

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Wednesday, the 11th day of July, 1883.

NOTICES RELATING TO ORDERS OF THE DAY.

TIMARU RACECOURSE RESERVE BILL.

1. Mr. TURNBULL, in Committee, to move the following amendments:—

New Clause, to follow clause 9.

Any racing club consisting of not less than forty members paying an annual subscription to the funds of such club, which shall have given two months' notice at the least in writing to the Board that it intends to hold a race meeting upon any racecourse under the control of the Board, shall be permitted so to do upon payment of the ordinary charge, if any, made by the Board in the case of any other racing or jockey club; but, if more than one club desire to use the racecourse for any race meeting on the same day, the Board shall decide the days of meeting as it sees fit, being guided as far as possible by the priority of notice given.

Line 39, clause 11. Insert after "regulating their own proceedings," "for making agreements with any racing or jockey club for the terms to be prescribed by the Board for the use of the said racecourse upon any day or days."

BANKRUPTCY BILL.

Mr. BARRON, on recommittal of the Bill, to move,—

That clause 139 be amended by inserting, at end of fifth line,—

All wages or salary of any clerk or servant in the employment of the bankrupt at the date of the order of adjudication, and not exceeding three months' wages or salary, and not exceeding one hundred pounds. All wages of any artizan, labourer, or workman, whether skilled or unskilled, in the employment of the bankrupt at the date of the order of adjudication, and not exceeding three months' wages at current rates. And any such clerk, servant, artizan, labourer, or workman may prove for any sum exceeding that amount.

In sixth line to strike out "such" and insert in its place "the," and after the word "debts" to insert the words "hereinafter mentioned."

To strike out subsection (5) in twenty-second line.

CHATTELS SECURITIES BILL.

Mr. FELDWICK, on the second reading of the Bill, to move,—

(1.) That the Bill and proposed amendments thereon be referred to a Select Committee.

(2.) That the Committee to whom the Chattels Securities Bill stands referred shall consist of the following: Hon. Mr. Conolly, Messrs. De Lautour, Fish, Holmes, Peacock, Shaw, Steward, Wynn-Williams, and the Mover. Three to form a quorum; with power to call for persons and papers, and report within a week.

MUNICIPAL CORPORATIONS BILL.

2. Mr. SHRIMSKI, in Committee, to move the following amendments:—

PART VI.

THE AUDITORS.

117. On or prior to the first day of June in each year the Governor shall appoint one or two persons to be auditor or auditors for each borough; such officer shall hold office from the first day of June, when so appointed, until the first day of June in the following year.

In clause 119. Lines 2 and 5, to strike out "Council" and insert "Governor."

MUNICIPAL CORPORATIONS BILL.

Mr. BATHGATE, in Committee, to move the following new clauses and amendments:—

Proclamation and
special order
"upon petition."

a. Where the Governor in Council is empowered by this Act to issue a Proclamation, or a Council to make a special order "upon petition," it shall mean that such power shall not be exercised unless—

1. A petition asking for the issue of such Proclamation, or the making of such special order, is presented to the Governor or to the Council, as the case may be;
2. Such petition distinctly defines the boundaries of the district affected by the petition, which district may either be the whole borough or any portion of the borough, and may include a portion or portions of an adjacent borough, county, Road Board, or town district;
3. Such petition sets forth in detail the objects of the petition;
4. Such petition is signed by at least three-fifths of the rate-payers of the district defined in the petition;
5. The purport and object of such petition, and a description of the district affected by it, and a statement of the intention to present it, are publicly notified in the said district at least once in each of the four weeks immediately preceding the presentation of such petition;
6. If such petition asks a Borough Council to carry out works outside the boundaries of their borough, the consent of the local body of the portion or portions of the district affected outside the said borough is obtained and forwarded to the Borough Council;
7. The signatures to such petition are verified as in section twenty-seven of "The Municipal Corporations Act, 1876" (hereinafter referred to as "the said Act").

Alteration of
boundaries of
boroughs.

b. Notwithstanding anything in the said Act contained, the Governor in Council may, by Proclamation, alter the boundaries of any borough, county, Road Board, or town district, either by adding to a borough a portion or portions of an adjoining borough, county, Road Board, or town district, or by adding a portion of a borough to an adjacent borough, county, Road Board, or town district, and declare that, from and after a day to be named in such Proclamation, the new boundaries set forth in such Proclamation shall be the boundaries of such boroughs, counties, Road Boards, or town districts; subject however to the conditions following:—

1. The Proclamation is issued "upon petition" of the portion or portions to be added;
2. A petition is presented to the Governor by the Council or local body of the borough, county, Road Board, or town district to which it is proposed to add the said portion or portions, praying him to make such alterations.

