

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. Commencement of Act. 2. New counties to be created by special Act. Boundaries to be altered by special Act. 3. Operation of principal Act not to be suspended in future. 4. Act deemed to be suspended in certain counties. 5. Such counties to set aside funds for charitable aid. 6. Governor in Council may alter boundaries of road districts, &c., within certain counties. 7. Town districts may be merged in county. 8. Petition for constitution of town district to be confirmed by County Council. 9. Where new roll not made, old roll to remain in force. 10. Portion of main or county road within limits of a town district under control of County Council. 11. Control of roads on boundaries. Governor may apportion cost. <p style="text-align: center;">MINERS' RIGHTS.</p> <ol style="list-style-type: none"> 12. Holder of miner's right before entitled to vote must have his name on electoral roll of riding. 13. Principal Act amended as to miners' rights. 14. Holder of miner's right may apply for relief to Resident Magistrate's Court. 15. Resident Magistrate may enter on or erase from roll name of holder of miner's right. <p style="text-align: center;">SPECIAL AUDIT.</p> <ol style="list-style-type: none"> 16. Expenses of special audit. <p style="text-align: center;">SPECIAL ORDERS.</p> <ol style="list-style-type: none"> 17. How special orders to be made. 18. Certain special orders to be gazetted. <p style="text-align: center;">ALLOCATION OF COUNTY FUND.</p> <ol style="list-style-type: none"> 19. Apportionment of income each year. 20. Separate accounts for each riding to be kept, and amount apportioned to each riding to be expended in such riding. <p style="text-align: center;">RATES.</p> <ol style="list-style-type: none"> 21. Special rates may be levied in portion of county. | <ol style="list-style-type: none"> 22. Special rating to aid owners of private lands in construction of drainage works. 23. County and Road or Town Board may collect each other's rates. <p style="text-align: center;">SPECIAL LOANS.</p> <ol style="list-style-type: none"> 24. When resolution for raising a special loan deemed to be carried. 25. County may be subdivided for purposes of constructing irrigation works. 26. Council may constitute drainage districts. 27. Special loan may be raised in separate subdivision for irrigation. 28. In case of extraordinary damage to water-race, special loan may be raised without consent of ratepayers. 29. Special loans for special public works for portion of a county. 30. Consent of ratepayers of portion of county to raising of special loan how obtained. 31. Councillors liable for moneys illegally borrowed. <p style="text-align: center;">MISCELLANEOUS.</p> <ol style="list-style-type: none"> 32. Governor may declare County Councils to have powers of Harbour Boards. 33. Council appointed a Harbour Board may levy special rate in district specially benefited by harbour works, with consent of ratepayers. 34. Council may contract for erection of telegraphs or telephones. 35. May contribute funds for school buildings. 36. Lands acquired for special purpose may be sold. 37. Power to make by-laws in respect of the public health and convenience. 38. By-laws generally. May apply to whole or part of county. 39. By-laws to be made by ordinary resolution. 40. By-laws to be made only by special order. 41. By-laws repugnant to Act of Assembly, void. 42. Special order of Kaikoura County Council altering the ridings of the county, and the consequent elections for such ridings, validated. 43. Amendments in principal Act. 44. Enactments repealed. |
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1885, No. 47.

AN ACT for the Further Amendment of the Acts relating to Counties. Title.
[22nd September, 1885.]

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

Short Title.

1. The Short Title of this Act is "The Counties Acts Amendment Act, 1885." It shall be read together with "The Counties Act, 1876" (herein referred to as "the said Act"), and with all other Acts passed in amendment of the said Act.

Commencement of Act.

This Act shall come into operation on the first day of November next after the passing thereof, except sections two and three, which shall come into operation on such passing.

New counties to be created by special Act.

2. From and after the passing of this Act no new county shall be constituted except under a special Act of the General Assembly; but nothing herein contained shall be construed to prevent any union of existing or future counties.

Boundaries to be altered by special Act.

No alteration in the boundaries of counties shall be made except under special Act of the General Assembly.

But nothing herein contained shall be construed to annul or limit the power of constituting any part of a county a borough, or portion of a borough or a town district, at any time.

Operation of principal Act not to be suspended in future.

3. From and after the passing of this Act, the operation of the said Act shall not be capable of being suspended in any county.

Act deemed to be suspended in certain counties.

