

MUNICIPAL CORPORATIONS ACT, 1867.

ARRANGEMENT OF CLAUSES.

Preliminary.

Title.

Preamble.

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3. Buildings &c. heretofore unlawfully constructed.
4. Buildings &c. heretofore improperly constructed but without violation of law.

(2.) *Ruinous or Dangerous Buildings &c.*

5. Notice to owner &c. of ruinous building.
6. Justices may limit time for removal repair &c. And in default &c. council may do act.
7. Materials may be sold.
8. Land may be taken and sold in certain cases.

PART VI.

BUILDINGS ETC. FOR PUBLIC MEETINGS ETC.

1. Public buildings &c. to be registered.
2. Certificate of registration &c.
3. Inspection.
4. Regulations.

PART VII.

FIRE PREVENTION.

(1.) *Foul Chimneys.*

1. Wilfully setting fire to chimneys.
2. Negligently suffering chimney to be on fire.

(2.) *Deposit &c. of Inflammable Material &c.*

3. Regulations.
4. Stacks or coverings &c. in violation of or otherwise than required by regulation.
5. Setting fire to matter without notice.
6. Fireworks.
7. Brush fences.

(3.) *Water Tunks on Private Premises.*

8. Occupier of house to keep water.

PART VIII.

NUISANCES ETC.

(1.) *Nuisances of various kinds.*

1. Regulation as to keeping swine.
2. Removing nightsoil &c.

(2.) *Private Slaughter-houses.*

3. Licenses for private slaughter-houses where no public.
4. Slaughtering in unlicensed place.
5. Registration of slaughter-houses previously established.
6. Regulations.
7. Suspension revocation &c. of license &c.

PART IX.

MISCELLANEOUS MATTERS.

1. Regulation as to bathing.
2. Damaging trees.
3. Removing soil &c. from public places.
4. What shall be deemed a secure fence in case of goats.

PART X.

CARRIAGE OF PERSONS AND GOODS.

(1.) *Passenger Vehicles.*

1. Prescribed space for licensing &c.
2. Interpretation.
3. Council may license carriages.
4. Payments for licenses.
5. Application for license.
6. Inspection of carriage.
7. Contents of license.
8. Registration of license.
9. Duration and effect of license.

10. Owner changing abode to give notice.
11. Number &c. of carriage to be marked thereon.
12. Plying without license.
13. Occasional inspection of carriages. Plying for hire with unfit carriage.
14. Endorsement on license of route &c. for borough stage carriages.
15. Drivers and conductors licenses.
16. Acting as driver or conductor without license.
17. Owner to hold and produce drivers or conductors license.
18. Owner may in certain cases retain license of driver &c. leaving.
19. Suspension and revocation of license.
20. Number of passengers to be painted on carriage. And observed.
21. Default in painting number. Carrying excessive number. Refusal to carry full number and luggage.
22. Omission to drive hackney carriage as required.
23. Carrying others without consent of hirer.
24. Agreement for excessive fare not binding.
25. Omission to fulfil agreement where fare stipulated for.
26. Plying elsewhere than on standing and obstructions by driver of hackney carriage.
27. Borough stage carriage plying elsewhere than on standing &c.
28. Obstruction or misbehaviour by drivers &c. of borough stage carriage.
29. Driver &c. of borough stage carriage not to carry person misbehaving &c.
30. Furious driving &c. Damage to persons or property. Other offences.
31. Compensation for damage done.
32. Common standings for hackney and borough stage carriages.
33. Order &c. of standing.
34. Spaces to be left in certain cases.
35. Statement of fares to be painted on carriage.
36. Carriage lights.
37. Lamps inside borough stage carriages.
38. Property left in carriages.
39. Entry and restitution &c. of lost property.
40. Leaving carriage unattended.
41. Feeding horses in street &c. Muzzles.
42. Suffering another to drive &c. without consent of owner.
43. Owner may be summoned to produce driver or conductor.
44. Penalty for not producing driver or conductor.
45. Compensation where complaint against driver &c. dismissed &c.
46. Lawful fare how recovered.
47. Wilful injury to carriage by passengers.
48. Regulations.
49. Joint regulations of boroughs having common prescribed space.

(2.) Carts and Carters.

50. Prescribed space for licensing &c.
51. Interpretation.
52. Licenses for carts.
53. Application for license.
54. Numbering &c. of licenses and carts.
55. Contents of license for nightcart.
56. License of cart may be extended to hawking of wood or water.
57. Plying for hire &c. without license &c.
58. Registration of private carts.
59. Penalty for not registering.
60. Driver to hold and produce license.
61. Owner to cause driver's name to be written on license.
62. Abusive language by driver.
63. Omission to carry when required. Exacting excessive hire. Plying elsewhere than on stand.
64. Leaving cart unattended &c.
65. Feeding horses in streets &c. Muzzles.
66. Wood or water cart standing at improper places.
67. Water carter to have name &c. marked on premises.
68. Water carters to attend at fires.
69. Compensation for attending fires. Rewards.
70. Suspension of revocation of license.
71. Lights for carts.
72. Removing nightsoil &c.
73. Regulations.
74. Joint regulations.

(3.) Boats and Boatmen.

75. Force and effect of bye-laws.
76. Licenses for boats.
77. Application for license.
78. Inspector of boats. Certificate.
79. Contents of license.

80. Plying without license.
81. Occasional inspection of boats. Suspension of license for unseaworthy boat.
82. Transfer of license for boat lost or under repair.
83. Boatman's license.
84. Omission to convey &c. when required. Carrying excessive number &c. Exacting excessive hire.
85. Boatman to produce license and table of fares. Abusive language &c.
86. Suspension and revocation of license.
87. Regulations.

(4.) *Pedlers and Hawkers.*

88. Pedlers and hawkers license.
89. Trading without license.
90. Penalty for breach of regulations.

(5.) *Porters.*

91. Porters license.
92. Plying as porter without license. Production of license &c.
93. Omission to convey &c. when required.
94. Suspension and revocation of license.
95. Regulations.

PART XI.

REGULATION OF PROCEEDINGS OF COUNCIL OFFICERS ETC.

- 1 to 5. General conduct of business.
- 6 to 11. Motions.
- 12 to 37. Order &c. of debate.
- 38 and 39. Lapsed questions.
- 40 and 41. Committees.
- 42 to 48. Petitions.
- 49 to 52. Appointments &c. of officers.
- 53 to 57. Miscellaneous.

FOURTEENTH SCHEDULE.

FORMS OF BYE-LAWS AND REGULATIONS.

(Sections 181 and 193.)

1. Bye-law or regulation.
2. Joint regulation.

FIFTEENTH SCHEDULE.

FORM OF RATE.

(Section 210.)

SIXTEENTH SCHEDULE.

FORM OF VALUATION AND RETURN.

(Section 216.)

SEVENTEENTH SCHEDULE.

FORM OF SPECIAL RATE.

(Section 242.)

EIGHTEENTH SCHEDULE.

FORM OF DEBENTURE.

(Section 251.)

New Zealand.

ANNO TRICESIMO PRIMO

V I C T O R I Æ R E G I N Æ.

No. 24.

AN ACT to Provide for the Establishment Title. of Municipal Corporations.

[10th October 1867.]

WHEREAS it is expedient to provide for effectually establishing Preamble.
Municipal Corporations and for the endowment thereof and generally
to provide for the better management of local affairs within the limits
of boroughs

BE IT THEREFORE ENACTED by the General Assembly of New
Zealand in Parliament assembled and by the authority of the same as
follows—

1. This Act shall commence and come into operation on the first day Commencement of
Act and Short Title.
of November in the year of our Lord one thousand eight hundred and
sixty-seven and the Short Title of this Act shall be “The Municipal
Corporations Act 1867” and it is divided into parts as follows—

PART I.—Constitution Division Union &c. of Boroughs.

PART II.—Council and Councillors of Boroughs.

PART III.—Burgesses Burgess List and Roll.

PART IV.—Election of Councillors.

PART V.—Assessors and Auditors.

PART VI.—Election and Privileges of Mayor.

PART VII.—Proceedings of the Council.

PART VIII.—Ouster of Office.

PART IX.—Contracts.

PART X.—Officers.

PART XI.—Accounts.

PART XII.—Notices &c. and Legal Proceedings.

PART XIII.—Government of Borough and Bye-laws.

PART XIV.—Ordinary Revenue and Borough Fund.

PART XV.—General Rates.

PART XVI.—Loans and Special Rates.

PART XVII.—Streets Bridges and the like.

PART XVIII.—Sewerage &c.

PART XIX.—Lighting.

PART XX.—Water Supply.

PART XXI. Markets.

PART XXII.—Miscellaneous.

2. Save where there is something in the context repugnant thereto Interpretation.
or inconsistent therewith the following words and expressions shall
mean or include the matters following—

The expression “the minister” shall mean the Colonial Secretary
or the minister for the time being acting for the Colonial
Secretary.

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- The word "cattle" shall include horses asses mules sheep goats and swine.
- The word "street" shall mean a public street and highway and shall extend to and include every road square court alley and thoroughfare within any borough used by carts or foot passengers not being a private street.
- The expression "private street" shall mean any road street or place within the borough used by carts and either accessible to the public from a public street or forming a common access to lands and premises separately occupied and which has not been maintained as or declared a public street.
- The word "original" where applied to boroughs shall mean boroughs constituted under this Act upon petition from the inhabitant householders of a district comprised within any city town or place specified in the first column of the first Schedule hereto or within any other city town or place incorporated or reputed to have been incorporated by or under any of the Acts or Ordinances specified in the fourth column of the said first Schedule at the time of the passing of this Act.
- The word "proclaimed" where applied to boroughs shall mean boroughs constituted after the commencement hereof not being "original" boroughs.
- The word "borough" standing without the words "original" or "proclaimed" shall mean any borough constituted under this Act whether original or proclaimed.
- The word "single" where applied to boroughs shall mean boroughs not formed by the union of two or more boroughs or of a borough with a road district under this Act.
- The word "united" where applied to boroughs shall mean boroughs formed by any such union.
- The words "annexation" and "annexed" shall mean and refer to the addition by the Governor or the Superintendent as herein provided to any borough of a portion of the Colony not lying within the limits of any borough county or road district.
- The word "mines" shall include mines and the shafts drives or other spaces openings or passages connected therewith below the natural surface of the ground and every structure passage matter or thing necessary to the working of the mine for the sole purpose of getting out minerals therefrom and shall not include aught else.
- The word "ferry" shall include any punt or floating bridge.
- The word "owner" where used with reference to any lands in respect of which any rate is to be paid or work is to be done shall mean the person for the time being entitled to receive or who if the land were let to a tenant at a rack rent would be entitled to receive the rack rent from the occupier thereof.
- The expression "governing body" where used with reference to any city town or place specified in the first column of the first Schedule to this Act or any other city town or place incorporated or at the time of the passing of this Act reputed to have been incorporated under any of the Acts mentioned in the fourth column of the first Schedule shall mean the council board of commissioners or board of wardens or trustees or the persons or body as the case may be having the management or control or government of the local affairs of such city town or place under any of the Acts or Ordinances specified in the said Schedule.

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The expression "road district" shall mean any "road district" or "highway district" constituted under any Act or Ordinance of any Provincial Legislature.

Wherever in this Act it is provided that any proclamation order certificate or appointment or any act matter or thing whatsoever shall or may be made or done by the Superintendent the expression "the Superintendent" shall be deemed to mean the Superintendent of that Province within which is situate the borough place or district or road bridge or ferry or market or land or other object with reference to which such proclamation order certificate or appointment or other act matter or thing is to be made or done.

The expression "rateable value" when used with reference to rateable property shall mean the annual value of any such property appearing in a valuation for the time being in force under this Act and on which value rates made by any council are to be made.

3. The district comprised within any city town or place mentioned in the first column of the first Schedule hereto or within any other city town or place which at the time of the passing of this Act has been or is reputed to have been incorporated by or under any of the Acts or Ordinances specified in the fourth column of the first Schedule hereto may be constituted a borough under this Act in manner hereinafter mentioned.

Any city or town incorporated under any Act or Ordinance specified in Schedule may be constituted borough under this Act.

4. If not less than fifty of the inhabitant householders resident within any such district as in the last preceding section mentioned shall sign and cause to be presented to the Governor a petition praying him to constitute such city town or place a borough under this Act and in such petition shall set forth accurately the boundaries of the city town or place to which such petition shall refer and the title of the Act or Ordinance and the date and substance of any proclamation or order by under or by virtue of which such city town or place has been or is reputed to have been incorporated and if within two months of the publication as hereinafter mentioned of such petition an equal or greater number of inhabitant householders resident within such district shall not have signed and caused to be presented to the Governor a petition praying him not to grant the prayer of such first-mentioned petition it shall be lawful for the Governor by proclamation to constitute such district a borough under this Act if it shall seem fit so to do. Always provided that in any city town or district in which any corporation or board of works or other local municipal body already exists in calculating the number of signatures attached to any petition the amount of property held by the petitioners shall be taken into account and the number of signatures shall be reckoned according to the scale hereafter laid down for the number of votes to be given in the preparation of the burgess roll the last rate paid being taken as the basis of the calculation.

Petition for incorporation under this Act.

Counter petition.

5. From and immediately after the first constitution of an original borough under this Act in cases where under the provisions hereinafter contained the members of a council or board of wardens commissioners or trustees or other similar body may continue in office as members of the council of such original borough under this Act and in any other original borough from and immediately after the first election or first appointment of councillors under this Act for any such original borough as last mentioned such of the several Acts and Ordinances mentioned in the fourth column of the first Schedule as immediately before such first constitution or such election or appoint-

In original borough Acts and Ordinances specified in the fourth column of first Schedule to cease to have effect on first elections hereunder.

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ment was or were in force in the district which shall have been constituted such borough shall within and so far as the same relates to such district so constituted such borough cease to have any force or effect and be deemed to be repealed provided that all proceedings matters and things lawfully had or done before any such first constitution or first election or appointment under or in pursuance of the said repealed provisions or any of them shall subject to the provisions herein contained be of the same force and effect to all intents and purposes as if no such repeal had taken place and as to all districts and parts of New Zealand not included within any city town or place specified in the first column of the first Schedule hereto or within any city town or place other than those so specified which at the time of the passing of this Act has been or is reputed to have been incorporated by or under any of the Acts or Ordinances specified in the fourth column of the first Schedule hereto such Acts and Ordinances shall on the passing of this Act cease to have any force operation or effect and shall as to such districts be deemed to be repealed.

Rates already due and penalties incurred.

6. All rates which under any Act or Ordinance specified in the fourth column of the first Schedule shall at the time of the first constitution of any original borough under this Act in cases where under the provisions hereinafter contained the members of a council or board of wardens commissioners trustees or other similar body may continue in office as members of the council of such original borough under this Act and in any other original borough all such rates as aforesaid as shall at the time of the first election or first appointment of councillors under this Act for any such original borough be due or payable to or leviable by or for the governing body of or for any city town district or place which shall have been converted into such original borough under this Act shall be vested in the body corporate of the original borough into which such city town district or place is converted under this Act and shall be paid to and received levied and recovered by the body corporate of such borough in like manner as the same might have been paid to received levied and recovered by the governing body of or for such city town district or place and all penalties and forfeitures incurred or imposed before such first constitution or such first election or appointment of councillors for any original borough as the case may be under any of the Acts or Ordinances specified in the said first Schedule for or in respect of any act done or omitted within or in regard to the city town district or place converted into such original borough shall and may be enforced as if this Act had not been passed.

All rights and liabilities &c. to attach to body corporate of original borough.

7. In any original borough in which under the provisions of this Act members of any council board of wardens commissioners trustees or other similar body may continue in office as members of the council of such borough all rights liabilities and contracts existing and all actions suits and proceedings pending at the time of the first constitution of such borough under this Act of or by or against the governing body of or for the city town district or place which shall have been converted into such original borough shall immediately after such first constitution be vested in and attached to and be enforced carried on and prosecuted by or against the body corporate of the original borough into which such city town district or place shall have been converted under this Act instead of the governing body of or for such city town district or place and in any other original borough all rights liabilities contracts and engagements existing and all actions suits and proceedings pending of or by or against the governing body of or for any city town district or place at the time of the first election or first appointment of councillors under this Act for any such last mentioned original borough

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into which such city town district or place shall have been converted under this Act shall immediately after such first election or appointment be vested in and attach to and be enforced carried on and prosecuted by or against the body corporate of the original borough into which such city town district or place shall have been converted under this Act instead of the governing body of or for such city town district or place and no such action suit or proceeding as in this section mentioned shall abate or be discontinued or prejudicially affected by the constitution of the district comprised in such city town or place into a borough under this Act.

8. In the case of any original borough in which under the provisions of this Act members of any council or board or board of wardens commissioners trustees or other similar body may continue in office as members of the council of such borough all real and personal property and all right title or interest in or to any such property and all rights of management or control over any such property or over any land place or thing vested in the governing body of or for any city town district or place at the time of the first constitution of such original borough shall immediately on such first constitution be vested in the body corporate of the original borough into which such city town district or place shall have been converted instead of the governing body of or for such city town district or place and in the case of any other original borough all real and personal property and all right title or interest in or to any such property and all rights of management or control over any such property or over any land place or thing vested in the governing body of or for any city town district or place which shall have been converted into any such last mentioned original borough at the time of the first election or first appointment of councillors under this Act for any such last mentioned original borough into which such city town district or place shall have been converted under this Act shall immediately on such first election or appointment be vested in the body corporate of the original borough into which such city town district or place shall have been converted instead of the governing body of or for such city town district or place and every person in office as town clerk surveyor or other like office in any city town district or place at the time of the constitution of such city town district or place into an original borough under this Act shall retain office under the council of the borough until discharged therefrom by such council.

Property of body corporate, boards &c. of city town or place converted into borough.

9. Any district lying wholly within one and the same Province not being a district wholly or in part comprised within the limits of any city town or place specified in the first column of the first Schedule hereto or of any city town or place before the passing of this Act incorporated or reputed to have been incorporated under any of the Acts or Ordinances specified in the fourth column of the first Schedule hereto which district shall not exceed in area nine square miles and shall have no one point in such area distant more than six miles from any other point therein and shall contain a population of inhabitant householders not less than two hundred and fifty may be constituted a borough in manner next hereinafter mentioned.

Incorporation of inhabitants of new districts.

10. If not less than one hundred of the inhabitant householders resident within any such last mentioned district shall sign and cause to be presented to the Governor a petition praying him to constitute such district a borough under this Act and in such petition shall set forth accurately the boundaries of the district to which such petition shall refer and if within two months of the publication as hereinafter mentioned of such petition an equal or greater number of

Petition.

Counter petition.

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inhabitant householders resident within such district so described shall not have signed and caused to be presented to the Governor a petition praying him not to grant the prayer of such first-mentioned petition it shall be lawful for the Governor by proclamation to constitute such district or any portion thereof a borough if it shall seem fit so to do.

Contents and effect of order for constitution.

11. In every proclamation whereby any borough shall be constituted the name and boundaries of the borough shall be set forth and upon the making of every such proclamation the district therein named shall be and be deemed to be a borough within the meaning of this Act But no such borough shall be constituted so as to comprise any locality not included within the boundaries set forth in the petition for the constitution thereof or in the case of any city town or place specified in the first Schedule hereto within the boundaries set forth in such Schedule.

