

## SUPPLEMENTARY ORDER PAPER.

## HOUSE OF REPRESENTATIVES.

Wednesday, the 13th day of September, 1876.

1. Mr. WHITAKER to move, when in Committee on the Municipal Corporation Act Amendment Bill, the following new clauses and amendments:—

Page 5, line 9. To omit all the words after “rateable property,” and substitute the words “means rateable value as defined by ‘The Rating Act, 1876.’”

Page 6. To insert the following section after section 12:—

Wherever in this Act any petition is required to be signed by not less than a certain number of burgesses, or not less than a certain proportional part of all the burgesses, the number of votes to which each burgess is entitled may be set after his name in such petition, and the number of signatures thereto shall be deemed to be the total number of such votes, or the proportional part of all the votes on the burgess roll, as the case may be.

Page 7. To add the following words to section 19 “the New Plymouth Town Board, constituted under the Taranaki Provincial Ordinance entitled ‘The Town Board of New Plymouth Ordinance, 1863,’ shall be deemed to have been a Corporation existing in such place before its constitution as a borough under this Act within the meaning of this section.”

Page 8. To insert the following section after section 19:—

Where any district has been proclaimed to be a borough under “The Municipal Corporations Act, 1867,” but no elections have been held therein before the passing of this Act, such elections shall be held under this Act, and the provisions of the nineteenth section shall apply to such borough.

Page 8. To introduce the following section after section 21:—

If not less than one-fourth of the burgesses of any ward of a divided borough petition the Governor praying him to divide such ward into two, and publish such petition, and no counter petition is presented to the Governor signed by not less than one-fourth of the burgesses of the other wards, within two months from such publication, the Governor may by Proclamation divide such ward into two wards, with such names and boundaries as he thinks fit.

Page 9. Add to section 26 the following words—“Or any land which ought reasonably to be included in the borough.”

Page 9. To add the following words to section 29 “but at any election of a Mayor or of Auditors, each burgess shall have only one vote, and there shall be only one polling booth at some central part of the borough.”

Page 10. To add the following words to section 38 “and no defect in the title to office of any person exercising the duties thereof, making correcting or signing such roll by virtue of such office, shall invalidate such roll.”

Page 11, line 26. To insert after the words “such one-eighth” the following words “or if he is elected without a poll.”

Page 11. To add to section 47 the following sub-sections:—

But if such vacancy occurs within three months before the day of the annual election of Mayor, the Councillor so appointed shall continue to hold the office of Mayor until such annual election.

The Councillor so appointed shall not thereby vacate his office as Councillor.

Page 12, line 55. To omit the words “in the following year,” and substitute the words “in each of the two following years.”

Page 12. To insert the following section after section 56:—

If the number of Councillors in any borough at the time this Act comes into operation therein differs from the number provided by this Act, all the Councillors shall go out of office on the day appointed

for the first annual election under this Act, and the Councillors to go out of office in each of the two following years shall be determined as provided in the last preceding section.

Page 21. To add the following words to section 132, "or to pay the first years' interest on the loan during the construction of such works."

Page 17, line 34. To omit the word "ratepayers," and insert "burgesses."

Page 23. To add the following subsection to section 142:—

- (3.) During the construction of the works for which any special loan is raised, the Council may pay out of such loan the first year's interest thereon.

Page 23. To add to section 145 the following subsection:—

No such debenture shall be sold at such a price as to produce to the purchaser an interest of more than seven per cent. on the price paid.

Page 24. To add to section 148 the following words—"And the rate of interest on moneys so borrowed shall in no case exceed seven per cent."

Page 26. To omit the section 170 as already amended and to insert the following in lieu thereof—

The Council may let by way of lease any lands or buildings the property of the Corporation, subject to the conditions and with the exceptions following—

- (1.) Such letting shall be by public auction, of which due public notice shall be given.
- (2.) No such lease shall be for a term of more than sixty-six years.
- (3.) The rent received shall be an annual rack-rent, without premium, and without covenant for renewal.
- (4.) Every such lease may contain such covenants as the Council thinks fit.
- (5.) No lands or buildings appropriated to the use or enjoyment of the inhabitants of the borough, or as grounds for recreation shall be let under this section; but the Council may let the pasturage of such last mentioned grounds for any period not exceeding one year, so, nevertheless, that the public shall not be in anywise restricted in the use and enjoyment of such grounds.