All the provisions of the said Act relating to the alterations of the boundaries of boroughs, which are not inconsistent with this section, shall apply to an alteration made under this section; and in the sections of the said Act, from the thirty-first to the thirty-fifth, both inclusive, the words "borough" and "county and road district," wheresoever used in the said sections, shall be taken to mean borough, county, Road Board, or town district, as the case may be, so as to be applicable to the alterations of boundaries made under this section.

c. When a road lies lengthwise on the boundaries of two boroughs, such road shall be constructed and maintained by the two boroughs jointly, on such terms and conditions as may be mutually agreed upon; and, in the event of no amicable arrangement being come to, the Resident Magistrate of the district in which the road is may determine what portions of the road shall be constructed or maintained by each of the boroughs, or that the whole shall be constructed or maintained by one borough, and that the other borough shall pay a reasonable share of the cost thereof: Provided always that no change shall be made in the levels of any road abutting on two boroughs without the consent of both the boroughs thereto.

d. If any Council enacts by by-law that separate accounts be kept for each ward or for any combination of wards, then, in making the general rates, the Council shall have power to make rates for each such ward or combination of wards in accordance with the estimated expenditure required for each such ward or wards, so that the general rates to be levied in one ward may vary from those in another ward; and the Council shall expend all such rates after deduction of a fair and equitable proportion for general expenses in or for the benefit of the ward or wards in which the said rates were levied; but the total amounts of general rates made in any one ward for any one year shall not exceed *one shilling* in the pound.

e. The Council may, "upon petition," and by special order, raise a special loan to carry out the objects of the petition; and it shall be lawful for the Council to deduct from the said loan such moneys as may in their opinion be necessary to defray the expenses of raising the loan, and of the supervision and clerical work necessary in connection with the expenditure of the remainder of the loan; and the remainder of the loan shall be wholly expended in carrying out the objects specified in the petition.

And it shall be lawful for the Council to make and levy an annually recurring special rate on the district defined in the petition, in order to pay the interest and principal of the said loan, together with the expense of making and levying such special rates, including therein a reasonable proportion of the salaries of the officers employed in the service of the Council, and whose services are utilized in connection with the making or levying of such special rates.

f. By "ordinary revenue" is meant the total annual income of the borough for the year ending the thirty-first day of March, including the general rates, but excluding all separate and special rates, and all moneys received from loans, subscriptions, licenses, or from any special source of income.

The following section to replace section 156 of said Act:

g. The Council may, in anticipation of its revenue, from time to time borrow moneys, which shall never at any time exceed the "ordinary revenue" of the previous year; but it shall be not lawful for the Council to borrow moneys, or to enter into any engagements or contracts, so as to cause the total liabilities (exclusive of all loans raised or debentures issued under the authority of any Act) of the borough (or of any one ward or wards where separate accounts are kept for such ward or wards) at the end of any one year to exceed the "ordinary revenue" of the previous year.

Misappropriation of funds, and unlawful pledging the credit of a borough.

h. If the auditor shall find that any moneys have been unlawfully paid away by the Council, or that any liability incurred by the Council has been unlawfully incurred, the auditor shall give public notice thereof in some newspaper circulating in the borough, and shall also forward the particulars thereof to the Colonial Treasurer; and the Colonial Treasurer or any ratepayer of any ward may, in any Court of competent jurisdiction, sue any or all of the Councillors who have consented to any unlawful payment or to the incurring of any unlawful liability either jointly or severally for the amount of such payment or liability, and may recover judgment for the same, together with costs; and the amount of such costs when recovered shall be paid to the person who has sued, and the other moneys recovered by the judgment shall be paid into the Borough Fund Account, and shall form part of the borough fund.

Penalty for rates unpaid.

i. At any time after a rate has become due, the Council may give notice in writing to any or all defaulters that if the amounts of such rates are not paid on a day named in that notice, or within one calendar month thereafter, a penalty of twopence in the shilling will be added to all rates then remaining unpaid; and if such rates are not paid within one calendar month from the day so named, then twopence in the shilling shall be added to the amounts of such rates, and may be recovered in any Court of competent jurisdiction.

Election of Mayor.

j. Section fifty-one of the said Act to be amended so that the Mayor may be elected on the second Thursday in August, and take office on the first Thursday in September.