Middle line of road or stream to be boundary.

12. Whenever a road street highway stream or creek shall be described or defined as forming the boundary of any part of a borough whether original or proclaimed a line along the centre of such road street highway stream or creek shall constitute such boundary for all purposes.

Division of borough into wards.

13. At any time after the constitution of any original borough in which persons elected under any of the Acts or Ordinances mentioned in the first Schedule hereto continue in office under this Act as councillors of such original borough so long as it continues a single borough and at any time after an annual election or general election or first appointment of councillors under this Act for any single borough whatever the Superintendent may if he shall have received a petition to that effect signed by one-fourth of the number of persons liable to be rated under this Act in respect of rateable property in any such borough and if it shall seem fit so to do may by proclamation divide the borough into three separate wards by such names and with such boundaries respectively as shall by such proclamation be assigned to the same.

Union of boroughs.

14. If the councils or a majority of the ratepayers of each of any two or more boroughs which shall be within one and the same Province and adjoin each other and form one continuous area and in each of which an annual election or general election or first appointment of councillors shall have taken place under this Act shall by petitions under the several common seals of such boroughs or under the hands of the ratepayers being severally such majority as aforesaid as the case may be pray the Superintendent that such boroughs shall be constituted one united borough it shall be lawful for the Superintendent by proclamation if it shall seem fit so to do to constitute such boroughs and area as aforesaid one borough by such name as shall in and by such proclamation be assigned to the same but so that in no case shall any united borough consist or be composed of more than four single boroughs and such several boroughs and area shall thereupon become and be such one borough accordingly.

On union previous wards of single boroughs abolished.

15. Upon every union of boroughs if either or any of the several boroughs so united shall be a single borough and such borough shall before then have been by the Superintendent divided into wards such division shall be void and of no effect and each of the several boroughs so united which shall be a single borough and each ward of any such borough previously having been a united borough shall become and be by the name theretofore borne by the same respectively a ward of the borough formed by such union.

Single boroughs and wards of previously united boroughs to be wards of aggregate united boroughs.

Existing contracts &c. at time of union of boroughs &c.

16. Upon the union of any two or more boroughs all contracts and rights existing at the time of such union and all proceedings begun

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and not completed before such union of by or against the body corporate of each of such several boroughs respectively with respect to any of the subjects as aforesaid shall be vested in belong and attach to and be enforced by and against the body corporate of the united borough and be of the same force and effect to all intents and purposes with regard to the united borough as with regard to such several boroughs as aforesaid but nothing in this section contained shall apply to any loan on debentures or special rate.

17. All real and personal property and all right and title or interest in or to any such property and all rights of management or control over any such property or over any land place or thing vested respectively at the time of any such union in the council or body corporate of any of the several boroughs shall on such union be vested in the body corporate of the united borough. Existing property &c. at time of union.

18. It shall be lawful for the Governor if he shall see fit so to do by proclamation to annex to any borough or to any ward or in separate parts to any two or more wards of any borough if divided into wards any portion of New Zealand adjoining to such borough and forming therewith one continuous area and not lying within the limits of any borough or road district and every such portion shall thereupon become and be part of such borough and so much thereof as shall have been added to any ward of such borough shall be part of the ward to which it shall have been so added and such borough or ward after such annexation shall save where herein otherwise provided be deemed to be the same borough or ward after such annexation as before. Provided that notice of the time when it shall please the Governor to order that any such intended annexation be taken into consideration shall be published by the minister in the *New Zealand Gazette* and in at least one paper generally circulating in the portion to be annexed at least two months before any such annexation shall be made and that if the whole or a majority of the inhabitant householders of such portion shall by a petition under their hands pray the Governor that such annexation be not made then the same shall not be made. Provided also that there shall not be added to any borough or the wards thereof either at the same time or at different times any extent greater in the whole than nine square miles or of which the population shall be less than fifty for each square mile so added or in the like proportion for any less extent. Outlying district may be added to borough.

19. It shall be lawful for the Superintendent if he shall have received a petition to that effect signed by not less than one-fourth of the number of persons whose names appear on the burgess roll of any ward of a united borough for all wards of which a burgess roll shall be in force by proclamation to divide anew such united borough into such separate wards as may seem fit by such names and with such boundaries as shall in and by such proclamation be assigned to the same and equal in number to the whole number of councillors hereby assigned to such united borough divided by three and such new wards shall be in lieu of the original wards which shall have become such upon the union. Fresh division of united borough on petition.

20. No borough shall be divided into wards or being a united borough shall be newly divided into wards and no boroughs shall be united under the provisions respectively hereinbefore contained upon or within thirty days before or after any day appointed for an annual election of councillors in or for the borough or in or for any ward or subdivision thereof or in the case of union of boroughs in or for any of the several boroughs to be united or in or for any wards thereof. No division or union of borough &c. to take place within certain period.

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Signatures to petitions to be verified.

21. The signatures appended to any petition under this Part shall be verified by the solemn declaration of some person or persons residing in the district or area described or referred to in such petition in the form and to the effect set forth in the second Schedule and appended to such petition and signed by such person or persons and if any person shall make any such declaration falsely or shall forge any such petition or signature or declaration or utter any such petition signature or declaration being forged knowing the same to be forged he shall be guilty of a misdemeanour.

Notice of petition for incorporation to be sent by Minister to Superintendent. If Superintendent does not dissent Governor to take into consideration if he does dissent he is to signify such dissent to Minister and to inform Provincial Council thereof if in session or at next session. Council may pass resolutions in favor of incorporation if such resolutions transmitted to Governor he may take petition into consideration.

22. Notice of every petition praying the Governor to constitute any district a borough under this Act shall be transmitted by the minister to the Superintendent of the Province in which such district is situate together with a copy of such petition and if and when the Superintendent shall by writing under his hand signify to the Governor that he does not dissent to the prayer of such petition a notice of the time when such petition shall be taken into consideration by the Governor shall be published in the *New Zealand Gazette* as hereinafter provided and such petition shall then be taken into consideration accordingly but if such Superintendent shall signify by writing under his hand that he does dissent to the prayer of such petition such petition shall not be taken into consideration by the Governor except as is hereinafter provided. If such Superintendent shall have signified his dissent to any such petition he shall by message to the Provincial Council of such Province if then in session or at the next session thereof and within seven days after the first meeting thereof transmit to such Council the copy of the petition received by him and also a copy of the document signifying his dissent thereto and if such Provincial Council shall by resolution signify its opinion that the prayer of such petition ought to be granted the Speaker shall thereupon transmit a copy of such resolution certified under his hand to the minister upon receipt whereof such petition shall be taken into consideration by the Governor and notice of the time when such petition shall be taken into consideration by the Governor shall be published in the *New Zealand Gazette* as hereinafter mentioned and such petition shall then be taken into consideration accordingly. A copy of every petition praying the Governor to do any act under this part and notice of the time when it shall please the Governor to order that such petition be taken into consideration and a copy of every document certificate or notification transmitted by any Superintendent signifying his assent or dissent to the prayer of any such petition and a copy of any such resolution as aforesaid of any Provincial Council transmitted to the minister shall be published by the minister in the *New Zealand Gazette* and in one newspaper at least circulating in the boroughs districts and places to which such petition shall refer and notice of every petition praying the Superintendent to do any act under this Part and of the time when it shall please him to order that such petition be taken into consideration shall be published in the *Government Gazette* of the Province of which he is Superintendent and also in one newspaper at least circulating in the boroughs districts or places to which such petition shall refer.

Petitions may be repeated till granted.

23. Petitions under this Act may be repeated from time to time until granted and the presentation of one petition shall not be deemed to prevent the presentation of another petition having the same or a like prayer or from the same or the same together with other petitioners.

Scrutiny of signatures

24. If it shall be credibly represented to the Governor in the case of a petition to him or to the Superintendent in the case of a petition

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to him that any of the signatures to any petition under this Part are not the signatures of the persons whose they purport to be, or that any of the persons purporting to sign the same are not persons entitled to sign in that behalf or that in any other respect the provisions hereof with regard to such petition have not been complied with or if it shall seem expedient to ascertain the truth of any matter to which such petition shall refer it shall be lawful for the Governor or the Superintendent as the case may be to cause such inquiry to be made with respect to the particulars aforesaid as may seem necessary in that behalf and the consideration of the matter shall be adjourned accordingly.

25. For the purpose of every such inquiry it shall be lawful for such one or more persons as the Governor or Superintendent as the case may be shall appoint in that behalf to hear receive and examine evidence and by summons under his or their hands to require all such persons as he or they may think fit to appear personally before him or them at a time and place to be fixed in and by such summons and to produce to them all such books and papers in their possession or under their control as may appear necessary for their examination and any person so required as aforesaid who shall without just excuse neglect or refuse to comply with the tenor of such summons or who having appeared before the persons so appointed shall without just excuse refuse to be examined on oath or affirmation concerning the premises or to take such oath or affirmation or having taken such oath or affirmation to answer such questions concerning the premises as shall be put to him shall and may be dealt with by the said persons and otherwise in all respects as by any Act in force for the time being relating to justices persons so refusing or neglecting in cases in which justices have summary jurisdiction may be dealt with.

Power to take evidence

26. The inhabitants of every borough shall be a body corporate under the name of the mayor councillors and burgesses of the borough and by that name shall have perpetual succession and a common seal and shall be capable in law by the council of the borough for the purposes and subject to the provisions of this Act of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

Inhabitants of boroughs incorporated.

27. No misnomer or inaccurate description contained in this Part or in the first Schedule hereto or in any proclamation made hereunder shall in anywise prevent or abridge the operation of this Act with respect to the subject of such description provided the same shall have been designated so as to be understood.

Misnomer &c. not to prejudice.

28. Every proclamation by the Governor made under this Part shall be forthwith published in the *New Zealand Gazette* and every proclamation by the Superintendent made under this Part shall be forthwith published in the *Government Gazette* of the Province of which he is Superintendent.

Proclamation by Governor to be published in the *New Zealand Gazette* and by Superintendent in the *Gazette* of his Province.

PART II.

COUNCILS AND COUNCILLORS OF BOROUGHS.

(1.) *Number &c. of Council.*

29. There shall be in and for each single borough a council consisting of nine councillors to be elected in manner hereinafter provided.

Council.

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Council of united
borough.

30. There shall be in and for each borough formed by the union or successive unions of several boroughs under this Act a council consisting in each several case of the number of councillors following that is to say—

Where two boroughs shall have been united the council shall consist of twelve councillors

Where three boroughs shall have been united the council shall consist of eighteen councillors

Where four boroughs shall have been united the council shall consist of twenty-four councillors

and such councillors respectively shall be elected in manner herein-after provided.

Councillors in divided
borough to be elected
in and for wards.

31. In every borough divided into wards the councillors of the borough shall be elected in and for the several wards thereof and of the whole number of councillors hereby assigned to the borough there shall be for each ward a number of councillors equal to such whole number divided by the number of wards.

Councillors at time of
division to be allotted
to the several wards.

32. The councillors who shall be in office in a single borough at the time when the same shall be divided into wards or in any united borough when the same shall be newly divided into wards shall be deemed thereupon to be severally allotted to each such ward in order and manner hereinafter mentioned and shall for the purposes of this Act be deemed the councillors for the same that is to say such of the said councillors as shall be rated or liable to be rated in respect of property situated in any such ward shall (subject to the provisions hereof in case of excess) be deemed to fall in the first instance to such ward and if any such councillor shall be so rated or liable in respect of properties separately situated in two or more wards he shall (subject to the said provisions) be deemed to fall in the first instance to that one of such wards in which he is so rated or liable in respect of the greatest annual value whether of one or more tenements or in case of equality of such annual value to such one of such wards as shall stand highest in order in the proclamation creating the same and the councillors so falling in the first instance to any ward shall if in excess of the number of three rank for the purposes of this section for preferable title to office for such ward according to the scale herein elsewhere provided as to the retirement of councillors taking the first person liable to retire to be the lowest in such scale and in every case of such excess as aforesaid those of the councillors having fallen in the first instance to such ward who shall according to the scale aforesaid form such excess if rated or liable as aforesaid in some one or more other wards shall be deemed next to fall each to some one such ward in which he is so rated or liable subject to the provisions hereinbefore made in the cases of rating or liability of the same person in two or more wards and of excess and all such councillors shall be councillors for the ward to which they shall fall not forming an excess for the same and all councillors who shall for any ward form such excess and shall not be so rated or liable in some other ward shall cease to be councillors and all seats which shall not be filled up in manner aforesaid shall be deemed vacant and to be extraordinary vacancies.

Existing councillors
of boroughs &c. united
to continue in office.

33. The councillors who shall at the time of the union of any two or more boroughs be in office in any of such boroughs shall if still capable as herein required continue and be councillors of the united borough for the ward thereof into which such several borough shall if single have been converted or as the case may be for any ward of such several borough if it shall previously have been a united borough

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for which they shall theretofore have been councillors and all such councillors shall be and compose the council of such first-mentioned united borough to all intents and purposes as if elected hereunder although the whole number of councillors by reason thereof be for the time greater than the ordinary number hereby prescribed for such united borough or any ward thereof but if at the time of such union there shall have been any extraordinary vacancy in the number of councillors for any such several borough or where it shall previously have been a united borough for any ward thereof and if by reason of such vacancy the number of councillors for the ward of the united borough into which such several borough or ward has by the union been converted shall be less than the ordinary number hereby assigned to the same then such vacancy shall be an extraordinary vacancy for such ward of the united borough occurring on the day of such union and be filled up accordingly.

34. The persons who shall at the first constitution of any original district under this Act be in office under any of the Acts or Ordinances mentioned in the first Schedule hereto as members of the council or board of commissioners or board of wardens or trustees or other similar body howsoever denominated of or for the city town district or place converted into such original borough shall be members of and compose the council of the original borough as constituted hereby in like manner to all intents and purposes as though elected hereunder notwithstanding that by reason thereof the whole number of councillors shall be for the time greater or less than the ordinary number thereby assigned to such council and if any question or doubt shall arise as to whether any or what persons are under this provision to become councillors of an original borough on the first constitution thereof the Superintendent shall alone decide the same and his decision shall be conclusive on all persons and for all purposes and if the Superintendent shall think fit he may in the case of a borough divided into wards assign such persons or some of them as the case may require to particular wards.

Members of Council or Boards under repealed Acts &c. to continue in office as councillors under this Act.

(2.) Capacity &c. of Councillors.

35. In order that any person may be qualified to be a councillor of any borough he must have been entitled under this Act upon the twentieth day of June which shall for the time being have been last past to have been enrolled in respect of property of rateable value whether of one or more tenements amounting to twenty-five pounds a-year at the least on the burgess roll for the time being in force under this Act for such borough or some ward or wards thereof or if none such be actually in force he must be an elector enrolled on some electoral roll which under the provisions of "The Registration of Electors Act 1866" shall for the time being be in force whose qualification is in respect of lands or tenements situate within the borough.

Qualification of councillors.

36. No female no bankrupt or insolvent who has not obtained his final order of discharge no person attainted of treason or convicted of felony or perjury or any infamous crime no person of unsound mind and no person not qualified as herein required shall be capable of being or continuing a councillor of any borough.

Incapacity to be councillors.

37. No person who shall hold any office or place of profit under or in the gift of the council of any borough or be concerned or participate in anywise in any contract with such council or in the profit thereof or of any work to be done under the authority of such council shall be capable of being or continuing a councillor of the borough

Incapacity of contractors.

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Proviso.

Provided that nothing in the preceding part of this section shall extend or apply to any contract entered into with the council of any borough by any company partnership or association consisting of more than twenty persons where such contract shall be entered into for the general benefit of such company partnership or association or for the loan of money or to any security for the payment of money only.

Declaration by councillors.

38. No person shall be capable of acting as councillor except in administering the declaration hereinafter mentioned until he shall have made and signed before one of the council a declaration to the effect following—

“I A.B. do solemnly declare that I will faithfully and impartially according to the best of my skill and judgment execute all the powers and authorities reposed in me as a councillor by virtue of “The Municipal Corporations Act 1867.”

When to be made and before whom.

39. Every person elected a councillor shall at the meeting of council at which he first attends as a councillor make and subscribe the declaration herein required and any councillor whether he himself have made such declaration or not may administer such declaration.

Penalty for acting as councillor being incapacitated.

40. Every person who acts as a councillor being incapacitated under the provisions hereof to be and continue such or before he has made and subscribed such declaration as aforesaid shall save in cases of incapacity proceeding from unsoundness of mind be liable for every such offence to a penalty of fifty pounds and such penalty may be recovered by any person with full costs of suit in any court of competent jurisdiction nevertheless all acts as a councillor of any person incapacitated as aforesaid or not having made or subscribed the declaration aforesaid done previously to the recovery of the penalty shall be as valid as if such person had been capable and had made and subscribed such declaration.

Acts nevertheless to be valid.

*(3.) Retirement and Vacancies.*Retirement in rotation.
September.

41. On the second Thursday in September in every year one-third part of the whole number of councillors assigned hereby to each borough shall go out of office and the councillors who shall go out of office shall always be the councillors who have been the longest time in office without re-election and if by reason of two more councillors having become councillors at the same time it shall not be apparent under the foregoing part of this section which of such last-mentioned councillors ought at any one time to go out of office then such councillors as to whom it shall be so not apparent shall go out of office in the order of the number of votes obtained by each at his election commencing with the smallest number and proceeding upwards and in all such cases if the votes given for any councillors of whom a number less than the whole are to go out of office at any one time shall have been equal or if such councillors shall have been elected without a poll or appointed as herein provided the council fourteen days at least previously to the day hereby appointed for the going out of office and in their default the Superintendent shall for such occasion determine in what order and which of such councillors shall go out of office.

The like after division into wards.

42. When any borough shall be divided into wards the preceding section shall be read with reference to such borough in manner following that is to say where by that section one-third part of the whole number of councillors assigned to the borough are to go out of office there in a borough divided into wards one-third part of the number hereby

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assigned to each ward shall go out of office and the said section shall take effect in and for such borough accordingly.

43. In all cases in which upon the division or new division into wards of any borough it shall be needful for the allotment of existing councillors or their removal from office that the council proceed as in the last two sections mentioned for determining the preferable title to office of any councillors being otherwise upon an equality the council or in their default as aforesaid the Superintendent shall for such occasion forthwith on such division or new division so determine between such members.

Preferable title of councillors allotted to wards.

44. If in any original borough there shall upon the second Thursday in September next after the first constitution of such original borough under this Act be for such borough a number of councillors greater than nine then in addition to the councillors who shall go out of office on that day under the provisions hereinbefore contained a number of councillors equal to the excess above such number of nine shall go out of office at the same time and in like order and manner.

Excess of existing members in original borough how disposed of.

45. If in any united borough there shall upon the second Thursday in September next after such union be for any ward of the united borough a number of councillors greater than that hereby assigned as the ordinary number of councillors for such ward then in addition to the councillors for such ward who shall go out of office on that day under the provisions herein contained a number of councillors for such ward equal to the excess above such number so assigned shall go out of office at the same time and in the like order and manner.

Retirement of councillors of united borough while number excessive.

