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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,
31st August, 1882.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Mr. Moss.

MUNICIPAL CORPORATIONS ACT 1876 AMENDMENT.

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A BILL INTITULED

AN ACT to amend "The Municipal Corporations Act, 1876."

Title.

WHEREAS it is expedient to amend "The Municipal Corporations Act, 1876" (hereinafter called "the said Act") :

Preamble.

5 BE IT THEREFORE 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 Municipal Corporations Act 1876 Amendment Act, 1882."

Short Title.

2. Section two hundred and sixty-six of the said Act is hereby repealed.

Section 266 of said Act repealed.

10 3. The Council may contract, for any period not exceeding twenty-one years at one time, with the owners of any waterworks, or any other person or company, for such supply of water as the Council may think necessary for the purposes of the said Act: Provided that no contract shall be made for a longer period than three years, unless the burgesses shall previously approve of the period for which it is proposed that such contract shall be made.

Council may contract for water-supply.

15 4. In order to carry out the provision contained in the last section, the Council shall publish in the borough, once in each week, for two successive weeks, a notice setting forth the period for which it is proposed to make the contract, and appointing the day, not less than fifteen nor more than twenty-one days from the publication of said notice, on which a poll of the burgesses will be taken thereupon.

Notification of term of contract and date of poll.

20 5. Such poll shall be taken in accordance with the sections of the said Act providing for the taking of polls so far as the same are applicable to the purposes of this Act.

Regulations for taking votes of burgesses.

New clauses.

6. The tenth section of "The Municipal Corporations Acts Amendment Act, 1880," is hereby repealed, and the following is substituted therefor:—

If the number of votes given for the proposal exceeds one-half of the total number of votes that could be given when the poll is taken, 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. 5

7. The Council may, with the consent of the owner, declare any right-of-way which is a continuation of an existing street, and of the same width of such street, not being less than half a chain in width, and not being a thoroughfare, to be a public street. 10

8. Whenever the several events mentioned in this section shall happen in or in respect of any borough fresh elections of Councillors shall be held, as hereinafter provided, in like manner as if extraordinary vacancies had occurred in the offices of the Councillors by resignation in the respective cases mentioned, that is to say:— 15

(1.) Whenever a borough is divided into wards, or any borough divided into wards is redivided into other wards, all the Councillors in office in such borough or in any ward affected by such division or redivision respectively shall go out of office, and an election of Councillors shall be held in respect of such wards, or such of them as may be affected by the operation of the said Act or any amendment thereof: 20

(2.) Whenever the wards of a borough are abolished under the said Act all the Councillors then in office shall go out of office, and a new election of Councillors for the borough shall be held, and such newly elected Councillors shall hold office till the date fixed for the next annual election in the borough, when a new election shall be held: Provided that the provisions of section six of "The Municipal Corporations Act Amendment Act, 1878," shall apply to any election held under this provision: 25 30

(3.) Whenever any adjoining district is incorporated into an undivided borough under section twenty-five of the said Act all the Councillors shall go out of office in such borough, and there shall be a new election of Councillors therein, subject, however, to the proviso to the *last* preceding subsection hereof. 35

(4.) Whenever any such district is incorporated into a borough and forms part of an existing ward all the Councillors in office for such ward shall go out of office, and an election of Councillors in and for such ward shall be held: 40

(5.) Whenever any such district is incorporated into a borough and forms a new ward or several wards an election of Councillors shall be held in and for such ward or wards as the case may require in like manner as if such ward or wards had previously been constituted. 40

9. All the provisions of the said Act as to the time and mode of retirement of Councillors from office and all other provisions of the said Act and any Act incorporated therewith as to the election of Councilors shall, except where express provision is made to the contrary, extend and apply to the persons elected under the *last* preceding section. 45

10. Whenever any adjoining district is incorporated into a borough as aforesaid the Town Clerk shall forthwith make up from the burgess roll or rolls in force in such borough, or any ward thereof, and from the ratepayers' roll in force 50

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in any such district, a new burgess roll for the borough or ward as the case may require, and shall place on the roll for such borough or ward the name of each burgess or ratepayer who appears from such rolls respectively to be entitled to vote therein, and shall assign to each such person the number of votes to which, under the said Act, he is entitled in respect of his property situated in such borough or ward, or in the part of the district incorporated therein as aforesaid.

The expression "ratepayers' roll" shall mean the roll in force in the district the whole or part of which has been so incorporated as aforesaid, and upon which the ratepayers in such district would be entitled to vote for the election of members of the local governing body having control of the roads or streets therein, by whatever name the same may be designated.

11. The burgess roll so made as aforesaid, when signed by the Mayor and any two Councillors, shall be the burgess roll for such borough or ward, as the case may be, until a new roll is made up in accordance with the said Act.

12. Every election held in any borough or ward before the passing of this Act, and to which any of the provisions hereinbefore contained would have applied, shall be and be deemed to have been duly held and made, and every Councillor now in office by virtue of any such election shall be deemed to have been duly elected, and all acts and things done or suffered in or by any Council of which such Councillor formed a member shall be and be deemed to have been valid and effectual so far as the same may depend upon the election or status of any such Councillor.

And every election in progress at the date of the passing of this Act, and to which any of the said provisions would apply, and all rolls formed or used at any such election, and all notices, proceedings, acts, and things given, taken, made, or done in respect of such election or in relation thereto shall respectively be as valid and effectual as if the same had been given, taken, made, or done after the passing of this Act.