

Hon. Mr. Seddon.

PUBLIC WORKS ACTS AMENDMENT (No. 2).

ANALYSIS.

Title.
1. Short Title.
2. Interpretation.

3. Appeal to Supreme Court where grievance caused by closing of roads.

A BILL INTITULED

AN ACT to amend "The Public Works Act, 1882," and its Amendments. Title.

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

1. The Short Title of this Act is "The Public Works Acts Amendment Act, 1892 (No. 2)." Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation.
10 "Road" has the same meaning as is given to that word in "The Public Works Act, 1882," and includes any place being a public highway.

3. In any case where a road is stopped or sold under the provisions of sections ninety-three to ninety-six, inclusive, and section 15 ninety-nine of "The Public Works Act, 1882," or of any Act amending the same, the Supreme Court shall have jurisdiction to grant relief where it is shown that the Road Board or County Council has acted in an illegal, unjust, or oppressive manner, and the Court may annul, either in whole or in part, the stopping or sale of such road, 20 and the road shall thereupon remain a public highway as before; and the Court may grant such other relief in addition thereto or in lieu thereof as shall to it appear just, upon such terms as to costs or otherwise as may to it seem fit. Appeal to Supreme Court where grievance caused by closing of roads.

If any such road has been stopped for the benefit of a private 25 person under section ninety-nine of the said Act, such person may be joined as a party to the action, and, if the decision in the case is given against him, the Court may compel him to pay such part of the costs or other expenses as to it shall seem just, and the decision of the Court in all cases shall be absolute and final:

30 Provided, however, that any person availing himself of the provisions of this section must give notice in writing to the Road Board or County Council of his intention to appeal to the Supreme Court

within thirty days from the date of the decision or other action of the Road Board or County Council to which he objects; and if he do not thereupon commence his action in the said Court, and carry it on with reasonable diligence, his right of action shall lapse.

The provisions of this section shall, *mutatis mutandis*, relate 5
back and apply to the act of the Clive Road Board and Hawke's Bay
County Council in having stopped and sold certain roads in the
Township of Clive: Provided that any person aggrieved by the
aforesaid acts of the said Road Board or County Council as aforesaid
shall give notice and commence an action thereon in the Supreme 10
Court within three months from the passing of this Act; and the
Court, in giving judgment, shall take into consideration the costs
and expenses which have been already incurred by any party to such
action in heretofore maintaining or defending his rights in the
Supreme Court or in the Court of Appeal, and the Court shall have 15
power to give such directions, and make and enforce such orders, as
may be necessary.