46. If any councillor shall die or by notice under his hand delivered to the mayor or town clerk shall resign such office of councillor or shall by any rule or order of the Supreme Court to be made as herein-after provided be declared ousted of such office or shall be absent from four consecutive ordinary meetings of the council held under this Act without leave obtained from the council in that behalf then the office of such councillor shall become and be vacant and every such vacancy shall be deemed to be an extraordinary vacancy within the meaning of this Act.

Extraordinary vacancies.

47. Nothing herein contained shall prevent any person from being immediately or at any time re-elected to the office of councillor if he shall for the time being be capable under the provisions hereof of being and continuing a councillor but no person who shall by resignation ouster or through absence have ceased to hold the office of councillor as in the last preceding section in each several case provided shall be re-elected to such office within six months after the time when he shall have so ceased.

Councillors may be re-elected.

PART III.

BURGESSES BURGESS LIST AND ROLL.

(1.) *Burgesses and their Rights, &c.*

48. Every person of the full age of twenty-one years who on the twentieth day of June in any year shall be in occupation or be the owner of any rateable property within any borough and shall on that day be or have been under this Act liable to be rated for such property as such occupier or owner respectively shall be entitled to be enrolled in that year according to the provisions hereinafter contained upon the burgess roll of the borough and being so enrolled

Qualification of burgesses.

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shall be a burgess thereof and entitled to vote in all elections of councillors for the borough occurring while such roll shall be in force according to the following scale that is to say if such rateable property whether consisting of one or more tenements be rated upon a rateable value of less than fifty pounds he shall have one vote if such rateable value amount to fifty pounds and be less than one hundred pounds he shall have two votes if it amount to one hundred pounds and be less than one hundred and fifty pounds he shall have three votes if it amount to one hundred and fifty pounds and be less than three hundred and fifty pounds he shall have four votes and if it amount to or exceed three hundred and fifty pounds he shall have five votes. Provided that no person shall be entitled to be enrolled in any year in respect of any rateable property unless he shall before or on the twentieth day of June aforesaid have paid all such rates as shall under the provisions hereof have become payable by him in respect of such property except such as shall have become payable within three calendar months from the said twentieth day of June.

49. Where any borough shall be divided into wards every person who under the last preceding section would be entitled to be enrolled and to vote as a burgess of such borough shall be entitled to be enrolled as a burgess of the borough upon the burgess roll to be made as hereinafter provided for the ward or wards wherein any rateable property in respect of which he is so entitled is situated and being so enrolled to vote in all elections of councillors to be held in and for such ward or wards as hereinafter provided and the said section and every provision thereof shall as to each such ward be read as applying thereto and not to the borough at large.

50. Where any rateable property is jointly occupied or jointly owned by more persons than one each of such persons shall for the purpose of the two last preceding sections be deemed to be the occupier or owner of rateable property of equal rateable value to that of the whole of such first-mentioned property divided by the number of such joint occupiers or owners thereof if such several annual values shall not be less than ten pounds but if such several annual values shall be less than ten pounds then a number of such joint occupiers or owners equal to the number or votes which could be exercised in respect of such property if the same were singly occupied or owned shall be deemed for the purposes aforesaid to be the occupiers or owners of the whole but those entitled to vote shall have only one vote each and such occupiers or owners so to be deemed occupiers or owners shall be those whose names stand first in order upon the rate last made or if no rate has been made upon the valuation and return made as herein required.

51. In every original borough until the completion of the first burgess roll therein under this Act the persons whose names shall appear on the ratepayers roll (if any) which shall under the Acts or Ordinances mentioned in the first Schedule hereto or any of them have been in force in the city town district or place converted into such original borough immediately before the constitution thereof under this Act shall be and be deemed to be burgesses for such original borough and entitled to vote in all elections of councillors therein according to the scale aforesaid.

(2.) Burgess List Revision and Burgess Roll.

52. The town clerk of every borough shall during the week ending on the thirtieth day of June in each year make out according to the

After division into wards burgesses to vote in ward where qualification.

Joint occupiers and owners.

Enrolled ratepayers of towns &c. converted into borough under this Act to be qualified to vote until first roll hereunder.

Town clerk to make out burgess list from list of ratepayers omitting defaulters.

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form in the third Schedule from the last rate which shall by the rate book to be kept as hereinafter provided appear to have been made for the borough or from the valuation and return to be made as hereinafter provided if no rate shall as yet have been made and also from inspection of the lists (if any) of defaulters delivered between the twenty-fourth and twenty-seventh days of the said month as hereinafter provided a list to be called "the burgess list" of the names of all such persons as after the omission of such as shall be shown by any list of defaulters to be disentitled as herein provided for non-payment of rates shall appear by the said rate or the said valuation and return entitled to be enrolled in the year then current upon the burgess roll for the borough and shall arrange such list according to the alphabetical order of surnames contained therein and shall state in such list against the name of each person the several particulars indicated in the several columns of the said Schedule as the same shall appear in or from the said rate or valuation and return as the case may be and for the purpose of making the said list every person rated to the said rate or entered in the said valuation and return in respect of any rateable property shall be presumed to have been of full age and the occupier or owner as the case may be of such property on the twentieth day of June in the said year and to have been on that day liable to be rated as such owner or occupier respectively upon the rateable value of such property appearing in such rate or such valuation and return as the case may be but subject to being objected to as hereinafter provided as to any part of his qualification as a burgess.

53. The town clerk shall forthwith after making out the said list notify by public advertisement in some newspaper generally circulating in the borough the fact that a copy of such list is in his custody and ready to be inspected by any person interested therein and shall keep such list or a copy thereof to be inspected by any such person and permit such inspection without fee at all reasonable hours between the first and the thirty-first days of July in such year. Inspection of lists.

54. Any person whose name shall have been omitted from any such burgess list who shall claim to have his name inserted therein shall before or on the said thirty-first day of July give to the town clerk notice thereof in writing according to the form in the fourth Schedule or to the like effect and shall sign the same with his name and every person whose name shall have been inserted in any such burgess list may object to any other person as not being entitled to have his name retained in such list or as not entitled to have the number of votes set against his name therein and every person so objecting shall on or before the said thirty-first day of July give to the town clerk and also give to the person objected to or leave at the premises in respect of which his name shall appear to be entered in the burgess list notice in writing of such objection according to the form in the fifth Schedule stating the ground of such objection and shall sign the same with his name and the town clerk shall include the names of all persons so claiming as aforesaid in a list according to the form in the sixth Schedule and shall include the names of all persons so objected to in a list according to the form in the seventh Schedule and shall sign and keep the said lists or copies thereof respectively to be perused by any person without fee at all reasonable hours during the six days (Sundays excepted) next preceding the fourteenth day of August in such year. Claims by persons omitted.

55. The mayor of every borough and two assessors to be chosen in every year by the burgesses as hereinafter mentioned shall hold an Objections to names inserted.

List of claims and objections.

Revision court.

*Municipal Corporations.***Adjournment.**

open court within the borough for the purpose of revising the burgess list thereof and such revision shall take place at such time as the mayor shall appoint between the fourteenth day of August inclusive and the twentieth day of August inclusive in every year and the mayor shall give three clear days' notice of the holding of such court and of the time and place thereof by placing such notice on the outer door of some public or conspicuous building within the said borough and by advertisement in some newspaper generally circulating therein and every such court may be adjourned and if at any time for half an hour after the time appointed for holding any such court or any adjourned court the mayor and assessors shall not be present the mayor or any one assessor or if none be present then the town clerk may and shall adjourn the court provided that no such court shall be adjourned beyond the twenty-fourth day of August in any year.

Town clerk valuers and collectors of rates to attend.

56. The town clerk shall himself or by some person on his behalf if he be unavoidably prevented from so doing attend the revision court and produce to the said court the burgess list and also copies of the lists (if any) of the persons who shall have sent in claims and of the persons who shall have been objected to as aforesaid and of the lists (if any) of defaulters as aforesaid and the valuers hereinafter mentioned and all collectors of rates under this Act shall also attend the said court and shall produce to the said court all books papers and documents in their possession connected with such their respective offices and the officers aforesaid shall answer on oath all such questions as the court may put to them touching any matters necessary to be ascertained for revising the burgess list.

Powers to summon witnesses &c.

57. The revision court shall have authority to hear receive and examine evidence and by summons under the hand of the mayor to require all such persons as the court may think fit to appear personally before such court at a time and place to be named in such summons and to produce to such court all such books and papers in their possession or under their control as may appear necessary for the purpose of their examination and the said court shall have the like powers for compelling the attendance of witnesses summoned and their examination upon and taking of oaths and affirmations and their answering to questions touching the premises as by any law in force for the time being may be vested in justices exercising summary jurisdiction and the said court shall upon hearing in open court by the decision of three or any two of them determine as hereinafter mentioned upon the validity of all claims and objections.

Revision of the lists.

58. The revision court shall insert in the lists under revision the name of every person who shall have claimed as aforesaid and be proved to the satisfaction of the court to be entitled to be inserted in the burgess roll for one or more votes according to the provisions of this Act and shall retain on the said lists the names of all persons to whom no objection shall have been duly made and the number of votes set against the same unaltered and shall also retain on the said lists the name of every person who shall have been objected to by any person and the number of votes set against the same unaltered unless the party so objecting shall appear by himself or by some one on his behalf in support of such objection and prove the service of the requisite notices and when the name of any person inserted in any list or the number of votes set against the same shall have been duly objected to and the person objecting shall appear by himself or by some one on his behalf in support of such objection the court shall require proof of so much of the qualification of the person so objected to as shall be embraced in the grounds of objection so to be stated as

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aforesaid and no more and in case such qualification of such person shall not be proved to the satisfaction of the court the said court shall expunge the name of every such person from the said voters' list or shall alter and correct the number of votes set against the same as the case may require and shall also expunge therefrom the name of every person who shall be proved to the court to be dead and shall correct any mistake or supply any omission which shall be proved to have been made in any of the said lists in respect of the name place of abode or trade or occupation of any person who shall be included therein or in respect of the local description of the rateable property or the situation thereof provided always that no person's name shall be inserted by the said court in any such lists or shall except in the case of death be expunged therefrom unless notice shall have been given as is hereinbefore required in each of the said cases.

59. In case it shall appear to the court that any person has made or attempted to sustain any frivolous or vexatious claim or objection to have any name inserted or retained on any burgess list it shall be lawful for them to award such costs not exceeding five pounds as to them shall seem meet to be paid by such person to the person resisting such claim or objection and the same may in default of payment be recovered before any justice.

Costs in case of frivolous &c. claims and objections.

60. The mayor shall in open court write his initials against the names struck out or inserted as aforesaid and against any part of the list in which any mistake shall have been corrected or omission supplied and shall sign his name to every page of the list so settled and shall then cause to be written at the foot or end of the list a certificate that the same has been revised and is correct and the mayor and assessors shall date and severally sign such certificate.

Certificate &c. of revision.

61. The list so signed and certified shall be forthwith delivered to the town clerk and the town clerk shall forthwith cause the names thereon to be copied in a roll or book hereinafter called a roll arranged in alphabetical order of the surnames in the form contained in and with the several particulars required by the eighth Schedule and shall prefix to every name in such roll a number beginning such numbers at the first name on the said roll with the number one and continuing them on in regular arithmetical series to the last name thereon and shall if the council shall order him so to do cause a sufficient number of copies of such roll to be printed and shall before or on the first day of September sign and deliver the said roll to the mayor and shall also from time to time deliver to him so many copies thereof as shall be required and shall furnish copies to any person requiring them on the payment of a reasonable price for the same.

Roll to be made out and delivered to mayor.

September.

62. The printed roll so signed as aforesaid by the town clerk and delivered to the mayor shall be the burgess roll for the borough and shall continue in force until a new roll shall have been made for the borough under the provisions of this Act whether the same shall have been duly made at the time hereby appointed or afterwards and the fact that the name of any person appears upon the said roll shall be conclusive as to his right to vote and to give the number of votes therein mentioned in that behalf.

Roll so signed and delivered to be burgess roll.

63. Any copy purporting to be a copy of the burgess roll of any borough and signed by the mayor shall be evidence of such roll and of the contents thereof.

Copy of roll to be evidence.

64. No omission to notify by public advertisement with regard to any list or to keep any list for perusal or inspection shall be deemed to prevent invalidate or render imperfect any of the

Omissions to publish &c. not to invalidate proceedings.

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proceedings hereinbefore provided for with regard to the compilation or completion of any burgess list or roll or any such list or roll.

If no materials for first burgess list yet provided or in case of failure to make first list Superintendent may extend time &c.

65. If at the time at which the town clerk is hereby required first to make out a burgess list for any borough no rate and no valuation and return shall have been made hereunder for the borough or if from any cause no burgess list shall have been made out at such time or if made shall not have been revised and completed within the period herein provided it shall be lawful for the Superintendent to appoint for that occasion the several times and intervals of time or as the case may require the several remaining times and intervals of time at or within which the acts hereinbefore required or permitted to be done with regard to the making and revision of the burgess list and completion of the burgess roll shall or may be had and done. Provided that in the case where no such rate and no such valuation and return has been made the first in order of such times shall be not less than three or more than six months after the time when councillors shall first be in office in such borough under this Act and that in all cases such times shall be of the same distance from each other and such intervals shall be of the same length as hereinbefore prescribed or provided in that behalf respectively.

Construction of preceding sections after division of borough into wards.

66. Where any borough shall be divided into wards the preceding sections hereof relating to the burgess list and burgess roll shall be read with reference to such borough in manner following that is to say—

Instead of the burgess list and burgess roll for the borough at large there shall be a separate burgess list and burgess roll respectively for each ward of the borough

The town clerk shall insert in the burgess list for each ward the names of those persons who shall under the provisions hereinbefore contained appear to be entitled for the time being to be enrolled on the burgess roll for such ward

The burgess list for each ward when signed by the town clerk after revision and delivered to the mayor shall be the burgess roll for the ward and shall continue in force for the said ward until another burgess roll shall have duly come into force for the same

And subject to the provisions of this section the said sections and every provision thereof shall take effect according to their tenor respectively for each separate ward of such borough instead of the borough at large.

Roll of borough when divided to be distributed to each ward.

67. When a borough shall have been by the Superintendent divided or newly divided into wards the town clerk thereof shall forthwith make out in the form in the eighth Schedule from the burgess roll or rolls (if any) in force for the borough and all previous wards thereof a roll for each such first-mentioned ward of all persons named in any one or more of such first-mentioned rolls in respect of rateable property which shall to the best of his knowledge and information appear to such town clerk to be situated in such ward and shall arrange the same in alphabetical order of surnames and shall prefix to every name in such roll a number beginning such numbers at the first name thereon with the number one and continuing them on in regular alphabetical series to the last name thereon and shall forthwith sign and deliver each such roll to the mayor and shall also from time to time furnish to him so many copies of each such roll as he shall require and shall furnish copies to any person requiring them on payment of a reasonable price for

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the same and every such roll shall be deemed to have been made and be the burgess roll for the ward to which the same shall refer in like manner to all intents and purposes as if made as hereinbefore provided.

68. In each original borough the ratepayers roll (if any) which shall under the Acts or Ordinances in the first Schedule hereto mentioned or any of them be in force in any city town district or place converted into such original borough at or immediately before the first constitution thereof under this Act shall forthwith by the town clerk be reduced if necessary into alphabetical order of the surnames of all persons appearing thereon and have appended to each name the numbers and other particulars hereby and by the eighth Schedule hereto required in the case of burgess rolls and thereupon being signed by the said clerk and forthwith delivered to the mayor shall become and be to all intents and purposes the burgess roll of the borough as if made as hereinbefore provided.

In original boroughs the ratepayers roll (if any) in force in the town converted into a borough to be reduced into a burgess roll.

69. When several boroughs shall be united into one borough as herein provided the burgess roll (if any) of each of the several boroughs which shall have been theretofore a single borough and the burgess roll (if any) for each ward of any such several borough which shall have been constituted by a previous union shall respectively be the burgess roll for the ward of the united borough into which such several single borough and such ward shall have been converted by such last union to all intents and purposes as if such roll had been made as hereinbefore provided.

Adaptation of existing burgess rolls on union or further union of boroughs.

70. If any borough shall by the Superintendent be divided or newly divided into wards in any year between the time of making out burgess lists and the completion of burgess rolls for the same or the wards (if any) thereof the town clerk shall append to every such list and also severally to any lists of claims and objections relating to such borough a column showing in which of the first-mentioned wards or new wards of such borough each rateable property in respect of which any person entered or claiming or objected to is so entered or claims or is described in such list of objections as the case may require and shall state such particulars to the best of his knowledge and information in such column against each name on the said lists and every such list shall as to each set of names appearing thereon in respect of each ward or new ward be deemed to all intents and purposes to be and be dealt with as a separate list for such ward as if made in manner hereinbefore provided.

Provision in case of division of single borough while process of making burgess roll is pending.

71. If several boroughs shall be united into one borough in any year between the making out of the burgess list for any of such boroughs or for any ward of the same severally if formed by a previous union and the completion of a burgess roll for the same respectively the burgess list for each of such boroughs which shall be a single borough and the ward lists taken together for each of such single boroughs which shall theretofore have been divided and the burgess lists for each ward of each such several borough which shall have been previously a united borough shall respectively be deemed to all intents and purposes to be the burgess lists for the respective wards of the united borough into which such several single boroughs and such wards of a previously united borough shall have been converted respectively by such union as if made in manner hereinbefore provided and this provision shall also apply to all lists of claims and objections in like manner

The like in case of union of boroughs.

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On union of boroughs what shall be materials for burgess list.

72. In every united borough at the time hereby appointed for making out the burgess list for the same next after such union every rate list or document from which the town clerk of any of the several boroughs so united would hereby if the said boroughs had remained separate be required to make out the burgess lists at such time shall unless there be a subsequent like rate list or document of the united borough be a rate list or document from which the town clerk of such united borough shall make out the burgess lists thereof as herein provided and all the provisions hereof relating to the completion of the burgess roll shall apply to such borough accordingly.

Annexation not to affect rolls.

73. The annexation to any borough of any portion of New Zealand shall not invalidate or affect any burgess roll then in force for such borough or any ward thereof.

(3.) Miscellaneous.

Provision for there being no mayor town clerk &c.

74. If at any time after the first election of councillors in any borough there shall be no mayor or town clerk of such borough or less than two assessors thereof or the mayor or town clerk or either of the assessors shall be incapable of acting or shall refuse to act as herein provided all acts and things which under this Part may or are required to be done or had by or with regard to the mayor may and shall be done and had by and with regard to such one of the councillors as the council shall appoint in that behalf and all acts and things which by any of the said provisions may or are required to be done or had by or with regard to the town clerk or any assessor may and shall be done and had respectively by and with regard to such fit person as the council shall appoint in that behalf respectively and the council shall where the occasion requires make every such appointment accordingly.

Penalty for wilful or negligent act or omission.

75. If any clerk or other person shall be guilty of any wilful misfeasance or wilful or negligent act of commission or omission contrary to any of the provisions of this Part he shall upon conviction forfeit and pay for every such offence a penalty not exceeding fifty pounds to be recovered in a summary way before any two justices.

Expenses of compiling lists &c.