4. The Counties of Eden, Manukau, Raglan, Oroua, Marlborough, Ashley, and Peninsula, wherein "The Counties Act, 1876," was suspended at the time of the commencement of this Act, shall be deemed to be counties wherein this Act is suspended within the meaning of section thirteen of "The Counties Act 1876 Amendment Act, 1882," and the provisions following shall have force in relation to such counties, and the Councils thereof respectively.

(1.) Notwithstanding anything contained in any other Act, the Council of any of the counties last herein mentioned may at any time hold a special meeting for the purpose of determining, and may determine, by resolution to be passed by a clear majority in number of the whole Council, that the whole of the said Act shall come into force in the county, but prior to such resolution being received due notice of the intention to move the same shall be publicly notified; and the Chairman shall send a copy of such resolution to the Colonial Secretary for presentation to the Governor, whereupon the Governor may issue a Proclamation reviving the said Act in force within such county.

Nothing in this subsection contained shall be construed to abrogate any power of the county electors to petition for the revival of the operation of the said Act in any county.

(2.) Any special meeting of such Council, when authorized to be held, may be convened by the Chairman, or, in case of his absence, by the Clerk of the Council, upon a requisition in writing signed by any three Councillors.

Such counties to set aside funds for charitable aid.

5. The Council of each of the counties mentioned in section four of this Act, when apportioning at their annual meeting the funds of the county amongst the road districts, town districts, and outlying districts, shall, in the first instance, deduct from such moneys all sums which the Council may become liable for in respect of the maintenance of charitable institutions in such county and for charitable aid therein, and such sums shall not be divided as aforesaid, but shall be applied by the Council in such manner as may be enacted in that behalf in any Act relating to hospitals and charitable aid.

6. All powers of a County Council relating to the alteration of the boundaries of any road or town districts within a county, or of amalgamating any of such districts, or of merging any of them into the county, and all other powers in relation to any such districts exercisable by the Council by special order, or on petition, may be exercised by the Governor in Council in respect of any of the counties wherein the said Act is suspended.

Governor in Council may alter boundaries of road districts, &c., within certain counties.

Nothing in this section contained shall be construed to annul or abridge the powers conferred by section fourteen of "The Counties Act 1876 Amendment Act, 1882," upon the Road Boards and Town Boards within the county.

7. Any Town District may become merged in a county in the same manner as a Road District may be so merged, and for this purpose sections thirty-seven, thirty-eight, and thirty-nine of the said Act shall be read as if the words "Town Board" and "Town District" had been inserted therein respectively in lieu of the words "Road Board" and "Road District" wherever the latter words occur in the aforesaid sections.

Town districts may be merged in county.

8. Notwithstanding anything contained in "The Town Districts Act, 1881," or any Act amending the same, no town district shall be proclaimed after the passing of this Act, unless the petition praying for the constitution thereof is confirmed by a resolution passed by a majority of not less than two-thirds of the members of the Council or Councils of the county or counties wherein any portion of the proposed town district is situate.

Petition for constitution of town district to be confirmed by County Council.

Any petition as aforesaid which may be received by the Governor, not confirmed as aforesaid, shall be remitted back to the County Council or Councils interested therein, for their opinion thereon, and no action shall be taken on such petition by the Governor until he has received such opinion.

9. In case the electors' roll for any riding shall not, from any cause whatever, be made out and completed so as to come into force at the time prescribed by this Act, the electors' roll for that riding for the year preceding shall be in force for the year for which a roll shall not have been made out and completed as aforesaid.

Where new roll not made, old roll to remain in force.

10. Notwithstanding anything contained in any other Act, every portion of a main road or county road which traverses or lies within the limits of a town district shall be under the control of the County Council, who shall bear the cost of making and maintaining the same; but, nevertheless, every such portion of the aforesaid roads shall be subject to the operation of any by-laws for the time being in force, made by the Town Board of the town district wherein such portions of roads may be, as well as of any by-laws made by the County Council in relation to such roads; but if the said by-laws conflict, then those of the County Council shall supersede those of the town district.

Portion of main or county road within limits of a town district under control of County Council.

11. When a road lies along the boundary of two counties, and such road is entirely in one of such counties, then the whole of such road shall be under the control of the county wherein it is included, if the whole of "The Counties Act, 1876," is in operation in such county.

