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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,
16th October, 1872.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

(Mr. Harrison.)

Municipal Corporations Act Amendment.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Debentures of boroughs may be made payable in Australia.</p> <p>4. Evidence of by-law.</p> <p>5. Rates recovered summarily from persons about to quit premises.</p> <p>6. Demand of rates need not be personal.</p> | <p>7. In cities or boroughs maintaining a building for Justices, &c., and making provision for salary of Clerk and Bailiff, following provisions to be in force, that is to say—Fees of Court to be paid to borough fund. And certain penalties recovered in Court to be paid to the borough fund.</p> <p>Schedule.</p> |
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A BILL INTITULED

AN ACT to amend "The Municipal Corporations Act, 1867." Title.

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 shall be "The Municipal Corporations Act Amendment Act, 1872." Short Title.

2. In this Act, the term "the said Act" means "The Municipal Corporations Act, 1867." Interpretation.

3. Notwithstanding anything contained in the two hundred and thirty-ninth section of the said Act, it shall be lawful for the Council of any borough constituted under that Act to provide that the principal money and interest secured by debentures issued under the powers contained in the Sixteenth Part of the said Act shall be payable in any of the Australian Colonies; and in all respects the provisions of the said section, and of the said Sixteenth Part of the said Act, shall be applicable and extend to all debentures so made payable as aforesaid, as effectually as if the power hereby given had been expressly inserted in the said Act. Debentures of boroughs may be made payable in Australia.

4. Every by-law made under the authority contained in the said Act, when approved and published in the Government Gazette of the Province in which the city or borough is, as provided by the one hundred and ninety-fourth section of the said Act, shall have the force of law within the city or borough, and shall have the same effect as if the provisions thereof were inserted in the said Act, and shall be unimpeachable in any Court of Justice; and a copy of such Gazette, containing a print of matter purporting to be a by-law so approved as aforesaid, shall be *prima facie* evidence of the due making and approval and publication of the by-law. Evidence of by-law.

5. If any person quit or be about to quit any rateable property rated under the said Act before he have paid the rates then payable Rates recovered summarily from

persons about to
quit premises.

in respect thereof, and do not pay the same to the Council of the city and borough or their Collector on demand, any Justice may, upon the complaint of any officer of the Council, and upon such proof as shall appear satisfactory to such Justice, *ex parte* or otherwise, make an order directing the same to be paid by such person, either forthwith or at such time or times as to such Justice shall seem fit, and in default of immediate payment to levy for the same by distress and sale of the goods and chattels of such person.

Demand of rates
need not be personal.

6. It shall not, under and for the purposes of the two hundred and twenty-eighth section of the said Act or the last preceding section of this Act, be necessary to make a personal demand of rates; but it shall be sufficient if a demand in writing, or partly in writing and partly in print, shall have been left at or upon the premises in respect of which the rates are payable.

The following clause (7) and the Schedule erased:—

In cities or boroughs
maintaining a
building for Justices,
&c., and making
provision for salary
of Clerk and Bailiff,
following provisions
to be in force, that is
to say—

7. In any city or borough constituted under the said Act, or to which any of the Parts of the said Act shall have been extended by virtue of the provisions of "The Municipal Corporations Act Amendment Act, 1868," and if and so long as in such city or borough the Council of such city or borough provide a building for the purpose of a Resident Magistrate's Court, and in which the Mayor and other Justices of the Peace may sit and discharge their duties under "The Justices of the Peace Act, 1866," and the Acts amending the same, and "The Resident Magistrate's Act, 1867" and the Acts amending the same, or under any other Act of the General Assembly, or Act or Ordinance of the Provincial Legislature of the Province in which such city or borough is, and if and so long as such city or borough make provision for the payment of a salary of a Clerk to such Justices and a Bailiff of such Resident Magistrate's Court, then, if such building and provision are in the opinion of the Colonial Secretary adequate for the purpose, the provisions of this section next following shall be in operation in and with regard to such city or borough:—

Fees of Court to be
paid to borough
fund.

(1.) All the fees of Court and Bailiff's fees under "The Justices of the Peace Act, 1866," and "The Resident Magistrate's Act, 1867," and the Acts amending the same, or under any other Acts or Ordinances as aforesaid, in respect of any proceedings taken before any Resident Magistrate or Justices of the Peace sitting and acting in such building, shall be paid over by the Clerk of the Court to the Council of such City or Borough, and such fees, when so paid, shall form part of the ordinary revenue or funds of such city or borough.

And certain penalties
recovered in Court
to be paid to the
borough fund.

(2.) All penalties recovered under any of the provisions of any Act or Ordinance of the Provincial Council of the Province in which the city or borough is, or of the Acts of the General Assembly mentioned in the Schedule hereto, before any Resident Magistrate or Justices of the Peace sitting and acting in such building shall, if imposed in respect of an offence committed within such city or borough, be paid over by the Clerk of the Court to the Council of such city or borough, and such penalties shall, when received by the city or borough, form part of its funds: Provided however that this shall not apply to so much of any such penalties as shall be payable to the informer.

Schedule.

SCHEDULE.

- "The Adulteration of Food Act, 1866."
- "The Weights and Measures Act, 1868."
- "The Dangerous Goods Act, 1869," and any Act amending the same.