76. The council of every borough shall take an account of the reasonable expenses incurred by the town clerk or by the person appointed by or under this Part to discharge the like functions in carrying into effect within or for such borough the provisions of the said Part and shall order the same to be paid out of the borough fund and the amount received by such clerk or person for copies of any rolls hereinbefore mentioned shall be paid to the borough fund.

Application of moneys received.

PART IV.

ELECTION OF COUNCILLORS.

(1.) Who shall Elect.

First election in borough in which no council has yet been in office.

77. For the first election of councillors under this Act in every borough in which no councillors shall as yet have been in office those persons enrolled on any electoral roll which under the provisions of "The Registration of Electors Act 1866" shall for the time being be in force whose qualifications are in respect of lands or tenements situate within the borough and none other shall on such day as the Governor shall appoint not being less than forty days after the same shall have

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become such borough and in the manner hereinafter mentioned elect from the persons capable of being councillors the whole number of councillors hereby assigned to such borough.

78. In every borough in which councillors shall be in office hereunder if a burgess roll shall not as yet be in force for such borough or where it is divided into wards for each ward thereof or if in the case of annexation to any borough as herein provided the burgess rolls then in force for such borough or the ward or wards thereof to which such annexation has been made shall not have embraced the annexed portion those persons enrolled on any electoral roll which under the provisions of "The Registration of Electors Act 1866" shall for the time being be in force whose qualifications are in respect of lands or tenements within the borough if not divided into wards or if the borough be divided into wards within any ward thereof for which no such burgess roll shall have been made or in case of such annexation as aforesaid within such portion so annexed shall on the second Thursday in September in each year and in the manner hereinafter mentioned and together in the case of such annexed portion as aforesaid with the burgesses of the borough or ward to which such annexation has been made elect from the persons capable of being councillors one-third of the whole number of councillors assigned hereunder to the borough or the ward as the case may be in the room of those who shall under the provisions herein contained go out of office by rotation in that year.

Annual ordinary elections in boroughs or wards in which no burgess roll has yet been made.

79. In every borough not divided into wards the burgesses enrolled upon the burgess roll (if any) for the time being in force for the borough and in every borough divided into wards the burgesses enrolled upon the burgess roll (if any) for the time being in force for each ward of such borough shall on the second Thursday in September in each year and in the manner hereinafter mentioned elect from the persons capable of being councillors one-third of the whole number hereby assigned to such borough or ward as the case may be in the room of those who shall under the provisions herein contained go out of office by rotation in that year.

Annual ordinary elections in boroughs or wards after burgess roll made.

80. In each original borough at the first ordinary annual election of councillors the persons entitled to vote at such election shall in addition to the councillors to be elected as hereinbefore provided also elect so many persons capable of being such councillors as shall be equal to the number (if any) by which the councillors in such borough at the first constitution of such original borough shall have fallen short of the number hereby assigned as the ordinary number of councillors for such borough.

Deficiency if any of councillors or original boroughs to be supplied at first annual election.

(2) *Who shall hold Elections.*

81. Every election of councillors for any borough not divided into wards shall be held by and before the mayor of the borough and if at any time there shall be no mayor or if the mayor shall be incapable of acting or refuse to act the council of the borough or in their default the Superintendent or if there be no such council the Governor may and shall appoint some person by and before whom such election shall be conducted.

Who shall preside at borough elections.

82. In every borough divided into wards all elections of councillors for any ward shall be held by and before such one of the councillors for such ward or if there be no such councillor by and before such one of the other councillors as the council may from time to time have appointed to hold elections in and for such ward and if

Who shall preside at ward elections.

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the council have failed to make such appointment by and before such person as the Superintendent shall for the occasion appoint in that behalf.

(3) Nomination of Candidates.

Notice of election.

83. Fourteen clear days before any election of councillors under this Act the mayor or other person duly appointed to hold the election hereinafter styled the returning officer shall give public notice of such election by advertisement inserted in some newspaper generally circulating in the borough and by such notice shall require all candidates at such election to be nominated in manner hereinafter mentioned before such day hereinafter called the day of nomination being not less than three days or more than seven days from the time of giving such notice and at such place being within the borough as shall be named therein respectively and any person desirous of nominating a candidate shall before four of the clock in the afternoon of the day next preceding the nomination day cause to be delivered to the returning officer a nomination paper in the form in the ninth Schedule or to the like effect stating therein the christian name and surname of such candidate together with the other particulars required in and by the said Schedule and such nomination paper shall be signed by not less than three persons duly qualified to vote at such election and also signed by the person named therein as a candidate in token of his assent to being so named.

Ninth Schedule.

Mode of nomination.

What persons alone shall be deemed candidates.

84. No person who shall not have been so nominated as aforesaid shall within the subsequent provisions of this Part be or be deemed to be a candidate at any election of councillors.

Returning officer to post names of candidates.

85. The returning officer shall upon each day between the giving as hereinbefore provided of public notice of any election and the day of nomination named therein post and keep posted outside the place so as aforesaid named for the delivery of nomination papers in some public and conspicuous place the names of all persons who shall previously have become candidates for such election.

Penalties in case of nomination of incapacitated person.

86. Every person who shall procure himself to be nominated as a candidate for the office of councillor of any borough knowing himself to be under the provisions hereof incapable of being or continuing such councillor and every person who shall sign any nomination paper nominating or pretending to nominate as a candidate for the office of councillor of any borough any other person incapable of being or continuing such councillor such person so signing then knowing the person nominated to be at the time so incapable and and every person not being qualified to vote at any election of councillors who shall wilfully and knowingly sign any nomination paper nominating any person as a candidate at and for such election shall on conviction forfeit and pay for every such offence a penalty not exceeding twenty pounds.

Declaration of election where unopposed.

87. If at the expiration of the time limited as hereinbefore provided for the nomination of candidates the number of persons who shall have become candidates as aforesaid shall not exceed the number of councillors then to be elected the returning officer shall on the day appointed under the provisions hereof for the election declare such candidates to be duly elected and they shall be deemed to be then duly elected accordingly.

(4) Polling &c.

Contested election.

88. If at the expiration of the time aforesaid the number of candidates shall exceed the number of councillors to be elected then the

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returning officer shall forthwith cause voting papers to be printed in the form in the tenth Schedule or to the like effect and shall also forthwith give public notice by advertisement inserted in some newspaper generally circulating in the borough stating the names of the persons so nominated and that a poll will be taken for the election of such councillors on the day appointed for holding the election under the provisions hereof and named in such notice at such places within the borough as the said returning officer shall in and by such notice appoint and the returning officer shall also therein give notice of the situation of the different polling places and of the place where voting papers may be procured by electors and such poll shall take place accordingly and shall commence at eight o'clock in the forenoon and close at four o'clock in the afternoon.

Notice and time and place of poll.

89. If after a poll shall stand appointed as aforesaid at any election any person who shall duly become a candidate for such election and two of the persons having signed the paper nominating him as aforesaid shall be desirous that he retire from such candidature such candidates and the persons aforesaid not later than two clear days before the day of polling may sign and deliver to the returning officer a notice in the form in the tenth Schedule stating that such candidate so retires and may publish in some newspaper generally circulating in the borough a copy of such notice and the returning officer on such receipt of such notice and on sufficient proof of such publication as aforesaid if the number of candidates shall by such retirement be reduced to the number of persons to be elected at such election shall on the day appointed for the election declare the remaining candidates to be duly elected and if the said number shall not be so reduced such person so retiring shall not be capable of being elected at such election.

Candidate may retire within certain time.

90. At every such election the returning officer if it shall appear to him expedient for taking the poll may cause booths to be erected or rooms to be hired and used as such booths in the places appointed as aforesaid for taking the poll and the same shall be so divided and allotted into compartments as to the returning officer shall seem most convenient Provided that there shall be at every polling place at least one booth for every six hundred burgesses enrolled on the burgess roll to be used at the said election and that the said booths shall be numbered in arithmetical order and that there shall be affixed over the entrance of each booth in succession so many letters of the alphabet in their alphabetical order as shall denote by the initial letter of the surname the burgess entitled to vote thereat according to a distribution to be made under this provision and no burgess shall vote in any booth save that denoted by the initial letter of his surname.

Polling booths &c.

91. The returning officer or one of his deputies to be appointed by writing under his hand shall preside at each polling booth for taking the poll within the borough.

Returning officer or deputy to preside at each booth.

92. Each candidate shall be entitled to appoint in writing two agents to be present in each polling booth.

Agents.

93. Every such returning officer and deputy shall have power and authority to maintain and enforce order and keep the peace at any election or polling held by him and without any other warrant than this Act to cause to be arrested and taken before a justice any person reasonably suspected of knowingly and wilfully making a false answer to any of the questions hereinafter mentioned or of personating or attempting to personate any voter or of attempting unlawfully to vote more than once at the same election or who shall cause a disturbance at any election and to cause any person to be removed who shall

Power of returning officer and deputies.

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obstruct the approaches to any polling room or shall conduct himself in a disorderly manner and all constables and peace officers shall aid and assist such returning officer or deputy in the performance of his duty.

Pens &c and voting papers.

94. The returning officer or his deputy shall provide pencils or pens and ink and blotting paper and in every polling booth for the use of the burgesses a sufficient supply of blank forms of voting papers.

Form of voting paper to be given to every elector.

95. The returning officer or his deputy shall deliver to any voter who shall require the same a blank voting paper in the form in the eleventh Schedule or to the like effect.

Copy of electoral roll to be given to each deputy returning officer and poll clerk.

96. At all elections of councillors of any borough in which a burgess roll shall be in force the mayor shall supply to every deputy returning officer and every poll clerk a written or printed copy of the burgess roll of the borough authenticated by the signature of the mayor and every such copy shall be deemed sufficient to determine all questions and disputes which may arise before such deputy returning officer or poll clerk in reference to anything contained in the burgess roll.

Persons who may be present in polling booths.

97. No other person except the returning officer or his deputy the necessary poll clerks and not exceeding two agents at each polling booth for each candidate to be appointed in writing by the candidate together with a sufficient number of constables to keep order shall remain in any polling booth during the polling and no person whatever except the returning officer or deputy returning officer and the poll clerk to whom any vote shall be tendered shall speak to any elector after he shall have entered the polling booth and before he shall have delivered his voting paper as hereinafter provided and any person offending against any of the provisions of this section shall forfeit a sum not exceeding twenty pounds to be recovered before any two justices of the peace in a summary way Provided always that no such poll clerk or agent shall be employed or be permitted to be present and to remain in any polling booth during the polling unless he shall have made and subscribed in the presence of the returning officer or his deputy a declaration in the form in the twelfth Schedule.

State of the poll not to be declared until close.

98. The number of votes which may be given for any candidate at any such polling booth shall not be published or made known until after the close of the poll and every returning officer deputy returning officer poll clerk agent or constable who shall directly or indirectly by any means whatsoever publish or make known before the close of the poll the number of votes which may have been given for any candidate shall forfeit and pay for every such offence any sum not exceeding fifty pounds to be recovered in a summary way before any two justices of the peace.

Mode of conducting elections.

99. On the day of election the voting at each polling place shall be conducted in manner following—

Every person entitled to vote at the election may vote for any number of candidates not exceeding the number of councillors then to be chosen by delivering to the returning officer or deputy returning officer a voting paper in the form in the eleventh Schedule or to the like effect containing a description of his qualifications to vote and also the name of the persons for whom he votes such paper being previously signed with the name of the person voting and the poll clerk shall thereupon openly record such vote in a poll book to be kept for that purpose Provided always that if any voter cannot write he shall affix his mark at the foot of the voting paper in the presence of a witness who shall attest and write the name of the voter against the same.

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100. At every first election of councillors under this Act and at every election of councillors under this Act in a borough in which a burgess roll shall not for the time being be in force or in a borough to which any portion of New Zealand shall have been annexed if such portion shall not at the time be embraced by any burgess roll in force the returning officer or his deputy as the case may be shall put in the cases firstly and secondly hereinbefore mentioned to every person tendering his vote and in the case thirdly hereinbefore mentioned to every person tendering his vote in respect of lands or tenements within the annexed portion the questions following—

Questions at elections previous to making of burgess roll.

1. What are your christian names and surname?
2. Are you an elector enrolled on any electoral roll now in force under the provisions of "The Registration of Electors Act 1866" and is your qualification as such elector in respect of lands or tenements within this borough (or if the case so require within the annexed portion [describing it] of this borough)?
3. On the roll of what electoral district are you so enrolled as an elector?
4. What is the property in respect of which you are so enrolled and the name and situation thereof?
5. Have you already voted at this present election?

And no other question shall be put to any person tendering his vote and no person who shall refuse to answer any such question or whose answers to the same shall not show his right to give such vote shall be permitted to vote.

101. At all elections of councillors in any borough in which a burgess roll shall be in force it shall be lawful for any such returning officer or his deputy or for any one candidate or his agent authorized in writing as aforesaid to put to any person tendering his vote the questions following—

Questions to be put to voter at all other elections.

1. Are you the person whose name appears as A.B. in the burgess roll now in force for this borough being enrolled therein in respect of property described to be situated in [here specify the street or other place described in the burgess roll]?
2. Have you already voted at the present election?

And no other question shall be put to any person tendering his vote and no person who shall refuse to answer either of such questions or who shall not answer the first of such questions absolutely in the affirmative and the second of such questions absolutely in the negative shall be permitted to vote.

102. Every person who shall wilfully make a false answer to any of the questions aforesaid or who shall poll more than once or offer to poll more than once at the same election or who shall personate any other person for the purpose of polling at such election shall on conviction before any two or more justices for any such offence be imprisoned for any period not exceeding one year but nothing contained in this section shall apply to any person only by reason of his exercising the right of voting as often as he appears by the roll to be and is entitled so to do.

False answer polling twice and personation.

103. Immediately upon the close of the poll every deputy returning officer at each polling place shall forward the voting papers together with the poll book to the returning officer and the returning officer shall after the close of the poll and the receipt of the poll books and voting papers examine the poll books and if necessary compare the entries therein with the voting papers so delivered as aforesaid for the purpose of ascertaining the number of votes given for each candidate and the returning officer shall as soon as conveniently may be on or after the day of the poll give public notice of the number of votes given to each candidate and shall declare the candidates not exceeding the number of vacancies to be filled up who have received at

Ascertaining result of polling.

Declaration.

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all the polling booths taken together the greatest number of votes to have been duly elected as councillors for the borough and shall forthwith publish in some newspaper generally circulating in the borough the names of the councillors so elected and if two or more candidates shall have received an equal number of votes the returning officer shall in each case have the casting vote.

Disposal of voting papers.

104. The returning officer shall forthwith after the declaration of the poll cause all the voting papers delivered as aforesaid to be arranged in alphabetical order and numbered according to the names of the voters and shall deliver them together with the poll books to the town clerk of such borough to be by the said clerk safely kept for six months after such delivery of the same and such clerk shall during six months at the least after every such election keep such voting papers and poll books at his office and shall permit any person to inspect the same on payment of a fee of two shillings and if such clerk shall refuse or fail to allow such inspection he shall for every such refusal or failure be liable to a penalty of ten pounds to be recovered on a summary conviction before any two justices of the peace the voting papers delivered and the poll books used at the first elections hereunder where no town clerk shall be in office shall be delivered after the election to the clerk of the Resident Magistrate's Court nearest to the place at which such election shall have been held and such clerk shall perform the same duties and be liable to the same penalties as the town clerk would have been had such a clerk been in office and the poll books and voting papers been delivered to him.

Adjournment of polling for riot &c.

105. When the proceedings at any election under this Act shall be interrupted or obstructed at any polling place by any riot or open violence the returning officer or deputy as the case may be shall not finally close the poll but shall adjourn the taking of the poll at the polling place at which such interruption or obstruction shall have happened to the day following and if necessary such returning officer or deputy shall further adjourn such poll until such interruption or obstruction shall have ceased when such returning officer or deputy shall again proceed with the taking of the poll at the place at which the same may have been so interrupted or obstructed.

Adjournment when from some cause no election on day appointed.

106. If from any cause not being such as lastly mentioned after a poll shall stand appointed for any election no such election shall take place on the day appointed for the same the election shall stand adjourned until the same day of the following week and the returning officer shall give not less than three days' previous notice thereof by advertisement or by placards affixed in public places in the borough and in all such cases as in this and the last preceding section mentioned the councillors (if any) for the borough or ward as the case may be who would on the day appointed for the election have retired from office by rotation shall continue in office until the day to which such election or the polling at any booth for the same has been or stands adjourned.

Superintendent to appoint on failure to elect at first election.

107. If at the first election of councillors to be held as herein provided for any borough no member or a less number of councillors than hereby required shall have been elected it shall be lawful for the Superintendent to appoint a number of persons capable of being such councillors equal to the number so deficient to be such councillors and such persons shall be councillors of such borough accordingly to all intents and purposes as if elected as herein provided and if at any election of councillors whether the same be a general or an annual ordinary election of members of the council or be for supplying extraordinary vacancies therein no seats or vacancies or a number of seats or vacancies less than the whole number which should have been filled up at such election shall be filled up then the seats and vacancies which shall so not be filled up shall severally be deemed extraordinary vacancies and to have occurred on the day appointed for such

Failure to elect on the day to be deemed in other cases to create extraordinary vacancy.

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election or to which the same may have been or may stand adjourned as before provided,

108. Where any borough shall be divided into wards the preceding sections hereof relating to the election of councillors shall be read as applying to elections of councillors to be held in each ward instead of in the borough at large and the polling for every such election shall be held at one polling place within each ward to be appointed as herein provided and in the questions hereinbefore prescribed to be put to any person tendering his vote the word "ward" shall be substituted for "borough" and to the last in each series of the said questions the following words shall be added that is to say "in this ward" and all the said sections shall take effect as to ward elections of councillors accordingly.

Election of councillors in wards.

109. Save where there is something in the context repugnant thereto or inconsistent therewith the word "burgess" where used in this part shall include any person entitled to vote at any election.

Burgess to include person entitled to vote.

110. At all elections hereunder at which persons shall be entitled to vote by reason of their being enrolled on some electoral roll for the time being in force under "The Registration of Electors Act 1866" such persons shall not be entitled to give more than one vote each whatever may be the value of the qualification of such persons and at all such elections the form of the voting papers hereinafter mentioned shall instead of the column headed "number of votes" have a column headed "on the electoral roll of what electoral district enrolled" and such column shall be filled up with a statement according to the fact before the same is delivered by the voter to the returning officer or deputy returning officer as the case may be.

At elections where no burgess roll in force burgesses entitled to give only one vote.

Form of voting paper to be altered accordingly.

111. If any person be elected a councillor in more than one ward he shall within seven days after notice thereof choose or in default thereof the council at its next meeting shall declare for which one of the wards such councillor shall serve and he shall thereupon be held to be elected in that ward only which he shall choose or which the council shall so declare and cease to be a councillor for any other ward.

Manner of proceeding if a person elected for more than one ward.

(5.) *Extraordinary Vacancies in the Council.*

112. All extraordinary vacancies in the office of councillor for any borough or ward thereof shall be filled up from such persons as are capable of being councillors by those persons who if the same were an ordinary vacancy occurring by retirement in rotation would for the time being be entitled to vote either in such borough or in such ward thereof as the case may be in the election of councillors to fill such vacancy.