Control of roads on boundaries.

But if the whole of "The Counties Act, 1876," is not in force in the county wherein such road is included, or if such road lies

partly in one county and partly in the other, or is not included partly in either one or the other, then and in any such case, such road shall be under the control of such one of the counties or of such local authority or local authorities within either of such counties as the Governor from time to time directs; and he may from time to time alter the control from one county or local authority to another as he may deem expedient.

Governor may apportion cost.

In any case mentioned in this section the Governor may direct what proportionate part of the cost of constructing and maintaining such road shall be borne by each county, and any such proportionate part may be recovered in any Court of competent jurisdiction by the County Council or local authority having charge of such road from the county or districts liable to pay the same.

For the purposes of this section, every such road shall be deemed to be entirely within the jurisdiction of the County Council or local authority within the county having the control of such road, notwithstanding that the said road may not be within the boundaries of such county.

MINERS' RIGHTS.

Holder of miner's right before entitled to vote must have his name on electoral roll of riding.

12. No person shall be entitled to vote in virtue of being the holder of a miner's right at any election of Councillors for any riding of a county unless his name is on the roll of the county electors for such riding in virtue of such right, and he is resident and has been continuously resident in such riding during the two months immediately preceding the day of such election; and no holder of a miner's right shall have more than one vote in respect of such right, anything contained in any other Act notwithstanding.

Principal Act amended as to miners' rights.

13. The said Act is hereby amended as follows in respect to miners' rights:—

- (a.) In section forty-two the word: "twenty-second day of April" shall be read in place of the words "fifteenth day of April."
- (b.) In section forty-four the words "seventh day of April" shall be read in place of the words "first day of April," and the words "thirty-first day of March" in place of "thirty-first day of December."
- (c.) In section forty-six the words "twenty-seventh day of April" shall be read in place of the words "twentieth day of April."

Holder of miner's right may apply for relief to Resident Magistrate's Court.

14. Any holder of a miner's right may apply for relief under section forty-seven of the said Act in the manner and for the purposes in the said section mentioned, and any person who considers himself aggrieved by the name of the holder of a miner's right being inserted on the roll of county electors for any riding of a county wherein such holder does not actually reside may also apply for relief under the aforesaid section forty-seven.

Resident Magistrate may enter on or erase from roll name of holder of miner's right.

15. The Resident Magistrate, at any sitting of the Court held under section forty-eight of the said Act, may enter on or erase from the roll of any riding of a county the name of any holder of a miner's right who shall be proved to the satisfaction of the Court to be actually resident or non-resident, as the case may be, within such riding, and

whose name ought to be entered on or erased from such roll in consequence of such residence or non-residence.

SPECIAL AUDIT.

16. All the expenses of an inquiry made by a special Auditor under sections one hundred and thirty-six and one hundred and thirty-seven of the said Act, with such allowance to the special Auditor as the Governor directs, shall, unless Parliament otherwise provides, be charged upon the General Account of the County Fund, and shall be deemed to be a debt due to the Crown, and may be recovered from the county accordingly.

Expenses of special audit.

SPECIAL ORDERS.

17. Where anything is by the said Act or any Act amending the same required to be done by "special order," it shall be done by the passing of a resolution.

How special orders to be made.

- (1.) The resolution to do such thing shall be passed at a special meeting :
- (2.) Such resolution shall be confirmed at a subsequent meeting held not sooner than four weeks thereafter :
- (3.) Public notice of such subsequent meeting and of such resolution and of the time when the proposed special order is to take effect shall be given once in each of the said four weeks, and a notice of such meeting given to each Councillor: Provided that, in publicly notifying the resolution making any special order, it shall not be necessary to set forth the whole of the proposed order, if the object or purpose of the same be stated, and if a copy of the proposed special order be deposited at the office of the Council, and at some other place or places, if the Council so thinks fit, in the county or part of the county which shall be specified in the notification, and be open to the inspection of the public during office hours for at least twenty-one days immediately preceding the day appointed for the holding of the subsequent meeting.

A copy of any special order, sealed with the common seal of the Corporation, shall be received as evidence, and for all purposes whatsoever, of the same having been duly made in accordance with the said Act and this Act, unless the contrary be proved.

