

(Hon. Mr. Vogel.)

## Timber Floating.

### ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Superintendent may notify what streams may be used under this Act.</p> <p>3. Superintendent, after hearing objections, may grant license for use of stream.</p>	<p>4. Power to float timber, &amp;c., down rivers and tidal creeks.</p> <p>5. Limitation of right of damage.</p> <p>6. Licensee to enter into bond for payment of damages.</p> <p>7. Public works not to be interfered with.</p> <p>8.</p>
--	--

### A BILL INTITULED

AN ACT to authorize the use of Rivers, Streams, and Tidal Creeks for Floating Timber and other Substances. 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 Timber Floating Act, 1873." Short Title.
2. The Superintendent of any Province *in which this Act is in operation* may from time to time, by notification in the *Government Gazette* of the Province, notify what rivers streams and tidal creeks within such Province may be used for the purposes of this Act, under license hereinafter mentioned, and may from time to time, by a like notification, withdraw any river stream or tidal creek from such user; and upon such withdrawal all licenses affecting the same shall cease and determine. Superintendent may notify what streams may be used under this Act.
3. Any person desirous of using any river stream or tidal creek for the purposes intended to be provided by this Act, may apply to the Superintendent of ~~the~~ *any such* Province *as aforesaid* within which the same is situated for a license to do so, and the Superintendent, after giving notice to the owners and occupiers of land on the banks of such river stream or creek who may be affected by such user, that such application had been made, and hearing any objections which may be made against the granting thereof, may, if he think fit, grant such license, subject to such conditions and stipulations as he may deem expedient. Superintendent, after hearing objections, may grant license for use of stream.
4. It shall be lawful for the licensed owner of any logs lumber timber firewood posts rails or other wood, flax gum or other substances or materials, either by himself or by his servants or workmen, to raft or float the same, or to cause the same to be rafted or floated, down Power to float timber, &c., down rivers and tidal creeks.

and along the course of any river stream or tidal creek mentioned in his license: Provided that in so doing he or they shall do permit or suffer, or cause to be done permitted or suffered, as little injury spoil or damage as possible to the lands on the banks or along the course of any such river stream or tidal creek; and that the owner of the timber or other substances or materials rafted or otherwise floated as aforesaid shall be liable to pay to the owners and occupiers of any such lands compensation in damage for any actual injury spoil or damage which shall be done permitted or suffered in the exercise of the power granted by this Act: And provided also that in so doing he or they shall not injuriously interfere with the ordinary navigation of any such river stream or tidal creek.

Limitation of right of damage.

5  
10  
15  
20  
25  
30  
35  
40  
45  
50

5. The remedy of the owners and occupiers of lands on the banks or along the course of any such river stream or tidal creek, for any injury spoil or damage which they or any of them may sustain by reason of the exercise of the power granted by the foregoing section, shall be in damages only, and shall not extend beyond the amount in value of injury spoil or damage actually proved to have been done permitted or suffered as aforesaid, and any claim for damages as aforesaid may be sued for and recovered in the nearest Resident Magistrate's Court, whether the amount of such claim do or do not exceed the ordinary jurisdiction of such Court.

Licensee to enter into bond for payment of damages.

6. Before issuing such license as aforesaid, the Superintendent shall require the licensee and two sufficient sureties to enter into a bond to the Superintendent conditioned for the payment from time to time of the damages *and costs* which may be recovered against such licensee under the provisions of this Act; and for the purposes of any such bond the Superintendent shall be deemed to be a corporation with perpetual succession, by the name of "The Superintendent of the Province of \_\_\_\_\_," and as such corporation may sue upon or assign such bond.

Public works not to be interfered with.

7. Nothing in this Act contained shall interfere with the rights of the Superintendent of any Province, or of any Board of Works, Road Board, or other public authority having the power and duty of constructing public works within any district within or along the boundaries of which any such river stream or tidal creek shall be situated, to construct any bridges or other public works which may be necessary for ordinary public purposes across or along the course of any such river stream or tidal creek; and if the exercise of the power granted by the first section of this Act shall injuriously affect or be otherwise inconsistent with the construction maintenance or necessary use of any such bridge or other public work, then such power shall absolutely cease and determine to all intents and purposes whatsoever.

*New Clause 8.*

8. This Act shall on the passing hereof be in force in the Province of Auckland, but shall not be in force in any other Province until an Ordinance shall have been passed by the Superintendent and Provincial Council of such Province bringing this Act into operation therein, which Ordinance the Superintendent and Provincial Council of any Province other than that of Auckland is hereby authorized to pass, and to fix therein a date for the coming into operation hereof in such Province.