Extraordinary vacancies by whom to be filled.

113. Whenever any extraordinary vacancy in the office of councillor of any borough shall occur the persons by whom such vacancy is to be filled up as aforesaid shall upon a day to be appointed by the mayor or if there be no mayor or the mayor be incapable of acting or refuse to act by the council and to be forthwith notified in some newspaper generally circulating within the borough not being less than twenty nor more than twenty-five clear days from the occurrence of such vacancy and in default of any such appointment on the twenty-first day after such occurrence elect from the persons capable of being councillors another person to fill such vacancy and such elections respectively shall be held in the same manner and the proceedings shall be the like as are hereinbefore provided for with respect to the annual ordinary election of councillors and all the provisions of this part shall apply in the case of such elections in like manner as in cases of annual ordinary elections of councillors.

Extraordinary vacancies how filled.

114. Where any borough shall be divided into wards the last section shall subject to the several provisions hereinbefore made with regard to annual ordinary ward elections of councillors be read as applying to each ward of the borough instead of to the borough at large and take effect accordingly.

The like where borough divided into wards.

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In united boroughs no extraordinary vacancy to be filled while members in excess.

115. If in any united borough there shall upon such union be for any ward of the united borough a number of councillors greater than that hereby assigned as the ordinary number of councillors for such ward no extraordinary vacancy for such ward shall be filled up unless or until the whole number of councillors for such ward shall have been reduced below such ordinary number and then only so as to complete such ordinary number and no reduction by vacancies filled up or at the time awaiting being filled up at an ordinary annual election shall be deemed such reduction as herein intended.

In original boroughs no extraordinary vacancy to be filled while councillors in excess.

116. If in any original borough there shall upon the first constitution thereof hereunder be a number of councillors greater than that hereby assigned as the ordinary number of members for such borough no extraordinary vacancy in the board shall be filled up unless or until the whole number of councillors shall have been reduced below such ordinary number and then only so as to complete such ordinary number and no reduction by vacancies filled up or for the time awaiting being filled up at an ordinary annual election shall be deemed such reductions as herein intended.

(6.) Miscellaneous.

Election not to be questioned for defect in title of persons presiding *de facto*.

117. No election of councillors shall be liable to be questioned by reason only of any defect in the title or any want of title of the person by or before whom such election or any polling for the same shall have been held or of any want of qualification in any person signing any nomination paper Provided that such first-mentioned person has been actually appointed to preside or hold the poll or has been acting in the office giving the right to preside at such election.

Misfeasance &c. of officers &c.

118. If the mayor of any borough or if any person having been duly appointed hereunder to act as returning officer or deputy returning officer at any election and undertaken so to act shall be guilty of any wilful misfeasance or wilful or negligent act of commission or omission contrary to any of the provisions herein contained relating to the election of councillors he shall upon conviction forfeit and pay for every such offence a penalty not exceeding fifty pounds to be recovered in a summary way before any two or more justices.

Payment of expenses of returning officer.

119. All necessary reasonable expenses of or incident to any election incurred by the returning officer shall be repaid to him by the council out of the borough fund and may be recovered before any justice.

PART V.**ASSESSORS AND AUDITORS.**

Qualification and capacity of assessors and auditors.

120. In order that any person may be qualified to be an assessor of any borough he must be qualified to be a councillor thereof and no person who shall not be so qualified or who shall be otherwise incapable of being a councillor or be actually a councillor or be the town clerk or treasurer of any borough shall be capable of being an assessor thereof.

Annual ordinary election of assessors.

121. On the first day of March in every year in every borough those persons who for the time being would be entitled to vote in the election of councillors for the same shall in manner hereinafter mentioned elect to be the assessors of such borough two persons capable as herein provided and every assessor so elected shall hold office until the first day of March in the year following his election and shall be eligible to be re-elected if still capable as aforesaid.

Annual ordinary election of auditors.

122. On the first day of March in every year in every borough those persons who for the time being would be entitled to vote in the election of

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councillors for the same shall in manner hereinafter mentioned elect two persons to be the auditors of such borough and every auditor so elected shall hold office until the first day of March in the year following his election and shall be eligible to be re-elected.

123. All elections of assessors and auditors shall be held in the same manner and the proceedings shall be the like as are hereinbefore provided for with respect to the elections of councillors save that if the borough be divided into wards the candidates not exceeding the number to be elected who shall have the greatest number of votes in all the wards taken together shall be deemed and declared to be elected assessors or auditors as the case may be and all the provisions of the Fourth Part shall apply in the case of elections under this Part in like manner as in the case of ordinary or other elections of councillors as the case may require. Elections of assessors and auditors how conducted.

124. If any assessor or auditor shall die or by notice under his hand delivered to the mayor or town clerk shall resign his office of assessor or auditor or shall by any rule or order of the Supreme Court to be made as hereinafter provided be ousted of such office then the office of such assessor or auditor shall become and be vacant and every such vacancy shall be taken to be an extraordinary vacancy within the meaning of this Act. Extraordinary vacancies how caused.

125. All extraordinary vacancies in the office of assessor or auditor for any borough shall be filled up by those persons who if the same were an ordinary vacancy occurring by annual retirement would for the time being be entitled to vote in the election of assessors or auditors to fill such vacancy. How filled.

126. If at any election of assessors or auditors no assessors or auditors or less than the required number shall have been elected then the mayor shall forthwith appoint fit persons of the required number to fill the places so vacant and they shall be deemed to have been elected as herein provided. On failure to elect appointment by mayor.

127. Every person elected assessor or auditor to fill an extraordinary vacancy shall hold such office until the person in the room of whom he was chosen would regularly have gone out of office and he shall then go out of office but all assessors and auditors going out of office on the day herein named shall be capable of immediate re-election if then capable as herein provided. Assessors and auditors elected on extraordinary vacancies how long to hold office.

128. Notwithstanding any division of any borough into wards the assessors and auditors who shall be in office shall continue in office for the borough as if no such division had taken place. Division or annexation not to affect assessors or auditors.

129. Upon the union of any boroughs or of a borough and a road district the assessors and auditors who shall be in office in each of the several boroughs and the auditors who shall be in office in the road district shall remain in office as assessors and auditors of the united borough until the first of March next after such union. Assessors and auditors in office at time of union of boroughs.

PART VI.

ELECTION AND PRIVILEGES OF MAYOR.

130. At the first meeting of the council in every borough after the first constitution of such borough the council shall by the majority of the votes of the councillors present elect one of their body or some person not being one of their body but qualified to be a councillor to be mayor until the next annual meeting of the council and at each annual meeting of the council in every borough the council shall in like manner elect a mayor for the ensuing year and the mayor shall preside as chairman at all meetings of the council at which he shall be present and if a councillor shall have been elected mayor and the mayor cease for any cause other than the retirement of Election of mayor.

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councillors in rotation to be a councillor he shall be incapable of being or continuing mayor and in case the mayor die or by writing under his hand delivered to the council at any meeting thereof or to the town clerk resign his office or as aforesaid cease to be a councillor or be ousted of such his office by a rule or order of the Supreme Court as herein provided or if at the time of the union of any boroughs there be no mayor of any of the several boroughs so united the councillors present at the meeting next after the occurrence of such vacancy or such union as the case may be or at any meeting before there shall as yet have been a mayor shall choose some one of their body or some person not being one of their body but qualified to be a councillor to be mayor and the mayor so elected shall continue in office until the next annual meeting and if at any meeting of the councillors the mayor be not present one of the councillors present shall be elected chairman of such meeting by the majority of the votes of the councillors thereat.

Mayor to continue councillor during year of office.

131. Notwithstanding anything herein contained as to the number of the council or as to councillors going out of office in rotation the mayor shall during the year of office of mayor continue to be a member of the council and a person not being a councillor at the time of his election be elected to and accept the office of mayor such person shall be deemed to be a member of the council during the time of his holding the office of mayor and shall during such time be subject to the like liabilities and shall have the like powers as if elected a councillor.

Who shall be mayor of united borough upon union.

132. The council of every united borough shall forthwith after such union determine in manner herein prescribed as to the election of mayor which of those persons who shall at the time of such union be holding the office of mayor of each of the boroughs so united shall be mayor of the united borough and he shall be such mayor accordingly and if from any cause there shall be at the time but one such mayor then he shall on such union be mayor of the united borough and every person so having been chosen or having become mayor of the united borough shall be deemed for all purposes to have been elected as herein provided in ordinary cases.

The Governor may appoint the mayor to be a justice of the peace within the district of the mayoralty.

133. It shall be the duty of the town clerk of every borough as soon as conveniently may be after every election of a mayor for such borough to give notice to the Colonial Secretary for the time being of such election and of the person elected and it shall be lawful for the Governor if he shall think fit and if such person shall not then be a justice of the peace by warrant under his hand published in the *New Zealand Gazette* to appoint such person to be a justice of the peace for the colony and in every such appointment it shall be expressed that it is made under this section of this Act. Such appointment shall continue in force only during the mayoralty of such person and the person so appointed shall not by virtue of such appointment be authorized to sit or act as a justice of the peace elsewhere than within the borough and it is hereby expressly provided that the provisions of the three hundred and seventy-ninth section of this Act shall apply to every mayor appointed to be a justice of the peace under this section of this Act. Nothing in this section contained shall be deemed to limit alter or affect the power of the Governor to appoint any person to be a justice of the peace of the colony with jurisdiction throughout the colony though such person be a mayor of a borough or to limit the jurisdiction of any person so appointed.

PART VII.

PROCEEDINGS OF THE COUNCIL.

First meeting of council.

134. The council of every borough after the first constitution of such borough hereunder shall hold the first meeting at some convenient place

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within the borough on the second Wednesday after the first constitution thereof if persons elected under any of the Acts or Ordinances repealed hereby continue in office hereunder as councillors of such borough or if no councillors be in office then on the third Wednesday after the first election or appointment of councillors or as soon after such respective periods as conveniently may be at the hour of ten of the clock in the forenoon and shall proceed to put this Act into execution.

135. The council of every borough shall hold an annual meeting at noon on the third Wednesday in the month of December in each year at the office of the council within the borough and they shall also hold ordinary meetings for the transaction of general business and the ordinary meetings shall be held at the office of the council on such day and hour in each week month or other stated space of time as the council shall from time to time appoint and when any such appointment is made the town clerk shall give notice thereof to each of the councillors and they shall afterwards until the time of such ordinary meetings is changed and notice of such change given to the councillors attend such ordinary meetings without notice.

Annual and ordinary meetings of council.

136. At all meetings of the council all the councillors present shall vote save where it is herein otherwise provided and the questions there considered shall be decided by open voting and by the majority present and if there be an equal division of votes upon any question the mayor or the councillor acting as chairman at such meeting shall in addition to his own vote as councillor have a second or casting vote. Provided always that if at any such meeting there be an equality of votes in the election of the mayor or chairman it shall be decided by lot which of the councillors having an equal number of votes shall be the mayor or chairman. Provided also that at every annual meeting the mayor going out of office at that meeting shall if present and willing to act be the chairman of such meeting.

Decision by majority.

Casting vote.

137. All powers vested in the council under this Act may be exercised where the ordinary number of councillors hereby assigned to the borough is nine by any five or more when such number is twelve by any seven or more and when such number exceeds twelve by any nine or more of the councillors present at any meeting holden in pursuance of this Act and no business shall be transacted at any meeting of the council unless the said number of councillors be present.

Quorum of council.

138. No councillor shall vote upon or take part in the discussion of any matter in or before the council in which such councillor shall directly or indirectly by himself or his partners have any pecuniary interest and any councillor who shall knowingly offend against this section shall on conviction forfeit and pay for every such offence a sum not exceeding fifty pounds.

Penalty for voting as councillor where interested.

139. The councillors present at the first meeting or at any annual or ordinary meeting or at any adjourned meeting may from time to time adjourn such meeting and if at any meeting of the council there be not present within half an hour after the time appointed for such meeting the number of councillors hereby authorized to exercise the powers vested in the council the councillors present or the major part of them or any one councillor if only one be present or the town clerk if no councillor be present may adjourn such meeting to another day not further distant than three days from the date of such adjournment.

Adjournment of meetings.

140. The ordinary meetings of the council shall be held for transacting the ordinary business of the council under this Act and amongst the rest for appointing and removing the inferior officers of the council and superintending their conduct and for enquiring into the conduct of the contractors or other persons employed by them to execute any works and into the state and progress of such works and generally for giving such directions from time to time as may be necessary for carrying into effect the purposes of this Act and all ordinary meetings shall be held with open

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doors unless it shall become necessary to exclude strangers on account of their disorderly conduct.

Notice of extraordinary business.

141. Where any business other than ordinary business is required or intended to be transacted at any ordinary meeting the town clerk shall give notice thereof to each of the councillors and no such extraordinary business nor any new rules or regulations shall be transacted or adopted at the ordinary meetings unless due notice thereof have been given at a prior meeting and sent to each councillor in the manner required for special meetings.

Resolutions how revoked or altered.

142. No resolution at any meeting of the council shall be revoked or altered at any subsequent meeting unless notice of the intention to propose such revocation or alteration be given by the town clerk to each of the councillors seven days at least before holding the meeting nor unless such revocation or alteration be determined upon by a majority consisting of two-thirds of the councillors present at such subsequent meeting if the number of councillors present at such subsequent meeting be not greater than the number present when such resolution was come to or by a majority if the number of councillors present at such subsequent meeting be greater than the number present at such former meeting.

Special meetings.

143. The council may hold special meetings and any three or more of the councillors may require a special meeting to be held but no such meeting shall be held unless two clear days' notice thereof at least be given.

Special orders.

144. Where by this Act the council are empowered to do anything by "special order" only they shall not do such thing unless the resolution to do the same have been agreed to by the council in some meeting whereof special notice has been given and have been confirmed in a subsequent meeting held not sooner than four weeks after the preceding meeting and which subsequent meeting has been advertised once at least in each of the weeks intervening between the two meetings in some newspaper generally circulating in the borough and special notice of such meeting given to each of the councillors.

Notices of meetings.

145. All notices of any meeting of the council shall be in writing or in print or partly in writing or partly in print and shall be by the town clerk delivered or sent by the post or otherwise to the place of abode or to the usual place of business (if any) within the borough of each of the councillors two clear days at least previous to such meeting and every such notice shall specify the time of meeting and in case of a special meeting shall specify the object thereof and no business shall be transacted at any special meeting except such as is stated in the notice thereof.

Committees of council and quorum.

146. The council may at any meeting from time to time appoint a committee for any purposes which in the opinion of the council would be better regulated and managed by means of such committee and they may fix the quorum of such committee and shall appoint one of the members thereof to be chairman of such committee and may continue alter or discontinue such committee or from time to time remove such chairman.

Meetings chairman &c. of committees.

147. Every committee so appointed may meet from time to time and may adjourn from place to place as they may think proper for carrying into effect the purposes of their appointment but no business shall be transacted at any meeting of the committee unless the quorum of members (if any) fixed by the council and if no quorum be fixed three members be present and at all meetings of the committee if the chairman be not present one of the members present shall be appointed chairman and all questions shall be determined by a majority of the votes of the members present and in case of an equal division of votes the chairman shall have a casting vote in addition to his vote as a member of the committee.

Vacancy in number of councillors not to

148. No proceeding of the council or of any committee shall be invali-

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dated or be illegal in consequence only of there being any vacancy in the number of councillors at the time of such proceeding. invalidate proceedings.

149. All proceedings of the council or of a committee of the council or of any person acting as a councillor shall notwithstanding it be afterwards discovered that there was some defect in the election or appointment of the councillors or persons acting as aforesaid or that they or any of them were incapable of being councillors be as valid as if every such person had been duly elected and appointed and was capable of being councillor. Nor want of capacity &c. of any person to be councillor.

150. The council may from time to time provide and maintain fit and convenient public offices within the borough together with all necessary and proper furniture for the same for holding the meetings and transacting the business of the council and for the use of their officers and for the holding of such public meetings and transacting such public business relating to the borough as the council shall from time to time under the powers of this Act direct or allow to be held or transacted therein and for such purpose may purchase or rent any lands or buildings which the council think necessary from any person willing to sell or let the same or may cause any new buildings to be erected upon any land purchased or hired under the provisions of this Act or otherwise belonging to the council. Offices &c. of council.

151. The council shall require the clerk or some other person duly authorized by them in that behalf to attend at their office at such stated times as shall be appointed by special order of the council Sundays Christmas Days and Good Fridays and days appointed for general holidays or public fasts and thanksgivings only excepted for the purpose of receiving notices and transacting the ordinary business of the council and due notice of the situation of the office of the council and of the days and hours on and during which attendance is given there shall be published by the council within the limits of the borough in such manner as that the same may be fully and generally known. Attendance of town clerk at office and notice of situation thereof.

152. The council shall cause entries of all the proceedings of the council and of every committee appointed by them with the names of the councillors who shall attend at each meeting and of the names of all councillors voting upon any question for the decision of which a division shall be called to be duly made from time to time in books to be provided for the purpose which shall be kept by the town clerk under the superintendence of the council and every such entry shall be signed at the meeting next succeeding the meeting at which such proceeding or attendance shall have taken place or such proceeding of a committee been reported by the mayor if present at or if he be not present by such other person as shall act as chairman of such meeting and every entry purporting to be such entry as aforesaid and to be so signed shall be received as evidence in all courts and before all judges justices and others without proof of the meeting to which the same shall refer having been duly convened or held or of the persons attending such meeting having been or being councillors or members of committee respectively or of the signature of the mayor or person acting as chairman or of the fact of his having been mayor or acting as chairman all which last-mentioned matter shall be presumed until the contrary is proved and such books shall at all reasonable times be open to the inspection of any of the councillors and of any holder of debentures herein mentioned or other creditor of the body corporate. Minutes of proceedings.

PART VIII.

OUSTER OF OFFICE.

153. Upon affidavit that any person declared elected to be mayor or a councillor assessor or auditor of any borough has been elected unduly or Disputed &c. elections or exercise of office.

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contrary to this Act or that any person has been elected to or holds or exercises such office of mayor councillor assessor or auditor being incapable under the provisions hereof of being or continuing such mayor councillor assessor or auditor it shall be lawful for the Supreme Court or any judge thereof to grant a rule or order calling upon such person to show cause to the court why he should not be by the said court ousted of the said office and where upon the return of such rule or order it shall appear to the court that such person so elected or holding or exercising such office respectively was elected unduly or contrary to this Act or was at the time of his election or while holding or exercising such office respectively incapable under the provisions hereof of being or continuing such mayor councillor assessor or auditor as the case may be the court may make such rule or order absolute or if the matter shall not so appear may discharge such rule or order and in either and every such case with or without the payment of costs to or by either party as to the court shall seem meet and the person against whom any rule shall be made absolute as aforesaid shall be deemed thereby to be ousted of such office accordingly Provided that no such rule for ousting any person as having been elected unduly or contrary to this Act shall be granted after the expiration of three months from the declaration of such election.