18. Notwithstanding anything contained in the last-preceding section, every special order making any alteration in the boundaries of any riding or road district, or subdivision of a road district in a county, shall be gazetted in manner provided by section thirty-three of "The Counties Act 1876 Amendment Act, 1882," and shall only take effect as in the said section is mentioned; and every such special order shall be inserted in the *Gazette* free of charge.

Certain special orders to be gazetted.

Except as aforesaid no special order shall require to be gazetted, anything mentioned in the aforesaid section thirty-three to the contrary notwithstanding.

ALLOCATION OF COUNTY FUND.

19. In counties wherein the said Act is not suspended, the

Apportionment of income each year.

Council shall, in each year, apportion the gross income of the county from all sources in the manner following; that is to say,—

- (1.) In payment, in the first instance, of the general debts and liabilities of the county, as a whole, which are not included in the special appropriations hereinafter mentioned, and of the general expenses incident to the administration of the said Act and the several Acts amending the same;
- (2.) In payment of contributions required to be made out of the County Fund by virtue of any Act of the General Assembly;
- (3.) In payment of the cost of constructing and of maintaining all main roads and county roads within the county, and of bridges on such roads respectively, and of ferries, as well as of constructing, maintaining, or contributing to construct or maintain such bridges, exceeding thirty feet span, on district roads within the county, as the Council shall think should be so constructed or maintained;
- (4.) The remainder of such annual income shall, subject to the provisions of the next following section, be apportioned among the ridings in the county in proportion to the amount of general rates received from such ridings respectively in such year.

Separate accounts for each riding to be kept, and amount apportioned to each riding to be expended in such riding.

20. Separate accounts shall be kept for each riding in the county of the income and expenditure thereof in each year, and to the said account shall be placed the amount apportioned to such riding of the County income, which shall be expended in works in such riding.

In case from any cause in any year, an allocation as hereinbefore provided of the proportionate part of the county income cannot be made among the ridings, and any riding shall receive in such year any more or less than its due, then such riding shall, in succeeding allocations of the county income among the ridings receive from the Council such an increased or diminished proportion of income as may be just.

RATES.

Special rates may be levied in portion of county.

21. Special rates may be levied as provided in section one hundred and twelve of the said Act within any portion of a county, with the consent of the ratepayers therein, for the purpose of providing interest and sinking fund upon a loan authorized to be raised for the exclusive benefit of such portion, or for works constructed in such riding.

All such special rates shall be applicable to the loan or works for which they were authorized to be raised, and for no other purpose whatsoever.

Special rating to aid owners of private lands in construction of drainage works.

22. For the purpose of affording aid to the owners of private lands in the construction of drainage works under "The Drainage Act, 1881," the Council of any county may, on petition of two-thirds in number and rateable value of such owners of land in any portion of a county within the same riding, by special order from time to time, declare such portion to be a special district, and may impose and levy on all lands in such district a separate rate for the purpose of effecting drainage works as aforesaid

in such district not exceeding three shillings per acre in each year for so long as the rate shall be necessary on all lands to be benefited by such drainage.

All lands in the special district shall be classified by the Council, or as it shall appoint, into—

Lands principally benefited by the drainage, and

Lands less benefited thereby;

and the latter class of lands shall only be liable to one-half the amount of rate in each year to be paid by the first class of such lands.

Every such rate shall be deemed to be a rate made under "The Rating Act, 1882," and may be levied, sued for, and recovered under the said Act.

Every County Council shall be deemed to be empowered under the Act last mentioned to have power and may make special valuation-rolls for the purposes of this section, and may otherwise do all things necessary to give effect to the provisions of this section.

The power granted by this section of levying separate rates shall be in addition to the power granted by section forty-four of "The Counties Act 1876 Amendment Act, 1882," and shall not be controlled by the limit fixed by section forty-five of the last-mentioned Act, but shall be exercised subject to section forty-six of such Act.

23. The Council may employ—

(1.) Any person employed by the Board of any road district or town district situate within the county, in collecting rates levied by any such Board, to collect all or any rates levied by the Council.

(2.) Its own officers to collect all or any rates levied by any such Road or Town Board aforesaid, on a requisition from such Board in that behalf, and their undertaking to pay the cost of such collection.

County and Road or Town Board may collect each other's rates.

SPECIAL LOANS.

24. In relation to the polling of votes on a question to raise a special loan within a county, if the number of votes given for the proposal within the several ridings taken together is not less than three-fifths of the votes given at the poll to be taken as aforesaid, then and not otherwise, the resolution in favour of the proposal 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.

