authorised to inspect any railway as aforesaid in the execution of his duty, shall for  
35 every such offence be liable to a penalty not exceeding *ten* pounds.

The word "railway" in this section shall have the same interpretation given to it as is given to it by section one hundred and seventy-five of "The Public Works Act, 1882." The provisions of this section shall not apply to any railways handed over to the Com-  
40 missioners under "The Government Railways Act 1887."

29. Subsection two of section fourteen of "The Public Works Act 1882 Amendment Act (No. 2), 1885," is hereby amended by the addition thereto of the words "or permits any of such rolling-stock, tarpaulins, tools, appliances, or property to be unlawfully in his  
45 possession or on his premises."

Penalty for having possession of railway tarpaulins, &c.

30. Section eighteen of "The Public Works Act, 1882," is hereby amended by the addition of the following words at the end of the said section: "And in case any of the land so taken shall be leasehold land of the Crown, held under lease granted under the  
50 provisions of 'The Westland and Nelson Coal Fields Administration Act, 1877,' or any other Act relating to the granting of leases of land or licenses to hold land for mining purposes, then and in such case the lessee or licensee or lessees or licensees of such land shall

Crown land leased for mining purposes, and required for any public work, may be resumed without payment of compensation, except for actual damage done to mine.

not be entitled to claim compensation in respect of any land so taken ; but shall only be entitled to claim compensation for actual loss sustained through damage to his or their mine or the works connected therewith by reason of the taking of such land."

" Rifle range and butts " declared to be public work.

31. Section two of " The Public Works Act, 1882," is hereby amended by the insertion of the words " rifle range and butts " between the words " electric telegraph " and " lighthouse " in the subsection defining the meaning of the terms " public work " and " work."

As to recovery of penalty and costs for removal of gorse by local authority when " The Rating Act, 1882," not in force.

32. Section fifteen of " The Public Works Act 1882 Amendment Act, 1884," and section eighteen of " The Public Works Act 1882 Amendment Act (No. 2), 1885," are hereby respectively amended by adding at the end of each of the said sections the following words : " Provided that in any borough or town district wherein ' The Rating Act, 1876,' and ' The Rating Act 1876 Amendment Act, 1879,' are in force respectively, then and in every such case such costs may be recovered by the Council or Board of such borough or town district in manner as rates are recoverable under ' The Rating Act, 1876,' and ' The Rating Act 1876 Amendment Act, 1879.'"

Minister may agree to grant easements in lieu of compensation for land taken.

33. In any case where the amount of compensation to be paid to any person has been or may hereafter be determined by agreement between such person and the Minister, the Minister may agree to grant to such person, his heirs, executors, administrators, assigns, and successors any easement, right of way, right of occupation, or any other right, privilege, or concession in, upon, over, or under any land taken or reserved for the purpose of any public work in satisfaction or part satisfaction or mitigation of the compensation claimed by such person : Provided that no such agreement shall be of any validity at law or in equity until notice of the assent of the Minister thereto shall have been duly gazetted.

Court may award easements in lieu of compensation.

34. In any case where the amount of compensation to be paid to any claimant has been or may hereafter be determined by a Compensation Court, the Minister may offer, and the Court may award to the claimant his executors, administrators, assigns, and successors, in satisfaction or part satisfaction or mitigation of the compensation claimed any easement, right of way, right of occupation, or any other right, privilege, or concession in, upon, over, or under any land taken or reserved for the purpose of any public work ; and the Compensation Court may, by its award, declare which (if any) of such easements, rights, privileges, or concessions so offered shall be granted to the claimant in satisfaction or part satisfaction or mitigation of his claim to compensation.

Governor may grant easement.

35. It shall be lawful for the Governor to execute any deed or instrument for the purpose of granting and confirming any easement, right, privilege, or concession which may have been or may hereafter be agreed to be granted or awarded as aforesaid.

Governor may grant surplus land in lieu of compensation.

36. The Governor may grant, in payment or satisfaction, or in part payment or satisfaction, for any land which has been taken or which may be hereafter be taken, or for any damage done or which may hereafter be done by reason of the construction or use of a public work, to the person or persons from whom such land has been taken or to

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whom such damage has been done any land reserved or taken for the use, convenience, or enjoyment of the said public work, but which is not required for such public work: Provided that, before such land is conveyed or transferred, the Minister shall certify that the land to  
5 be conveyed has been valued by a competent person, and that the total value, with money compensation (if any) does not amount to more than the sum which would be paid by Government for the land taken and the damage done if compensation for same were made wholly in money in the usual way.

10 37. The Governor may execute, do, and perform the several acts, deeds, matters, and things which are specified in the second column of the Schedule hereto.

Governor may perform the several acts specified in the second column of the Schedule hereto.

All acts, deeds, matters, and things so done, executed, or performed shall be good, valid, and effectual to all intents and purposes  
15 whatsoever, subject to the exceptions, restrictions, and qualifications in the said Schedule specified.

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Schedule.

## SCHEDULE.

## FIRST COLUMN.

1. On second day of July, 1887, a warrant under the hand of the Minister for Public Works was issued vesting the Mangare Bridge (between the Borough of Onehunga and the Manukau County) in the Mangare Road Board under "The Public Works Act, 1882," and directing what proportion of the cost of maintaining the said bridge the Mangare Road Board should contribute upon the assumption that such bridge crossed a river within the meaning of the said Act, but doubts have been raised as to whether the estuary which the said bridge crosses can properly be called a river within the meaning of the said Act, and whether the said warrant is not consequently invalid, and it is desirable to remove such doubts and to validate the said warrant.

2. It has been found desirable, with the consent of the Borough Council of Nelson, to close that part of Ngatitama Street, in the City of Nelson, which goes through the Lunatic Asylum grounds, as described in the second column hereto, and to add it to the land already acquired for such asylum, the Borough Council having no power of itself to permanently close the street.

## SECOND COLUMN.

1. May by warrant published in the *New Zealand Gazette* declare that the warrant referred to in the first column hereto shall be and shall be deemed to have been valid and effectual for the purposes for which it was issued as from the date of the same, and that all matters and things done and all proceedings had and taken under or in pursuance of the said warrant, shall be and be deemed to have been valid and effectual, notwithstanding any irregularity or want of form or of substance in the said warrant.

2. May, notwithstanding anything contained in "The Municipal Corporations Act, 1886," "The Public Works Act, 1882," or any other Act, declare that portion of Ngatitama Street, in the City of Nelson, hereinafter described, to be permanently closed, and the area thereof added to the adjoining land acquired for the Nelson Lunatic Asylum—namely, all that portion of Ngatitama Street, in the City of Nelson, between Franklyn Street and Motueka Street: as the same is more particularly delineated on the plan marked P.W.D. 15153, deposited in the office of the Minister for Public Works, at Wellington, in the Provincial District of Wellington, and thereon coloured red.

Upon the foregoing provision taking effect, the land above described shall vest in Her Majesty the Queen, her heirs and successors, for an estate in fee simple, and shall be part of the land used and occupied for the purposes of the Nelson Lunatic Asylum.