**Inquiry into matters
of fact.**

154. It shall be lawful for the Supreme Court or any judge thereof where any proceeding whether under this Act or not with respect to any election as having been made unduly or contrary to this Act or with respect to the unlawful holding or exercise by any person of the office of mayor councillor assessor or auditor hereunder shall be depending in such court to order from time to time that an enquiry be had by such fit person as shall be named by the said court or judge in the order touching any matters of fact which it shall seem to the said court or judge necessary or expedient to ascertain for dealing with the proceedings so depending and that such person do report to the said court touching the said matters and such enquiry may be made on oath upon interrogatories or otherwise and it shall be lawful for such court or any judge thereof by the same or any subsequent order or orders to give all such directions touching the time place or manner of holding such enquiry and all other matters and circumstances connected with such enquiry as may appear reasonable and just and it shall be lawful for every person authorized to hold such enquiry by any such rule or order made or issued in pursuance of this Act and he is hereby authorized and required to hold all such enquiries and when any such rule or order as aforesaid shall be made for such enquiry by authority of this Act it shall be lawful for the Supreme Court or any judge thereof in and by the first rule or order to be made or in any subsequent rule or order to command the attendance of any person to be named in such rule or order for the purpose of being examined or the production of any writings or other documents to be mentioned in such rule or order and to direct the attendance of any such person at his own place of abode or elsewhere if necessary or convenient so to do and the wilful disobedience of any such rule or order shall be deemed a contempt of the Supreme Court and proceeding may be thereupon had by attachment (the judge's order being made a rule of court before or at the time of the application for an attachment) if in addition to the service of the rule or order an appointment of the time and place of attendance in obedience thereto signed by the person or persons appointed to hold the enquiry or by one or more of such persons shall be also served together with or after the service of such rule or order Provided always that every person whose attendance shall be so required shall be entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial in the Supreme Court.

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155. And it shall and may be lawful for the person or persons to be named in any such rule or order as aforesaid for holding such enquiry and he and they are hereby required to make if need be a special report to the Supreme Court touching the conduct at or absence from any such enquiry of any person required to attend thereat and the Supreme Court is hereby authorized to institute such proceedings and make such order and orders upon such report as justice may require and as may be instituted and made in any case of contempt of that court and whenever by virtue of this Act an examination of any person has been taken before any person or persons as aforesaid the depositions taken down by the person holding the enquiry shall be returned to and filed and kept in the office of the registrar of the Supreme Court and office copies of such depositions may be given out to any person.

Report may be made as to conduct or absence of witnesses.

PART IX.

CONTRACTS.

156. The council may enter into contracts with any persons for the execution of any works directed or authorized by this Act to be done by the council or for furnishing materials or for any other things necessary for the purposes of this Act and every such contract for the execution of any work shall be in writing and shall specify the work to be done and the materials to be furnished and the price to be paid for the same and the time or times within which the work is to be completed and the penalties to be suffered in case of non-performance thereof and the power hereby granted to the council to enter into contracts may lawfully be exercised as follows that is to say—

Made in which council may enter into contracts and effect thereof.

Any contract which if made between private persons would be by law required to be in writing and under seal the council may make in writing and under the common seal of the body corporate and in the same manner may vary or discharge the same

Any contract which if made between private persons would be by law required to be in writing signed by the parties to be charged therewith the council may make in writing signed by the councillors or any two of their number acting by the direction and on behalf of the council and in the same manner may vary or discharge the same

Any contract which if made between private persons would be by law valid although made by parol only and not reduced into writing the councillors or any two of them acting by the direction and on behalf of the council may make by parol only without writing and in the same manner may vary or discharge the same

And all contracts made according to the provisions herein contained being duly executed by the persons contracting to perform the works therein comprised respectively shall be effectual in law and shall be binding on the body corporate and their successors and all other parties thereto their successors heirs executors or administrators as the case may be and in case of default in the execution of any such contract either by the council on behalf of the body corporate or by any other party thereto such actions or suits may be maintained thereon and damages and costs recovered by or against the body corporate or the other parties failing in the execution thereof as might have been maintained and recovered had the same contracts been made between private persons only.

157. Before any contract to the amount of one hundred pounds or upwards shall be entered into by the council eight clear days' notice at the least shall be given in one of the newspapers generally circulating within

Notice calling for proposals in certain cases.

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the borough expressing the purpose of such contract and inviting any person willing to undertake the same to make proposals for that purpose to the council and the council shall accept the proposal which on a view of all the circumstances shall appear to them to be most advantageous and shall take security for the due and faithful performance of every such contract.

Composition for breaches of contract in certain cases.

158. The council may compound with any party who has entered into any such contract or against whom any action or suit has been brought for any penalty contained in any such contract or in any bond or other security for the performance thereof or on account of any breach or non-performance of any such contract bond or security for such sums of money or other recompense as the council may think proper.

PART X.

OFFICERS.

Appointment removal &c. and salaries of officers.

159. The council may from time to time appoint and employ a treasurer town clerk surveyor valuers collectors and all such other officers to assist in the execution of this Act as they shall think proper and necessary and from time to time remove any of such officers and appoint others in the room of such as shall be so removed or as may die resign or discontinue their offices and may out of the borough fund pay such salaries and allowances to the said officers respectively as the council shall think reasonable.

Town clerk or treasurer who shall not be.

160. No councillor shall be capable of being or continuing town clerk or treasurer or any other such officer of the borough as in the last preceding section mentioned.

Officers exacting or accepting fees.

161. Every officer employed by the council who shall exact or accept on account of anything done by virtue of his office or in relation to the matters to be done under this Act any fee or reward whatsoever other than the salary or allowance allowed by the council or who shall be in anywise concerned or interested in any bargain or contract made by the council shall be incapable of being afterwards employed by the council and shall forfeit the sum of one hundred pounds and any person may sue for such penalty by action of debt in any court of competent jurisdiction and shall on recovery thereof be entitled to full costs of suit.

Security by officers intrusted with moneys.

162. Before any officer entrusted by the council with the custody or control of moneys by virtue of his office shall enter upon such office the council shall take sufficient security from him for the faithful execution thereof.

Collectors of rates to pay over moneys and make returns.

163. Every collector appointed or employed by the council by virtue of this Act to collect any rates shall within seven days after he shall have received any moneys on account of any such rates pay over the same to the treasurer to the account of the council and the receipt of such treasurer for the moneys so paid shall be a sufficient discharge to the collector and every such collector shall in such time and in such manner as the council shall direct deliver to them true and perfect accounts in writing under his hand of all moneys received by him and of all moneys paid by him to the said treasurer by virtue of this Act and also a list of the names of all persons who have neglected or refused to pay any rate or money owing to them with a statement of the moneys due from them respectively and in respect of what several periods and rates the same are due respectively and every such collector shall so deliver between the twenty-fourth and twenty-seventh days of June in each year such a list embracing the said particulars brought down to the twentieth day of the said month of June inclusive.

And to return persons making default in payment of rates.

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164. Every officer appointed or employed by the council by virtue of this Act shall from time to time when required by the council make out and deliver to them or to any person appointed by them for that purpose a true and perfect account in writing under his hand of all moneys received by him on behalf of the council and such account shall state how and to whom and for what purpose such moneys have been disposed of and together with such account such officer shall deliver the vouchers and receipts for such payments and every such officer shall pay to the council or to any person appointed by them to receive the same all moneys which shall appear to be owing from him upon the balance of such accounts.

Officers to deliver accounts and vouchers and make payments.

165. If any such officer fail to render such accounts as aforesaid or to produce and deliver up the vouchers and receipts relating to the same in his possession or power or to pay the balance thereof when thereunto required or if for five days after being thereunto required any officer of the council fail to deliver up to the council or to any person appointed by them to receive the same all papers and writings property matters and things in his possession or power relating to the execution of this Act or belonging to the council any two justices may hear and determine the matter in a summary way and may order such officer to render such accounts or to deliver up such vouchers and receipts as aforesaid or to pay over the balance owing by him or to deliver up all such papers writings property matters and things and if such officer shall neglect or refuse to obey such order he may by any justice be committed to gaol for any period not exceeding six months.

Officers failing to render accounts or to pay balance and deliver over property of council.

166. No such proceeding against or dealing with any officer as aforesaid shall deprive the council of any remedy which they might otherwise have against any surety of such officer.

Such proceedings not to prejudice remedy against sureties.

PART XI.**ACCOUNTS.**

167. The council shall cause books to be provided and kept in such form as shall from time to time be appointed by the Superintendent and true and regular accounts to be entered therein of all sums of money received and paid for and on account of this Act and of the several purposes for which such sums of money shall have been received and paid which books shall at all reasonable times be open to the inspection of any of the councillors or ratepayers and any holder of debentures or other creditor of the body corporate without fee or reward and the councillors and persons aforesaid or any of them may take copies of or extracts from the said books without paying anything for the same and any town clerk or other person having the custody of the said books who shall not on any reasonable demand of any councillor ratepayer holder of debentures or creditor as aforesaid permit him to inspect the said books or to take such copies or extracts as aforesaid shall be liable to a penalty of five pounds for every such offence.

Books of account and inspection by persons interested.

168. The council shall cause their accounts to be balanced in each year to a period not less than one month before the annual general meeting at which they are to be produced as hereinafter mentioned and twenty-one days at the least before such meeting of the council shall cause a full and true statement and account to be drawn out of the amount of all rates or assessments made and of all contracts entered into and of all moneys received or expended by virtue of this Act during the preceding year and of all available assets of and of all debts then owing by the council and such statement and account shall be laid before the auditors of the borough

Accounts to be balanced annually.

Annual statement of receipts and expenditure and inspection thereof.

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who are hereby required to attend at the office of the council as soon as conveniently may be after the balancing of the said accounts and drawing out of the said statement and account and who shall in the presence of the town clerk if he desire to be present proceed to audit the accounts of the year preceding such balancing and the council shall by the town clerk produce and lay before the auditors the accounts so balanced as aforesaid together with the said statement and account accompanied with proper vouchers in support of the same and all books papers and writings in their custody or power relating thereto and any person interested in the said accounts either as a holder of debentures or a creditor of the body corporate or as a ratepayer may be present at the audit of the said accounts by himself or his agent and may make any objection to any part of such accounts and if the accounts of the council be found correct such auditors shall sign the same in token of their allowance thereof but if such auditors think there is just cause to disapprove of any part of the said accounts they may disallow any such parts of the said accounts as shall be so disapproved of.

Audit.

Printing and inspection of statement and account.

169. The council shall cause such statement and account to be printed and shall allow the same to remain for inspection at the office of the council and every holder of debentures or creditor of the body corporate and every person paying any rate or any person acting on behalf of any such holder of debentures creditor or ratepayer may at all reasonable times inspect such statement and account and compare the same with the books and documents relating thereto in the possession of the council and the town clerk shall on demand furnish a printed copy of the said statement and account to every such holder of debentures creditor and ratepayer without fee and fourteen days at least before the meeting for examining and settling such accounts as hereinafter mentioned the council shall give public notice of such intended meeting stating in such notice that the said statement and account are printed and lie at the office of the council ready for the inspection of the creditors and ratepayers or other parties interested.

Examination and settlement of accounts at annual meeting.

170. The accounts of the council so balanced as aforesaid and audited and either allowed or disallowed by the auditors as aforesaid together with the said statement and account shall be produced at the annual meeting of the council or at some adjournment thereof at which meeting all such holders of debentures creditors and ratepayers and other persons interested as aforesaid may be present and the accounts shall be then finally examined and settled by the council and if the same be found just and true they shall be allowed by the council and certified accordingly under the hand of the mayor or person who shall act as chairman at such meeting and after such accounts have been so allowed and signed by such mayor or chairman and also by the auditors as hereinbefore provided the same shall be final in regard to all persons whomsoever.

Annual accounts in abstract.

171. The council shall every year cause an annual account in abstract to be prepared showing the total receipt and expenditure of all funds levied by virtue of this Act for the year ending on the day down to which their accounts shall have been made up for the said annual meeting or on some other convenient day in each year under the several distinct heads of receipt and expenditure with a statement of the balance of such account duly audited and certified by the mayor and also by the auditors of the borough and shall cause the same to be published in some newspaper generally circulating within the borough and shall also send a copy of the said account free of charge to the office of the Resident Magistrate's Court nearest to where the office of the council is situated on or before the thirty-first day of January then next or within one month after the same has been duly audited which account shall be open to the inspection of the public at all reasonable hours on payment of one shilling for every such inspection.

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172. The Superintendent may from time to time appoint for every Special auditors may be appointed.
 borough auditors to be called "special auditors" of accounts of such borough and may from time to time remove such auditors from office and such auditors shall at any time on being required so to do by the Superintendent or any twenty burgesses of the borough by writing under their hands proceed to hold a special audit of the accounts of the borough upon a day to be appointed by such auditors not less than thirty-two nor more than forty days from the time of their being so required and shall forthwith notify in the *Government Gazette* of the province and also in some newspaper generally circulating in the borough the fact of their having been so required and the day so appointed and the auditors shall attend at the office of the council on the day so appointed for such audit as aforesaid.

173. When any day shall have been appointed as aforesaid the council Council to cause accounts to be balanced for special audit.
 or the borough shall forthwith in like manner as in case of ordinary annual audits cause their accounts to be balanced to a day not less than one month before the day so appointed and a full and true statement and account to be drawn out as in the like case required and all the other provisions hereof relating to the audit allowance disallowance printing inspection copies and notice of statements and accounts shall so far as practicable apply in every case of such special audit and the special auditors shall forthwith after such audit report to the Superintendent the result thereof.

174. If any such audit shall have been required by burgesses the council Expenses how to be defrayed.
 shall defray the expenses thereof but if required by the Superintendent the said expenses shall be defrayed by the Superintendent out of the ordinary revenues of the province.

PART XII.

NOTICES ETC. AND LEGAL PROCEEDINGS.

175. Any summons or notice or any writ or other legal proceeding Service of notices and legal proceedings.
 requiring to be served upon the council may be served by the same being left at their office or by being given personally to the mayor or town clerk.

176. Every order summons notice or other such document requiring Certain documents how authenticated by the council.
 authentication by the council shall be sufficiently authenticated if signed by two councillors or by the town clerk and it need not be under the common seal of the councillors and may be in writing or in print or partly in writing and partly in print.

177. If any person against whom the council has any claim or demand Proceedings in estates of bankrupts &c.
 become bankrupt or take the benefit of any Act for the relief of insolvent debtors the town clerk or treasurer of the borough in all proceedings against the estate of such bankrupt or insolvent or under any petition sequestration or act of insolvency or any other proceeding respecting or against such bankrupt or insolvent may represent the council and act in their behalf in all respects as if such claim or demand had been the claim or demand of such town clerk or treasurer and not of the council.

178. In all proceedings in any Resident Magistrate's Court or Court of Proceedings in Resident Magistrate's Court and in Petty Sessions and before any justice under this Act in which the council of any borough shall be concerned the town clerk of the borough may represent the council and act in their behalf in all respects as though he and not the said council had been the party concerned.

179. The town clerk or treasurer shall be reimbursed out of the borough Reimbursement of officer.
 fund all damages costs charges and expenses to which he shall be put or with which he may become chargeable by reason of anything contained in either of the two last preceding sections.

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In what newspapers certain advertisements shall be published.

180. In all cases in which any matter or thing is hereby required to be published advertised or inserted by the council in a newspaper generally circulating in the borough the said newspaper shall be such newspaper as the council shall from time to time have appointed in that behalf or where there shall be no council at the time when such matter or thing ought to be advertised the said newspaper shall be such as the Governor shall have appointed in that behalf.

PART XIII.

GOVERNMENT OF BOROUGHES AND BYE-LAWS.

(1.) *Adopting Bye-Laws.*

Councils of boroughs may by bye-laws adopt certain provisions of this Act.

181. It shall be lawful for the council of any borough by bye-law to adopt for such borough any of the sub-divisions or parts not sub-divided herein called sub-divisions contained in the thirteenth Schedule hereto or any such provisions of any such sub-division as shall for their construction and effect be separable from and independent of the other provisions thereof and so much of any sub-division or provision so adopted as relates to the making of regulations for the purposes thereof shall come into operation in and for such borough forthwith on such adoption and the remainder thereof at the expiration of three months after such adoption and every such sub-division or provision so adopted in and for any borough shall according to the tenor thereof be of the same force and effect in and for such borough as if it had been expressly enacted for and applied to the same by this Act.

Existing Acts Ordinances and bye-laws where in force to be repealed on adoption hereof.

182. Upon the adoption in and for any borough of any such sub-division or provision thereof all provisions of any Acts or ordinances of any provincial legislature and all bye-laws and regulations theretofore in force in the borough which shall be inconsistent with or repugnant to such sub-division or provision or which shall in any respect deal or purport to deal with the subject matter of such sub-division or provision or of any part thereof shall be deemed to be and shall be within such borough repealed.

Existing rights liabilities &c. saved.

183. Save where in such sub-division or provision and so far as not therein otherwise enacted any offence which shall have been wholly or partly committed against any such Act or ordinance of any provincial legislature as lastly hereinbefore mentioned or against any bye-law or part of such bye-law before the repeal of such Act ordinance bye-law or part shall be heard determined and punished and every penalty in respect of any such offence shall be recovered as if such Act ordinance bye-law or part had not been repealed and every act duly done and every warrant or other instrument duly made or granted before the repeal of such Act ordinance bye-law or part shall continue and be of the same force and effect as if the same had not been repealed and every right liability privilege and protection in respect of any matter or thing committed or done before the repeal of such Act ordinance bye-law or part shall continue and be of the same force and effect as if the same had not been repealed and every action prosecution and other proceeding which shall have been commenced before the repeal of such Act ordinance bye-law or part or shall thereafter be commenced in respect of any such matter or thing may be prosecuted continued and defended in the same manner as if such Act ordinance bye-law or part had not been repealed.

Express repeal of existing bye-laws.

184. Every bye-law for adopting any such sub-division or provision as aforesaid shall in addition to the adopting part contain clauses expressly repealing all bye-laws or regulations or parts of bye-laws or regulations

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theretofore in force in and for the borough and being so as aforesaid inconsistent with repugnant to or in any respect dealing or purporting to deal with the subject matter of the sub-division or provisions adopted by such first-mentioned bye-law and in such clauses such bye-laws or regulations shall be specified by number and title or otherwise sufficiently and in case of a part of a bye-law or regulation in addition to such number title or other description of such bye-law the purport of such part shall be expressed but an omission so to specify or express or so to repeal any such bye-law regulation or part thereof shall not prevent or affect the repeal thereof under the last preceding section and there shall be sent to the Superintendent with every such adopting bye-law a certificate signed by the town clerk of the borough that such bye-law is in compliance as regards such borough with this section and if any town clerk shall wilfully or negligently sign any such certificate being false in any particular he shall be liable to a penalty not exceeding twenty pounds. Forms.

185. The council of each borough may from time to time appoint or alter forms of applications certificates licenses registration registry books and other like books documents or instruments mentioned in any sub-division of the thirteenth Schedule hereto or any provision thereof which shall respectively be in force in the borough and the expression "the appointed form" or any like expression in the said Schedule shall be deemed to apply to a form so appointed. General bye-laws.

(2.) Other Bye-laws.