When resolution for raising a special loan deemed to be carried.

25. The Council may, by special order from time to time without petition as they think fit, divide any district or districts constituted for purposes of irrigation works under the powers of section thirty-four of "The Counties Acts Amendment Act, 1883," into subdivisions, and may prescribe the boundaries of any such subdivision and assign names to any such subdivisions.

County may be subdivided for purposes of constructing irrigation works.

26. The Council of any county may by special order from time to time in manner provided and subject to all the conditions mentioned in section thirty-four of "The Counties Acts Amendment Act, 1883," declare the whole county or any part of the county to be a district for the purpose of constructing drainage works therein under the provisions of Part VIII. of "The Public Works Act, 1882," and may

Council may constitute drainage districts.

assign names to such districts; and such Council may by any subsequent special order from time to time, as they think fit, divide any such district into subdivisions, and prescribe the boundaries of such subdivisions respectively, and assign names thereto.

Special loan may be raised in separate subdivision for irrigation.

27. The Council, with the consent of the ratepayers of any district constituted for irrigation purposes or for the construction of drainage works, or of any subdivision of any such districts, 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 exercising any of the powers conferred on the Council by section thirty-seven of "The Counties Acts Amendment Act, 1883," or by Part VIII. of "The Public Works Act, 1882":

Provided that the aggregate amount of all loans to be raised for such purposes respectively shall not exceed in any district or subdivision a sum equal to ten shillings per acre on all the land in the district or subdivision;

May impose and levy on all lands in the district or subdivision a special rate to secure and pay the interest on and provide a fund for the repayment of any such loan.

Any such special rate may be for any amount not exceeding six farthings in the pound on the rateable property in the district or subdivision, anything in this Act or in any other Act contained notwithstanding.

Every such rate shall be deemed to be a rate made under "The Rating Act, 1882," and may be levied, sued for, and recovered under the said Act.

The consent of the ratepayers of any district or subdivision to the raising of any such special loan shall be determined in manner provided in respect of raising a loan within a county, and it shall be sufficient if the number of votes at the poll for the proposal within such district or subdivision taken together is not less than three-fifths of the total number of votes given at such poll, and in such case the resolution in favour of the proposal shall be deemed to be carried.

In case of extraordinary damage to water-race special loan may be raised without consent of ratepayers.

28. For the purpose of repairing any extraordinary damage done by flood, tempest, or accident to any water-race, the Council may, from time to time, raise a special loan without first obtaining the consent of the ratepayers of the district to the doing of such work, or to the raising of such loan; and to secure the interest and the repayment of such loan may levy a rate in manner as in the last-preceding section mentioned.

Special loans for special public works for portion of a county.

29. The Council, with the consent of the ratepayers of any portion of a county, comprising only an entire riding or entire ridings, 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 undertaking some special public work in such portion of the county: Provided that the aggregate amount of all loans to be raised for such purposes shall not exceed in any

portion of a county four times the amount which may be levied by general rates in such portion of the county in any one year;

May by special order distinctly defining such portion make and levy a special rate on all property within the portion so defined, to secure and pay the interest on and provide a fund for the repayment of such loan.

The consent of the ratepayers of any portion of a county to the raising of any such special loan shall be determined as in the said Act mentioned in respect of raising a special loan within a county, but the notices required to be given and the proceedings to be had in such case, shall be limited to the portion of the county to be affected by the raising of such loan.

30. For the purpose of obtaining the consent of the ratepayers of any particular portion of a county to the raising of any special loan for the benefit of such portion, it shall be sufficient if the number of votes given for the proposal within such particular portion of the county is not less than three-fifths of the total number of votes given at the poll, and in such case the resolution in favour of the proposal shall be deemed to be carried.

Consent of ratepayers of portion of county to raising of special loan how obtained.