Page 26, lines 49, 54, 56, and 57, and page 27, line 7. Between the words "said" and "Act," to insert the words "Public Works."

Page 27. After section 179 to insert the following sections:—

Where in altering or diminishing the width of any street any part thereof is no longer required for public use, the Council may sell such part to the owner of any adjoining land for a price to be fixed by a competent valuer appointed by any two parties to value the same; and if no such owner, or more than one such owner, is willing to purchase the land, the Council shall sell the same by public auction; and a conveyance under the seal of the Corporation shall constitute a good and valid title to such land.

Where a road lies lengthways on the boundary of a borough, or where a bridge ferry or ford crosses a stream of which one bank is within a borough, such road bridge ferry or ford shall be deemed to be within the borough.

Page 28. To add to section 184 the following subsection:—

A new street means any street not set forth in the said map, and any street shown therein, but fronting upon which no buildings are erected.

Page 28. To insert the following section after section 184:—

If after fixing the level of any street as herein provided the Council alters such level, the owners of the lands or buildings fronting

on such street shall be entitled to compensation for the actual damage caused by such alteration, to be recovered as provided by the said Public Works Act.

Page 29. To insert the following words before section 191 :—

It shall not be lawful for any person to lay out or make any new street or private street in any borough, except by permission of the Council, and subject to such conditions as the Council thinks fit and——”

Page 31, line 14. To omit the words “or made,” and to insert the words “and any drain, the right to make and maintain, which has been legally acquired.”

Page 32. To insert the following section after section 213 :—

It shall not be lawful for the Council to construct any drain whereby any silt or refuse matter is carried into any harbour or other waters under the control of any Harbour Board, except on such conditions and in such manner as are approved of by such Harbour Board.

Page 32, line 42. After the word “Council” to insert the words “or Road Board.”

Page 32. To insert the following section after section 207 :—

Nothing in this Act shall be deemed to repeal or alter any of the provisions of ‘The Christchurch District Drainage Act, 1875,’ or to authorize any interference by the Christchurch City Council with any drains or other works under the control of the Board constituted by the said Act without the consent of such Board.

Page 35. To omit the words inserted after the third subsection of 253 section, for the purpose of inserting them after section 254.

Page 39. To insert the words so omitted, as a separate section after section 254, as follows :—

The Council may contract, for any period not exceeding three years at one time, with the owners of any waterworks or any other person or company for such supply of water as the Council thinks necessary for the purposes of this Act.

Page 41, line 57. After the word “borough” to insert the words “for the purpose of lighting the streets and public buildings in the borough.”

Page 42, line 11. To leave out all the words after “gasworks,” to the end of the first subsection.

Page 42. To insert after section 279 the following subsection :—

But where gasworks are at any time established in any borough under the authority of an Act of the General Assembly, it shall not be lawful for the Council to establish any other gasworks except under the authority of a special Act in that behalf.

Page 48. To insert after section 321 the following sections as a separate sub-division of Part XI. :—

(15.) *And in respect of wharves, jetties, &c.*

Where a borough is bounded on any side by the sea, or any harbour arm or creek thereof, or by any lake or river, or includes any part of any river, the Council may do the following things :—

- (1.) May erect and maintain wharves and jetties upon the fore-shore, or to such distance beyond low water mark, as the Council thinks fit.
- (2.) May erect protective works to prevent the encroachment of the sea or of such river.
- (3.) May by any by-laws in that behalf regulate the use of any such wharves or jetties.
- (4.) May by any by-laws in that behalf fix tolls to be paid in respect of all persons goods and animals using any such wharf or jetty.

Where any wharf or jetty has been constructed by the Council, such regulations and tolls may be made to apply to any part of the foreshore within or on the boundary of the borough.

All wharves jetties or other works constructed under the authority herein contained shall be the property of the Council.

Nothing therein contained shall authorize the Council to construct such wharves or other works, or to levy any tolls upon any land the property of any private person or company, without the leave of such person or company; or in any place where the foreshore is under the control of a Harbour Board or other lawful authority, without the leave of such Board or authority; or upon any land the property of the Crown, or vested in the Governor, without the leave of the Governor; or to repeal or alter any of the provisions of "The Marine Act, 1867," or "The Harbour Board Act, 1874," or any Acts amending the same; or to vest in the Council any part of the foreshore or other land not otherwise the property of the Council.

Page 54, line 56. To insert the word "wharves" after the words "in respect of."