186. The council of every borough may from time to time as shall seem to them fit make bye-laws for any of the purposes for which the several sub-divisions of the thirteenth Schedule are intended to provide or for any like purpose of good rule and government of the borough and for any purpose specially provided for elsewhere in this Act and may by some other bye-law repeal every such bye-law and also any bye-law for the adoption in and for the said borough as herein provided of any sub-division or provision of the said Schedule and also any bye-law in force in the borough at the commencement of this Act and the council may by any bye-law to be made under this section impose reasonable penalties not exceeding five pounds for any one offence and every such bye-law shall be so framed as to allow the justice before whom any such penalty may be sought to be recovered to order a part only of such penalty to be paid if such justice shall think fit. General bye-laws.

187. The preceding provisions of this part touching the express repeal by adopting bye-laws repugnant thereto inconsistent therewith or dealing or purporting to deal with the subject matter thereof shall apply in the case of all bye-laws made under the last preceding section. Preceding provisions of Part XIII. to apply.

(3.) Making &c. of Bye-laws.

188. No bye-law made by any council shall have any force or effect which shall be repugnant to the laws in force in New Zealand. Not to be repugnant.

189. No bye-law shall be made save by a special order of the council or unless a copy of the draft bye-law as proposed shall have been published in some newspaper circulating in the borough at least seven days before such bye-law shall be considered by the council. Draft must be previously published.

190. Every bye-law shall have affixed thereto the common seal of the body corporate of the borough and a copy thereof shall within seven days after the passing thereof by the council be published by the town clerk in some newspaper generally circulating in the borough. How to be completed and published.

191. No bye-law shall be of any force or effect until the expiration of one month after the same or a copy thereof sealed with the seal of the body When to come into force.

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corporate shall have been sent to the Superintendent or until publication as hereinafter in this section mentioned and at any time within the said period of one month the Superintendent may disallow such bye-law and after such disallowance such bye-law shall not come into operation and every bye-law shall forthwith on the expiration of one month after the same shall have been sent as aforesaid if not disallowed within that time be published in the Government *Gazette* of the province within which such borough is situate and shall come into operation upon such publication.

(4) *Regulations.*

Regulations restrictions upon;

192. The regulations to be made under any subdivision of the thirteenth Schedule hereto shall and may be passed made published disallowed and come into operation in like manner and at and within the like times and periods as bye-laws under this Act save with respect to the following matters that is to say—

No penalty shall be imposed by any regulation.

It shall not be necessary to publish at length in any newspaper or in the New Zealand or any other Government *Gazette* the draft of any regulation or any such regulation when passed but it shall be sufficient in lieu thereof so to publish a notice that such draft or regulation (describing it by its title and if joint by the names of the boroughs to which it is to apply and also in all cases by reference to the subdivision if any under which it is made or to be made) has been proposed or passed as the case may be and is deposited for the inspection of any person interested therein at the office of the council and such draft or regulation shall at the time of and for seven days after the date of every such advertisement be so deposited and be kept open for the inspection at all reasonable times of any such person as aforesaid.

The town clerk shall give to every person who shall require the same and pay the sum of one shilling a copy of every such draft or regulation so deposited certified under the hand of the said town clerk to be a true copy thereof respectively.

Every approval or rejection of a joint regulation hereinafter provided for shall be published in the Government *Gazette* of the province within which the borough is situate but no regulation shall in any case be set forth therein at length but shall be described in like manner as hereinbefore required with respect to the publication of regulations in newspapers.

Joint regulations how made.

193. Where the councils of any two or more boroughs shall have power hereunder to make any joint regulation such councils may from time to time confer with each other as they may see fit touching the making of such joint regulation and every such joint regulation shall be intituled as and shall purport to be a joint regulation of all such councils but shall be passed by each of the said councils as though the same were a separate regulation and being so passed in the same terms by all shall be deemed jointly passed as herein intended and every such joint regulation may be by any other joint regulation of such councils passed in like manner be repealed or altered.

How made when one or more councils fail to make.

194. If any councils empowered hereunder to make any joint regulation shall fail so to do for the space of three months after the empowering provision shall have been in force with regard to such councils any one or any two or more of such councils which shall have agreed upon and severally passed in manner hereinbefore mentioned any regulation making provision according to the subject matter for all and each of the several matters which are hereby to be provided for by such joint regulation and purporting to extend to the whole area for which such first-mentioned councils are

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empowered to make a joint regulation may send the same to the Superintendent for his approval and the Superintendent may in his discretion approve or reject the same and the first such regulation approved by the Superintendent shall be and be deemed to be to all intents and purposes a joint regulation made and passed for the purposes thereof by all the said councils empowered as aforesaid and shall come into operation from and after the publication of the approval thereof in manner aforesaid in the *Government Gazette* of the province in which the boroughs are situate but this section shall not apply to any joint regulation for repealing or altering a joint regulation.

195. If after the coming into operation in and for any two or more boroughs of any subdivision or provision thereof any joint regulation shall have been made and passed thereunder by the councils of such boroughs whether the same shall as yet be in force or not and if after such making and passing the said subdivision shall have come into operation in any other boroughs being such that the council or councils thereof shall under such subdivision be empowered to make together with the councils of such first-mentioned boroughs joint regulations for the purposes of such subdivision any such joint regulation theretofore made or passed under such subdivision in the first-mentioned boroughs shall so far as applicable be deemed to be a joint regulation of all the councils of all the boroughs in this section referred to to all intents and purposes as though the same had been made and passed by all and although not purporting by the terms of it to apply to the boroughs in which such subdivision shall so lastly have come into operation.

Joint regulations applicable to after united borough.

196. Every regulation may be repealed by some other regulation made as herein provided by the council of the borough or if joint by some other joint regulation of all the councils empowered in that behalf.

Repeal of regulation.

(5.) Miscellaneous.

197. Upon the union as herein provided of two or more boroughs such set of bye-laws theretofore in force for such one or other of the several boroughs so united as the Superintendent shall appoint and the regulations (if any) made under such bye-laws shall continue in force in the united borough as though made by the council thereof.

Bye-laws in union of boroughs.

198. Nothing in this Act contained shall be construed to exempt any person guilty of a nuisance at common law from prosecution or action in respect thereof nor from the consequences of being convicted thereof.

Prosecutions &c. for nuisances not affected.

199. Wherever in any subdivision of the thirteenth Schedule hereto the expression "the proper officer of the council" or the like expression is used the same shall mean such officer or person as shall have been charged by the council with respect to such subdivision.

Meaning of "proper officer."

PART XIV.**ORDINARY REVENUE AND BOROUGH FUND.**

200. The ordinary revenue of the body corporate of every borough shall consist of the moneys following that is to say—

Of what the ordinary revenue of the body corporate shall consist.

Rates not being special rates tolls and rents of tolls.

Moneys received by the council under any grant or appropriation by Act of the General Assembly or Act or Ordinance of the Provincial Council of the province in which the borough is not containing any other or different provision.

All other moneys which the council may receive under or in

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Borough fund and
application thereof.

pursuance of this Act not being the proceeds of any loan and all such moneys shall be carried to the account of a fund to be called the "borough fund" and such fund shall be applied by the council towards the payment of all expenses necessarily incurred in carrying this Act into execution and of doing and performing all acts and things which the said council are or shall be by this or any other Act empowered or required to do or perform.

Bank account.

201. All moneys of the council amounting to twenty pounds and upwards shall within forty-eight hours after they shall have come to the hands of the proper officer of the council be paid into such bank as the council shall from time to time have appointed for that purpose and no such money shall be drawn out of such bank save by cheque signed by any three councillors authorized from time to time by the council in that behalf and countersigned by the town clerk.

PART XV.

GENERAL RATES.

(1.) *What shall be Rateable Property.*

What shall be rate-
able property.

202. All land shall be rateable property within the meaning of this Act save as is next hereinafter excepted that is to say except land the property of Her Majesty and unoccupied unless the same shall have been sold or leased or contracted to be sold or leased or unless a license to occupy the same shall have been issued land the property of Her Majesty and used for public purposes land and buildings in the occupation of the Crown or the Government of the Colony or of the province in which such land and buildings are or of the council of the borough hospitals benevolent institutions and buildings used exclusively for public charitable purposes or for literary and scientific institutions churches chapels and other buildings used exclusively for public worship the dwellings of officiating ministers of religious denominations buildings used as schools provided they be inhabited only by the master or the mistress of such schools or his or her family and such schools be schools receiving aid from the Government of the Colony or the province in which such schools are or otherwise of a public character together with the land immediately surrounding and appertaining to the same burial grounds and land vested in the Superintendent of any province or any corporation commissioners or other persons under "The Public Reserves Act 1854" or "The Public Reserves Act Amendment Act 1862" or any Act or Ordinance of any Provincial Legislature passed in pursuance of the said two last-mentioned Acts or either of them Provided that nothing herein contained shall exempt from being rated hereunder any lands of the Crown occupied under a license from the Crown or other lawful authority nor lands of the Crown which have been or shall hereafter be sold or leased or which have been or shall be contracted to be sold or leased on the ground that no grant or lease from the Crown has been made to the purchaser or proposed lessee or tenant thereof but such lands shall be liable to be rated as if a Crown Grant or lease thereof had been made and issued.

(2.) *Making of Rates and Valuations.*

Council may make
and levy general rate.

203. The council of every borough shall once at least in every year and may from time to time as they see fit in manner hereinafter mentioned make and levy rates to be called general rates equally upon all rateable property within such borough and no such rates made in any one year shall exceed

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the amount of one shilling in the pound of the annual value of such property and the council of every borough may also make and levy special rates for the purposes and subject to the provisions hereinafter expressed and contained.

204. Where it appears to the council of any borough that any work or improvement which the council are hereby authorized to do or execute is for the special benefit of any particular portion of the borough the council may for defraying the expenses incurred in doing or executing such work by special order distinctly defining such portion and approved by the Superintendent make and levy a rate herein called a "separate" rate equally on all rateable property situated within such portion and no such rate made in any one year shall exceed the amount of sixpence in the pound of the annual value of such property. Provided always that no such special order shall be made unless a petition shall have been presented to the council praying that a separate rate may be made and levied signed by one-third of the rate-payers in such portion of the borough.

And separate rates as hereinafter mentioned

205. Every rate which the council of any borough are by this Act authorized to make or levy shall be made and levied by them at yearly half-yearly or such other periods less than a year as they shall think fit upon every person who occupies or if there be no occupier then upon the owner of any rateable property whatsoever within such borough or if the rate be a separate rate within that portion of the borough to which the same shall apply according to the annual value of such property and the said rates shall be vested in the council and shall be payable at such times and either the whole or in such parts or instalment as they shall appoint. Provided that notwithstanding any of the provisions hereof whereby the owner of rateable property is to be rated to or to pay any rate on the default or instead of the occupier thereof the Crown shall not be rated to or pay any rate.

On whom rates may be made and levied.

206. Every rate made under this part shall be made for and in respect of such period after the making of such rate as the council shall think fit and as shall be named therein but this section shall not prevent the council from making or levying during any such period another rate if they shall otherwise have power hereunder to make or levy the same.

Rates to be made for particular periods.

207. Upon the annexation to any borough as herein provided of any portion of New Zealand during the period for which any rate not being a separate rate has been made for such borough under this part such rate for such portion thereof as shall bear to the whole the same proportion as the portion of the said period yet unexpired bears to the whole of the said period shall forthwith upon the valuation herein provided for and being entered therewith in the proper form herein prescribed for rates be and be deemed to be a rate made as herein provided in respect of all rateable property in the portion so annexed and for the part of the said period so unexpired as aforesaid.

Proportion of existing rate leviable on annexed area.

208. The council from time to time before proceeding to make any rate which they are by this Act authorized to levy shall cause an estimate to be prepared of the money required for the several purposes in respect of which they are authorized to expend or apply the borough fund showing the several sums already available for such purposes the several sums required the rateable value of the property assessable and the rate on each pound of such value necessary to raise the money required which estimate after the same has been approved of by the council shall be forthwith entered on the rate book to be kept as hereinafter provided.

Estimate to be prepared before making rate.

209. Notice of the intention of making every rate authorized to be made under the provisions of this Act and of the time at and the period for which the same is intended to be made and of a place where a statement of the proposed rate is deposited for inspection by the ratepayers shall be given by the council of the borough by placards posted up in public and shall be

Notice of intention to make rate.

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advertised in some newspaper generally circulating within the borough in the week immediately previous to such rate being made or as nearly so as may be.

Form &c. of rate.

210. Every such rate shall be fairly transcribed in a book to be called the "rate book" to be kept for that purpose and may be in the form given in the fifteenth Schedule or as near thereto as the circumstances of the case will permit and every such rate shall contain an account of every particular set forth at the head of the respective columns so far as the same can be ascertained and every such rate shall be signed by not less than three members of the council.

Rate to be open for inspection by rate-payers who may take copies.

211. The statement of the proposed rate and the rate immediately after the same is made shall be open to the inspection of any person interested or rated in such rate at all reasonable times and any such person may take copies of or extracts from such statement or rate without paying anything for the same and any person having the custody of such statement or rate who shall refuse to permit or shall not on request by any person so interested or rated as aforesaid permit him to take copies of or extracts from such statement or rate shall for every such offence be liable to a penalty of five pounds.

Rate may be amended by council.

212. The council of any borough may from time to time amend any rate made by virtue of this Act by inserting therein the name of any person claiming and entitled to have his name therein as owner or occupier or by inserting the name of any person who ought to have been rated or by striking out the name of any person who ought not to have been rated or by raising or reducing the sum at which any person has been rated if it appears to them that such person has been underrated or overrated or by making such other amendments therein as will make such rate conformable to this Act and no such amendment shall be held to avoid the rate. Provided always that every person aggrieved by any such alteration shall have the same right of appeal therefrom as he would have had if his name had been originally inserted in such rate and no such alteration had been made and as respects such person the rate shall be considered to have been made at the time when he received notice of such alteration and every person whose rates are altered shall be entitled to receive seven days' notice of such alteration before the rate shall be payable by him.

Valuation of rateable property.

213. The council of each single borough shall within four months after the constitution of the borough cause to be made for such borough and the council of every united borough if for any ward of such united borough no valuation has yet been made shall within one month after such union cause to be made for such ward and the council of every borough whatsoever may from time to time afterwards as shall seem fit cause to be made for such borough a valuation of all rateable property within the borough or ward as the case may be by competent persons to be called valuers and the rates made by the council for the purposes of this Act shall be made upon such valuation and in every such valuation the property rateable shall be computed at its annual value that is to say at the rent at which the same might reasonably be expected to let from year to year. Provided that such annual value shall in no case be computed at less than five pounds per centum upon the fair capital value of the fee simple of such rateable property and provided also that all rateable property which shall not since the sale alienation or other disposition thereof by the Crown have been improved by building cultivation enclosure or in other like manner shall be computed as of the annual value of five per centum upon the fair capital value of the fee simple thereof.

Value of unoccupied land how computed.

Existing valuations in united boroughs.

214. In every united borough the valuation (if any) last in force for any one or more of the several boroughs composing such united borough shall be deemed to be a valuation for so much of the united borough as shall

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consist of such several boroughs and the said several valuations taken together and the separate valuation made as in the last section aforesaid for any part of such united borough for which no valuation shall theretofore have been made taken together with the valuation theretofore in force for the remaining part or parts of the said united borough shall be deemed to be one valuation and to have been made hereunder by the council of the united borough to all intents and purposes.

215. The council of every borough to which any portion of New Zealand shall have been annexed as herein provided shall forthwith on such annexation cause to be made for such portion either separately or together with the remainder of the borough in manner in the last but one preceding section provided a valuation of the rateable property in such portion and such valuation if separate shall be taken together with any valuation for the time being in force for the remainder of the borough and shall be deemed therewith to be one valuation for the borough. Valuation in annexed portion.

216. Every valuer shall make and return his valuation in the form contained in the sixteenth Schedule and shall also at the same time state in such return with regard to each rateable tenement or hereditament the several particulars shown in the respective columns of the said Schedule. Form of valuation and return.

217. Before any valuation or return shall be made the person appointed to make it shall make and subscribe a solemn declaration to make such valuation and return impartially and truly according to the best of his judgment and an entry or minute shall be made in the book of the proceedings of the council of the making and subscribing of such declaration and of the date thereof and any justice to whom application is made for that purpose shall administer such declaration. Declaration by valuer.

218. Every valuer shall for the purpose of making the valuation and return as aforesaid have power to enter at all reasonable hours in the daytime into and upon any rateable property within the borough without being liable to any legal proceedings on account thereof. Entry on premises by valuer.

219. It shall be lawful for any valuer to put to any person in occupation or charge or being the owner of any rateable property which such valuer shall have been authorized under the provisions hereof to value questions upon all such matters as shall be necessary to enable such valuer to state correctly the several particulars herein required to be stated in his valuation and return with regard to the premises and if after being informed by such valuer of his purpose in putting such questions and of his authority under this Act to put the same any such person in occupation or charge or any such owner shall refuse or wilfully omit to answer the same to the best of his knowledge and belief or shall wilfully make any false answer or statement in reply to such question such person shall on conviction forfeit and pay for every such offence a penalty not exceeding ten pounds. Valuer empowered to make enquiries.

220. When any owner is rated in respect of any rateable property in any borough in the occupation of any tenant under a lease or agreement made prior to the constitution of such borough such tenant shall repay to the owner all sums paid by him during the continuance of such lease on account of any rates under this Act payable by the occupier unless it shall have been agreed that the owner shall pay all rates in respect of such property and every sum so payable by the tenant to the owner may be recovered if not paid upon demand as arrears of rent could be recovered from the occupier by the said owner. Rights of owner in such cases where lease made before constitution of borough.

221. Whenever the name of any owner liable to be rated under the provisions of this Act is not known to the council it shall be sufficient to rate such owner as the owner of the property to be rated by the designation of "the owner" without stating his name. Owner where name not known to be rated as "owner" only.

(3.) Appeals against Rates.

222. If any person think himself aggrieved on the ground of unfairness or incorrectness in the valuation of any rateable property included in any Appeal to justice for incorrectness &c. in valuation.

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rate or in the amount assessed thereon he may at any time within one month after such rate is made appeal to the Resident Magistrate's Court or court of petty sessions holden nearest to such rateable property but no such appeal shall be entertained by such court unless seven days' notice in writing of such appeal be given by the aggrieved party to the council of the borough and at the sittings of the court for which such notice is given or any adjournment thereof the court shall hear and determine all matters of complaint on the ground of unfairness or incorrectness in the valuation of such rateable property or in the amount assessed thereon of which notice has been given but no other objection and its decision shall be final but such court shall not have power to quash any rate.

Appeal generally to District or Supreme Court.

223. If any person think himself aggrieved for any cause of grievance not cognizable under the last section by any rate made in any borough under the authority of this Act or by any matters included in or omitted from the same he may at any time within one month after the same is made give notice of his intention to appeal to the next sitting of the District Court for the district in which any part of the borough is situated holden not less than fourteen clear days after such notice but if no part of the borough is within any district over which a District Court has jurisdiction the last mentioned appeal shall be to the next sitting of the Supreme Court appointed for such appeals sitting within the judicial district within which any part of such borough is situate and shall be to such Supreme Court at a sitting thereof specially appointed by the judges to whom such judicial district shall have been assigned for hearing appeals hereunder and if sittings of the Supreme Court be usually holden at more places than one in such district the appeal shall be to the sitting held at that place which is nearest to the rateable or rated property and no such appeal shall be entertained at such Supreme or District Court unless seven clear days' notice in writing of such appeal stating the nature and grounds thereof be given by the aggrieved party to the council of the borough Provided always that no such notice of appeal shall prevent the recovery of any such rate as hereinafter provided except when the ground of appeal is that the appellant is not the owner or occupier of the property rated and in such case the rate shall not be recoverable until the determination of the appeal but the appellant shall give security for the payment thereof with sufficient sureties and in such amount and in such form as the Registrar of the Supreme Court or Clerk of the District Court as the case may be shall in each case direct and if such security be not given within seven days after the notice of appeal shall have been given the appellant shall lose his right of appeal and the rate thereupon become recoverable.