31. If the Council of any county at any time—

- (1.) Borrows any money or issues any debentures on the credit of the corporation of the county in excess of or otherwise than in accordance with the provisions of this Act in that behalf; or,
- (2.) Borrows under this or any other Act, as on the credit aforesaid, any moneys which the corporation of the county is not legally bound to repay; or,
- (3.) Purports or attempts to bind the corporation of the county to pay any money borrowed which the corporation is not legally bound to repay,

Councillors liable for moneys illegally borrowed.

every Councillor who consents thereto shall, for every such offence, be liable to a penalty of one hundred pounds to be recovered, with full costs of suit, by any person who may sue for the same in any Court of competent jurisdiction. And all moneys so illegally borrowed shall be deemed to be a debt jointly and severally due to the county from each and all of the members of the Council who consented to such illegal borrowing, and may be recovered from such members or any of them in any Court of competent jurisdiction; and may be sued for by any ratepayer on behalf of the county.

MISCELLANEOUS.

32. In any place where there is no Harbour Board the Governor, on the request of the Council of any county bordering on any estuary or arm of the sea, or on the joint request of any two or more of such Councils, may by Order in Council gazetted, declare that such Council or joint Councils shall, from a date to be fixed in such order, exercise all the powers of a Harbour Board within such limits of such estuary or arm aforesaid as the Governor may define for that purpose.

Governor may declare County Councils to have powers of Harbour Boards.

From and after the date of any such order the County Council or

County Councils aforesaid shall be deemed to be a Harbour Board as if they had been so constituted by special Act.

Council appointed a Harbour Board may levy special rate in district specially benefited by harbour works, with consent of ratepayers.

33. Any Council appointed a Harbour Board under the provisions of this Act may, by special order declare and define the part of the County that will be specially benefited by any harbour works, and may levy a special rate in such district for the constructing or maintaining of harbour works, but no such rate shall be levied save by consent of the ratepayers, as provided in case of separate rates, and on such rate shall exceed in any one year three-eighths of a penny in the pound.

Council may contract for erection of telegraphs or telephones.

34. The Council of any County may from time to time contract with the Minister of Public Works for the erection of any line of telegraph or telephone communications within the county, and may apply such portions of the county funds as they think fit for the purpose of contributing towards the cost of such erection or the maintenance of any such line, or for the purpose of paying an annual sum by way of interest or guarantee upon such cost as aforesaid.

May contribute funds for school buildings.

35. The Council may from time to time contribute out of the county funds to the erection or maintenance of buildings to be used for or in connection with public schools under "The Education Act, 1877."

In counties wherein there are road districts and town districts, the Road Boards and Town Boards thereof respectively may exercise the powers herein given to County Councils, and may contribute out of the district funds for the erection or maintenance of school buildings as aforesaid.

Lands acquired for special purpose may be sold.

36. The Council of any county may, by special order, from time to time authorize the sale or exchange of any lands purchased by it for obtaining road metal or for other public purpose, which, in the opinion of the Council, are no longer required for the purposes of the county.

Power to make by-laws in respect of the public health and convenience.

37. The Council may make by-laws in respect of the public health and convenience,—

- (1.) Generally to prevent all nuisances, obstruction, and damage in roads or streets and in public places in the county, and all practices calculated to endanger the lives of or to frighten or annoy the public; and to make all such provisions as in the opinion of the Council are needful for the prevention and suppression of nuisances and to preserve public order, decency, health, comfort and convenience, in relation to all such roads, streets, and places in the county;
- (2.) To prevent the overcrowding of residents in houses to the danger of the public health;
- (3.) To prevent the deposit in or discharge into any river, stream, creek, lake, or watercourse of any matter or thing which may pollute such river, stream, creek, lake, or watercourse, so as to cause it to become a nuisance or injurious to the public health;
- (4.) To prescribe the terms on which the trade of blood-boiler, bone-boiler, fellmonger, soap-boiler, tallow-melter, tripe-boiler, or tanner, or any other noxious or offensive trade, business, or manufacture may be carried on;
- (5.) To prevent the blowing and spouting of meat;
- (6.) To fix times during which cattle not in harness or yoke may

not be driven through any county or district roads lying within three miles from the outer boundaries of any borough or town district, or through certain such roads named in any by-law in that behalf.

38. The Council of every county may from time to time make, alter, or repeal by-laws for any of the purposes for which the Council is empowered to make by-laws under the said Act, or any other Act, or for any purpose of good rule and government of the county, and for any purpose specially provided for in any other Act at present in force or hereafter to be in force; and for the prevention and suppression of nuisances not already punishable in a summary manner by virtue of any Act in force throughout the county, and by any such by-law may provide a penalty for every breach thereof, of an amount which shall be in the discretion of the Court inflicting the same, and shall in no case exceed five pounds. By-laws generally.