The following section to replace section 340 of the said Act:

By-laws, how made.

k. By-laws shall be made in the manner and subject to the conditions following:—

1. They shall be made by special order, provided that, in publicly notifying the resolution as provided in section eighty-two of said Act, it shall not be necessary to set forth the whole of the proposed by-laws if the object or purport of the same be stated, and a copy of the proposed by-laws be deposited at the office of the Council or at some other place or places in the borough specified in the notification, and be open to the inspection of the public during office hours for at least four weeks before being considered by the Council, but they may be amended before adoption;
2. They shall have the common seal of the Corporation affixed thereto;
3. A copy under the common seal of the Corporation shall be sent to the Colonial Secretary;
4. After the receipt of the above copy is acknowledged by the Colonial Secretary, the Council shall fix the day on which they shall come into force, and publicly notify the same seven clear days before the day so fixed:

Provided that the Council have power to make, alter, or repeal by-laws, to regulate business of Council, and services and salaries of officers, as specified in subsections two and three of section three hundred and forty-nine of the said Act, at any meeting of the Council, by passing a resolution to do so, due notice whereof has been given at a previous meeting.

Council may make by-laws providing for ward accounts.

l. The following subsection to be added to the subsections of section three hundred and forty-nine of the said Act,
To provide for separate accounts to be kept for each ward or for any combinations of wards.

MUNICIPAL CORPORATIONS BILL.

Mr. HUTCHISON, in Committee, to move the following new and amended clauses:—

In respect of fire insurance.

Every company carrying on the business of fire insurance within the limits of any borough supplied with water by means of waterworks constructed by and at the expense of such borough, and available for the extinction or prevention of fire, shall, on or before the thirty-first day of March in each year, deliver to the Town Clerk of such borough an account showing the amount of premiums received by such company in respect of fire insurances within such borough for the immediately preceding financial year of the company, and every company which shall fail to deliver such account as aforesaid shall be liable to pay to the Council of such borough the sum of five hundred pounds, to be recovered by the Treasurer of such borough in any Court of competent jurisdiction.

Every such company which shall have delivered any such account as aforesaid shall, immediately after the thirty-first day of March in each year, pay to the Treasurer of such borough as aforesaid a sum equal to pounds per centum upon the total amount of premiums, as and for compensation for the use, or right to use, the water supplied by means of such waterworks as aforesaid; and the amount so payable shall, in case of non-payment, be recoverable at the suit of the said Treasurer in any Court of competent jurisdiction.

UNDER PART XII.—BY-LAWS.

Clause 393. To add to subsection 6 (a): “And to provide for the destruction of wandering goats or unregistered and unclaimed dogs within the limits of the borough.”

In subsection 12 (a), second line, after the word “inspection,” to insert the word “churches and chapels.”

In subsection 22—*Generally*: Omit all the words after the word “purposes” in the first line, and add the following: “or in respect of any other municipal matter, whether specifically mentioned hereinbefore or not, which the Council of any borough shall from time to time think necessary for good government, or as likely to promote the order, health, safety, or benefit of the borough.”

Section 212 to be struck out, and the following to be substituted in lieu thereof:—

The Council may let by way of lease, by public auction, or by public tender, any lands or buildings the property of the Corporation, whether affected by the provisions of any special Act or otherwise, provided the following conditions be observed:—

- (1.) That every such lease shall be made to take effect in possession within one year next after the making thereof, and shall be for a term of years not exceeding, for an agricultural lease, twenty-one years, but renewable; for a mining lease or a lease of water, a way-leave, water-leave, or other right or easement, forty years; for a building lease, ninety-nine years; and for a repairing lease, sixty years.
- (2.) On every such lease there shall be reserved the best rent or reservation in the nature of rent, either uniform or not, that can be reasonably obtained, to be made payable half-yearly or oftener, without taking any fine or other benefit in the nature of a fine.
- (3.) Every such lease shall be by deed, and every lessee shall execute a counterpart thereof, and every such lease shall contain a condition for re-entry on non-payment of the rent for a period not less than twenty-eight days after it becomes due:

- (4.) Subject and without prejudice to the provisions of any special Act in that behalf, 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.

Subject and in addition to the conditions hereinbefore contained, every such lease shall contain such covenants, stipulations, and conditions as the Council shall think fit.

Any lease, whether under this Act, or any Act repealed by this Act, or under any special Act relating to lands or hereditaments vested in the Corporation or under this Act, may be surrendered either for the purpose of obtaining a new and fresh lease of all or any part of the hereditaments demised thereby or not; and the power to grant leases conferred by this Act shall extend to authorize the grant of new leases of the whole or any part of the hereditaments comprised in the surrendered leases.

The power to grant leases conferred by this Act shall extend to authorize preliminary contracts to grant any such leases, and any of the terms of such contracts may be varied in the leases :

Provided that all existing leases made under Acts hereby repealed, and anything done, or any right or privilege acquired under the authority of leases so made shall remain in force during the currency of the same.