Page 54, line 57. To insert the following subsections before subsections (a.) :—

- (a.) To regulate the use of wharves and jetties under the control of the Council.
- (b.) To fix scales of tolls and charges to be paid for the use of such wharves and jetties.
- (c.) To prevent the throwing or leaving of noisome or refuse matter on any foreshore in or adjacent to the borough.

Page 55. To insert the following sections as separate Parts XIII. and XIV. of the Act.

### PART XIII.

#### OF RESERVES AND ENDOWMENTS.

##### *New Clauses.*

It shall be lawful for the Governor in Council, upon the request of the Council of any borough, from time to time to reserve any of the waste lands of the Crown within the provincial district in which the borough is for the purpose of granting the same to the corporation of the borough, but the total quantity of land so granted shall not exceed one hundred acres of land within the borough, and two thousand acres of land in any other part of such district.

A description of all lands so reserved shall be laid before Parliament during its next Session thereafter, and unless Parliament otherwise directs, the Governor may, after the conclusion of such Session, grant such land or so much thereof as he thinks fit, to the Corporation of the borough in trust, either for the use and enjoyment of the inhabitants of the borough, or as sites for public buildings or other special uses, or as an endowment in aid of the borough funds.

In respect of lands heretofore reserved for public purposes for the use or endowment of a borough, and which have been granted to the Superintendent of a Province under "The Public Reserves Act, 1854," or any other Act, and which may become vested in the Governor under "The Abolition of Provinces Act, 1875," the Governor shall grant the same to the Corporation of the borough, in trust, for the same purposes for which such land is held at the date of the passing of this Act.

### PART XIV.

#### DISSOLUTION OF BOROUGHS.

The Governor in Council may, by Proclamation, declare the Corporation of any borough to be dissolved, subject to the following conditions :—

- (1.) The Councils of the borough and of the county within whose limits such borough is shall agree upon the terms

and conditions upon which such borough shall be dissolved, and shall jointly petition the Governor, praying him to dissolve the Corporation of the borough subject to the terms and conditions so agreed on.

- (2.) Public notice of such petition shall be given in such borough and county.
- (3.) If within \_\_\_\_\_ months after the publication of such notice one-fourth of the ratepayers of the county, or one-fourth of the burgesses of the borough, petition the Governor praying him not to dissolve the Corporation of the borough, no such Proclamation shall be issued.
- (4.) The number of votes which each ratepayer or burgess is entitled to give at any local election may be set after his name in any such petition; and the one-fourth above mentioned shall mean one-fourth of the whole number of votes which might be given at any such election.
- (5.) The *twenty-third*, *twenty-fourth*, and *twenty-fifth* sections of this Act shall apply to any petition made under this section; and the word "burgesses" in the *thirteenth* section shall include ratepayers in this section.

The Governor may refer such petition back to the said Councils for such alteration of the terms and conditions therein set forth as he thinks fit, and the same, when finally approved by the Governor, shall be set forth in the said Proclamation; and all such terms and conditions so proclaimed, not being contrary to the provisions of this Act or of any law for the time being in force in New Zealand, shall, upon and after the dissolution of the borough, have the force of law accordingly.

On and after the day named in the said Proclamation the Corporation of the borough to which it relates shall be dissolved, and the district included within the limits of the borough shall be included in and form part of the county and of the road district within whose boundaries the borough lay.

If the borough lay on the boundary of two or more road districts, the Proclamation dissolving the borough shall declare of which road district it shall thereafter form a part.

Upon the dissolution of any borough all the property real and personal belonging to its Corporation shall become vested in the Corporation of the county, and all liabilities and engagements of or to the borough shall become liabilities and engagements of or to the county, and all rates and arrears of rates due to the borough shall become due to and may be recovered as county rates by the County Council.

Nothing herein contained shall be deemed to affect the rights of the holder of any debenture or other creditor of the borough, or in any way to alter the security of any loan raised by the borough upon the security of any property or of any special rates; but such loan shall remain a charge on such property, and the County Council may continue to levy and recover any such special rates within the district theretofore included in the borough, as if the Corporation thereof had not been dissolved.

All public reserves or other property held in trust by the Corporation of the borough shall, after the dissolution of its Corporation, be held by the Corporation of the county, subject to the same trusts and uses as theretofore, and to any laws for the time being in force as to the alteration or termination of such trusts and uses.