Every by-law may be made to apply to the whole county or to any part of the county specified in such by-law. May apply to whole or part of county.

39. The Council may, by an ordinary resolution, from time to time make, alter, or repeal by-laws on the following subjects:— By-laws to be made by ordinary resolution.

- (1.) To regulate the meetings, proceedings, debates, and general conduct of the business of the Council:
- (2.) To regulate the duties, duration and conditions of service, and the salaries or other remuneration of officers and servants of the Council.

40. By-laws for the repeal of existing by-laws and all other by-laws which the Council is empowered to make shall be made only in the manner and subject to the conditions following:— By-laws to be made only by special order.

- (1.) They shall be made only by special order, provided that, in publicly notifying the resolution making such order it shall not be necessary to set forth the whole of the proposed by-law, if the object or purport of the same be stated, and if a copy of the proposed by-law be deposited at the office of the Council, or at some other place or other places, if the Council so thinks fit, in the county which shall be specified in the notification, and be open to the inspection of the public during office-hours for at least thirty days immediately preceding the meeting:
- (2.) They may be amended before adoption:
- (3.) They shall have the common seal of the Corporation affixed thereto:
- (4.) They shall be published in the county fourteen clear days before coming into force, and shall come into force upon a day named in such publication.

41. Every by-law repugnant to any Act of the General Assembly for the time being in force in the county shall be null and void. By-laws repugnant to Act of Assembly, void.

42. Whereas the Council of the County of Kaikoura did, on the twenty-ninth day of October, in the year one thousand eight hundred and eighty-four, pass a special order altering the ridings in the said county, and the number of Councillors to be elected for some of the ridings so altered, and a general election of Councillors for the said ridings was held on the twelfth day of November next ensuing after the passing of the aforesaid order, and the Councillors then elected Special order of Kaikoura County Council altering the ridings of the county, and the consequent elections for such ridings, validated.

entered into office, and the County Council so constituted has met from time to time and transacted business, and still remains in office:

And whereas the special order passed as aforesaid is null and void by reason of its having been erroneously made, and the consequent elections are illegal; and whereas the said special order was passed under a misconception and not through any desire to commit an infraction of the law, and it is expedient to validate the said special order and all elections and other matters and things done consequent upon the making thereof:

Be it therefore further enacted as follows:—

Notwithstanding anything to the contrary, the hereinbefore-recited special order made by the Council of the County of Kaikoura on the twenty-ninth day of October, in the year one thousand eight hundred and eighty-four, and the alteration of the ridings purporting to be made thereby, and the number of Councillors appointed for such ridings respectively shall be and be deemed to have been validly made and done. And all elections of Councillors, and the constitution of the County Councils under such elections, shall be deemed to have been and to be valid, and all acts, matters, and things made, performed, or done by the said County Council, and all proceedings of the said Council of what kind or nature soever, and whether or not herein expressly mentioned, shall be taken to have been and to be as valid and in as due order and form as though the special order herein mentioned had been duly and validly passed and made at the time of the passing or making thereof.

Amendments in
principal Act.

43. The said Act is hereby amended as follows:—

Section thirty-one, the words "The Governor may, if he thinks fit, in such Proclamation" shall be omitted, and the following substituted: "When the boundaries of any counties are altered, the Governor may by Proclamation."

Section thirty-two, the words "as herein provided" shall be omitted.

Section thirty-four, the words "date of the Proclamation" shall be omitted, and the following substituted: "day of the coming into operation of the Act."

Enactments
repealed.

44. The enactments hereunder enumerated are hereby respectively repealed, that is to say,—

1876, No. 47. "The Counties Act, 1876," sections fourteen, nineteen, thirty, one hundred and fifty-six, one hundred and seventy-six, one hundred and eighty, and one hundred and eighty-three.

1880, No. 46. "The Counties Act Amendment Act, 1880," section four.

1882, No. 44. "The Counties Act 1876 Amendment Act, 1882," sections seven, eight to twelve, both inclusive, twenty-one, twenty-four, twenty-five, thirty-one, thirty-two, thirty-four, fifty-two, fifty-six, fifty-nine, and sixty-six.

1883, No. 36. "The Counties Acts Amendment Act, 1883," section twenty-three.