Power of Supreme and District Courts.

224. The District Court or Supreme Court as the case may be shall hear and determine the appeal in a summary way at the sittings thereof for which any such notice of appeal is given or at the following sitting when the court thinks fit to adjourn the appeal to the following sitting and the decision of the court shall be final and conclusive on all parties.

Amendment of rate by justices or court.

225. Upon any such appeals as aforesaid where there shall appear to be just cause for giving relief the Resident Magistrate's Court Court of Petty Sessions or District Court and Supreme Court respectively shall have the power to amend the rate in respect of which the appeal is made by altering the sum at which any person is rated therein and the said Supreme Court and District Court respectively shall also have power to amend by inserting therein or striking out the name of any person or in any other manner which such court respectively shall think necessary for giving relief and without quashing or wholly setting aside such rate Provided always that if any District Court or the Supreme Court shall be of opinion that it is necessary for the purpose of giving relief to the person appealing that the rate should be wholly quashed then such courts respectively may quash the same

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Provided also that if such Supreme Court or District Court shall quash such rate then notwithstanding the quashing of such rate all sums of money charged by such rate on any person charged by such rate may if such courts respectively so order be levied by such means and in the same manner as if no appeal had been made against such rate and the money which any person charged on such rate pays or which is recovered from him shall be taken as a payment on account of the next effective rate made on him.

Quashing of rate by Supreme or District Court.

226. It shall be lawful for the Resident Magistrate's Court or Court of Petty Sessions District Court and Supreme Court respectively upon any such appeal as aforesaid to order and award to the party for whom such appeal shall be determined or upon proof there to be made of notice of any appeal having been given under the provisions hereinbefore contained where the person giving such notice has not afterwards prosecuted such appeal to order and award to the person to whom such notice shall appear to have been given such costs and charges as by the said courts respectively in their discretion shall be thought reasonable and just to be paid respectively by the party against whom such appeal shall be determined or by the party so giving notice and not prosecuting as the case may be and all such costs and charges may be recovered by the like means and in like manner respectively as any costs awarded by such courts in either cases may lawfully be recovered.

Costs of appeal.

227. No order of the Resident Magistrate's Court or Court of Petty Sessions or District Court upon any such appeal shall be removed by *certiorari* or otherwise into the Supreme Court.

No order to be removed by *certiorari*.

(4.) Recovery of Rates.

228. If any person rated under the provisions of this Act fail to pay any of the said rates due from him for the space of fourteen days after demand thereof in writing by the council of the borough or their collector duly authorized in that behalf the council may recover such rates from the person so making default before any justice or by an action of debt in any court having jurisdiction and upon any complaint or suit for the recovery of any rate from any person the invalidity or badness of the rate as a whole shall not avail to prevent such recovery.

Recovery of rates before justice or by action.

229. In any proceeding to levy and recover or consequent on the levying or recovering of any rate under the provisions of this Act the books of rates of the council and all entries made therein in manner by this Act directed sealed with the seal of the council by the production thereof alone shall be evidence of such rate and of the contents thereof without any evidence that the notices required by or other requirements of this Act have been given or complied with.

Rate books to be evidence.

230. If any person quit or be about to quit any rateable property before he have paid the rates then payable by him in respect thereof and do not pay the same to the council of the borough or their collector on demand any justice may order the same to be paid by such person.

Remedy against person quitting before payment of rates.

231. When the occupier or owner who is rated to any rate ceases to be the occupier or owner of the property in respect whereof he is rated before the end of such period such occupier or owner shall be liable to pay a portion only of the rate payable for the whole of the period for which such rate was made proportionate to the time during which he continued to be the occupier or owner and in every such case the person who after the making of such rate shall be the occupier or owner of any property so rated as aforesaid during part of the period for which such rate was made and liable to be rated in respect thereof shall pay a portion of such rate proportionate to the time during which he occupied or held the property so rated and the

Rates to be apportioned on the holder &c. quitting

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same shall be recovered from him in the same manner as if he had been originally rated for such property.

Owner to pay rates
in default of occupier

232. When the occupier of any rateable property is rated in respect thereof and the rate remains unpaid for three months the council of the borough or their collector may demand the amount of such rate or any part thereof from the owner of the rateable property and on non-payment thereof may recover the same from such owner before any justice and subject to any agreement previously made between the said owner and occupier the said owner may recover the sums so paid if not paid on demand from such occupier as arrears of rent could be recovered from the said occupier by the said owner.

Rates due from owner
may be recovered
from any occupier.

233. When the owner of any rateable property is rated in respect thereof and the rate remains unpaid for three months the council of the borough or their collector as aforesaid may demand the amount of such rate or any part thereof from the occupier for the time being of such rateable property and on non-payment thereof may recover the same before any justice in like manner as rates may be recovered from any occupier liable to be rated and every such occupier shall be entitled to deduct from the rent payable by him to such owner so much as was so paid by or recovered from him.

But occupier not to
be required to pay
more than the
amount of rent due
from him.

234. Provided always that no such occupier shall be required to pay any further sum than the amount of rent due from him at the time of the demand made upon him for such amount of rate or which after such demand and after notice not to pay the same to his landlord at any time accrues and becomes payable by him unless he refuse on application being made to him for that purpose by or on behalf of the council of the borough truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable but the burden of proof that the sum demanded of such occupier is greater than the rent due by him at the time of such notice or which has since accrued shall be upon such occupier.

"The Sale of Land
for non-payment of
Rates Act 1862" to
be applicable.

235. The provisions contained in the sections numbered from three to seven inclusive of "The Sale of Land for Non-payment of Rates Act 1862" and the Schedule thereto shall apply to any rate imposed under this Act whether such rate shall have been made on the occupier or owner of the rateable property. The word "collector" where used in the said section shall in the application thereof hereunder be deemed to mean the town clerk.

(5.) Miscellaneous.

On union of boroughs
united borough as to
any right &c. existing
at time of union with
respect to any rate
shall be deemed to be
such separate borough
as was concerned in
such rate.

Occupier refusing to
give name of owner
liable to penalty.

236. Upon the union of any boroughs or of any borough and road district the united borough shall as to any right liability proceeding matter or thing existing begun depending done or had before or at the time of such union with respect to any rate be deemed to be and to have been such one of the separate boroughs or district so united as shall theretofore have been concerned in or about such rate but this section shall not apply to any special rate.

Occupier refusing to
give name of owner
liable to penalty.

237. If on the request of the council of the borough or any collector of rates duly authorised by them as such the occupier of any property refuses or wilfully omits to disclose or wilfully misstates to the council or collector making such request the name of the owner of such property or of the person receiving or authorized to receive the rents of the same such occupier shall be liable to a penalty not exceeding five pounds.

Separate account to
be kept of separate
rate.

238. The council shall in every case in which they shall make or levy any such separate rate as hereinbefore mentioned cause a separate and distinct account to be kept of all moneys collected and received and of all payments and disbursements in respect of such rate and shall apply the said moneys

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for the several purposes in respect of which they shall have been hereby authorized to make and levy such rate and not otherwise.

PART XVI.

LOANS AND SPECIAL RATES.

239. The council of any borough may subject to the provisions hereinafter contained borrow and take up at interest on the credit of any special rate made under this Act any sums of money necessary for defraying any costs charges or expenses to be incurred as hereinafter mentioned and for the purpose of securing the repayment of any sums so borrowed together with such interest as aforesaid the said council may issue debentures secured upon the said rate to the persons by or on behalf of whom such sums are advanced but the exercise of the above power shall be subject to the following regulations—

- (1.) Such money shall not be borrowed except for permanent works or undertakings.
- (2.) All the moneys so charged upon the security of special rates shall not at any one time exceed in the whole five times the amount of the ordinary rates levied in the year next preceding the year in which the moneys are proposed to be borrowed.
- (3.) The debentures shall be for sums of fifty pounds each.
- (4.) The principal money and interest secured by the debentures shall be payable in New Zealand and the principal moneys of any such debentures shall be payable at such times as is mentioned therein not being later than fifteen years from the issue thereof and such debentures may be made payable in such manner and at such times that a proportion thereof to be fixed by the Council shall be redeemable at intervals after the first advance of money.

240. No proposition for borrowing money on the security of any special rate shall be considered by the council unless a notice thereof stating the amount of such proposed loan the rate of interest to be paid in respect of such loan the purposes to which it is intended to be applied the manner times and places at which the principal and interest due upon the several debentures shall be payable and the amount of the special rate which it is proposed should be made for securing the loan shall have been published in the *Government Gazette* of the province in which such borough is situate and also twice in some newspaper generally circulating in the borough at least fourteen days before such proposition shall be considered.

241. No resolution for borrowing money on the security of any special rate shall be adopted by the council save by special order as herein provided or unless an ordinary annual election of councillors shall have taken place not less than twenty-one clear days after the meeting of the council at which such resolution shall be first agreed to and before the subsequent meeting at which such order shall be confirmed as herein required or unless at the last mentioned meeting the resolution for confirmation shall have been carried by a majority of the whole council.

242. For securing the payment of the principal and interest of any loan to be contracted as herein mentioned the council may make a special rate upon all rateable property situate within the borough and every such special rate may be as near as practicable in the form contained in the seventeenth Schedule hereto.

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Special rate to be recurring.

243. Every such special rate shall be payable by the ratepayers after the issue of the debentures at such intervals not exceeding half a year as the council shall in and by the special order for making such rate appoint and every such special rate shall without any further proceeding by the council or otherwise be and continue to be an annual recurring rate upon every rateable tenement at any time situated within the area composing the borough at the time of the making of such special rate according to the annual value of each such tenement as appearing by the valuation last made affecting such tenement until all moneys due in respect of the contract of loan or of any further loan or loans contracted for the satisfaction of the same shall have been satisfied.

General provisions as to rates to apply.

244. Save where it is herein otherwise expressly provided or there is something in the context repugnant thereto all the provisions hereinbefore contained relating to rates shall apply to every such special rate as aforesaid and every such special rate shall be deemed for the purposes of the said provisions to have been made in each year upon each such rateable tenement as aforesaid at and upon the expiration of each successive period of twelve months from the date of the special order by which such rate shall have been first made.

Annual valuation compulsory.

After special rate made appointments of valuers may be disallowed by Superintendent.

245. In every borough in which or if formed by union in any part of which a special rate shall have been made and be in force the council thereof shall and they are hereby required once at least in every successive period of twelve months after the date of the special order for making such rate to cause to be made for the borough such valuation as is authorized by the provisions hereinbefore contained and all appointments of valuers by the council of every such borough shall be subject within thirty days after the making of the same to be disallowed by the Superintendent and shall not take effect till the expiration of such period and if disallowed within such period shall be wholly void.

Annual amendment of special rate so as to conform to last general valuation.

246. At and upon the expiration of each such successive period of twelve months every such special rate shall be amended by the council of the borough or if not and so far as not then amended shall be and take effect as if amended so as to conform as regards every separate rateable tenement for the time being within the borough and affected by such rate to the valuation affecting such property which shall have been made by the council.

Special order for rate.

247. No special rate shall be made save by special order or until after the special order for raising money by loan on the security of such rate shall have been duly made and after the year of the making of such special rate the same shall not be quashed by any court or otherwise.

Limit to total of general and special rates.

248. The special and general rates taken together for any borough shall not at any one time exceed two shillings in the pound of the assessment of the rateable property subject to the special rate and no special rate shall at any time be made so that together with any special rates theretofore made and for the time in force it shall exceed one shilling in the pound of such assessment for the time being.

When complaint for recovery of special rate must be made.

249. In all cases of complaint for the recovery of a special rate such complaint may and shall be made within eighteen calendar months from the time when the matter of such complaint arose.

Issue of debentures.

250. After such special order for borrowing and such special rate as aforesaid shall have been duly made as aforesaid the council may cause to be made out and issued debentures of the several amounts aforesaid and charged upon such special rate and no debentures shall be issued as a charge upon any special rate exceeding the amount named in the special order aforesaid contracting the loan.

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251. All debentures issued by the council of any borough as a charge upon any special rate under this Act shall be in the form in the eighteenth Schedule to this Act and be numbered consecutively beginning with number one and so proceeding in arithmetical progression ascending wherein the common difference shall be one and shall be signed on behalf of the council by the chairman treasurer and two councillors and shall pass by delivery only and all rights and remedies in respect of such debentures shall be vested in and belong to the several holders thereof for the time being as though they were expressly named therein.

Form &c. of debentures.

252. The council may at such time and place as they shall by special order have appointed in that behalf offer or cause to be offered for sale such debentures.

How to be offered for sale.

253. For the purpose of providing a fund for paying the principal money from time to time becoming due in respect of the debentures charged upon any special rate the council of the borough shall in each year set apart so much of the moneys received in such year on account of such special rate as shall not be required for the payment of the interest upon such debentures theretofore accrued due or to accrue due before the next time when such special rate shall become payable and shall invest the moneys so set apart in the purchase of General Government debentures or in such other securities as shall be previously approved of by the Governor and the interest of the moneys so invested when and as the same becomes due shall from time to time be received and invested in like manner in order that the moneys so set aside and invested may accumulate at compound interest.

Reserve fund to be formed and invested in Government securities.

254. As often as any moneys shall become due and payable as principal money secured by any debentures as aforesaid the council shall cause so much of the said Government securities in which the said accumulated fund is invested as may be required for the purpose to be sold or otherwise converted into money and shall apply the moneys arising from such sale or conversion and any other moneys proceeding from such special rate and in the hands of the council over and above any interest due as aforesaid to the payment of the debentures upon which such principal money shall have so become due and payable.

Government securities may be sold to pay off debentures.

255. If at any time after paying or setting apart out of the produce of the special rate all moneys due for interest upon the debentures charged upon such rate and at the time of paying out of the fund to be accumulated as herein provided or otherwise out of the produce of the special rates all principal moneys which shall be due and payable on any such debentures there shall be a surplus of the moneys theretofore accumulated as aforesaid it shall be lawful for the council if it shall seem fit to apply such surplus in repurchasing any of the debentures charged upon the special rate which shall then be outstanding and all moneys produced by or accumulated from any special rate which shall remain after the full payment and satisfaction of all principal moneys and interest secured thereby and of all other lawful expenses touching the same shall be paid to the borough fund.

Surplus how to be disposed of.

256. The council shall cause a separate account to be kept for each loan upon the security of a special rate of all moneys received as and for such rate and of all moneys accumulated by way of compound interest as aforesaid and of the application thereof respectively distinguishing the several sums paid or applied in payment of interest or principal or set apart as a sinking fund or otherwise applied under the provisions of this Act.

Special account for each loan and special rate.

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Receiver may be appointed.

257. If at the expiration of one week from the time when any principal money or interest has become due upon any two or more debentures secured upon a special rate made under this Act and after demand in writing by the holder or if there be more holders than one by the holders thereof severally the same be not paid the holder of such debenture may or if there be more than one holder the holders thereof jointly may without prejudice to any other mode of recovery apply for the appointment of a receiver to the Supreme Court and the said court or any judge thereof is hereby empowered after hearing the parties to appoint some person to collect and receive such special rate and to order that all moneys the produce of such special rate and in the hands of any officer of the council or other person and all moneys or securities for money constituting for the time being the accumulated fund aforesaid shall be forthwith transferred to and vested in such receiver solely and every such order after such receiver shall have given due security for the execution of his office shall take effect accordingly until the whole of the principal or interest or both as the case may be due for the time being together with the costs of the application and the costs of collection and all costs of and occasioned by such order are fully paid.

Amendment of rate at instance of receiver.

258. The council shall from time to time if required by notice under his hand by any receiver appointed hereunder and on sufficient evidence in that behalf amend according to the powers of amendment hereby conferred on them any special rate in respect of all particulars described by such receiver in such notice and shall not otherwise save at the fixed annual periods and in the manner in the previous sections mentioned amend any special rate and all the provisions hereof with regard to amendments by the council shall thereupon in such case apply accordingly.

Rates to be paid to receiver.

259. Upon such appointment being made such rate shall be paid to the receiver so appointed and while he shall continue such receiver he shall have the same powers of levying and recovering such rate as are hereby conferred on the council and the several provisions hereof relating to the receiving or recovering of rates and appeal against rates shall in such case be read as though the receiver were mentioned therein instead of the council and take effect accordingly and the said receiver shall disburse the moneys coming into his hands in like manner as is herein required of the council.

Receiver to have power to levy and recover rates and to disburse moneys.

Where rights of holders of debentures are prejudiced by default &c. of council council may be wholly superseded in respect of special rate.

260. Upon affidavit by the receiver of any special rate that by reason of any act of misfeasance or default contrary to the provisions or true intent of this Act of the council of the borough or of any officer of or valuers appointed by such council the rights hereunder of the holders of debentures of such special rate have been or are being defeated abridged or prejudiced it shall be lawful for the Supreme Court or any judge thereof to grant a rule or order calling upon such council or as the case may be upon such council officer and valuers to show cause to the court why such council should not in respect of such special rate and of all acts matters and things precedent to or attendant or consequent on the administration of such rate hereunder be superseded by such receiver.

Rule absolute and costs.

261. If upon the return of such rule or order it shall appear to the court that by reason of any such act misfeasance or default the rights of such holders have been or are being defeated abridged or prejudiced the court may make absolute such rule or order and if the matter shall not so appear may discharge such rule or order and in either and every such case with or without the payment of costs to or by any of the parties as to the court shall seem meet.

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262. When any such rule or order shall have been made absolute in addition to the ordinary powers of the receiver of such special rate such receiver having given such further security for the due execution of the provisions hereof as the Supreme Court shall direct shall and may in the place and stead of the council and for such time as shall be named in such rule or order do and suffer as well with regard to the making of valuations as with regard to all other matters and things whatsoever touching or concerning such special rate and the debentures charged thereon all such acts matters and things as the council or any officer of the council may or are required to do and suffer under the provisions hereof and all the said provisions shall apply accordingly but no valuation made by any such receiver shall be deemed to be made or avail for any purpose save that of such special rate only.

On rule absolute receiver to be substituted for council.

263. Every such receiver shall and may disburse out of the moneys received by him as and for such special rate all such moneys as shall have been lawfully expended in and about the obtaining of such rule or order and in and about the several proceedings consequent thereon.

Receiver may pay expenses.

264. No claim of any holder of debentures secured on any special rate or of any creditor of any council shall attach to or upon or be in anywise paid or satisfied out of or by the ordinary or other general revenue of New Zealand or by the General Government thereof or by any Provincial Government.

General government and ordinary revenue not liable.

265. In every case in which by the Acts or Ordinances or any of them hereby repealed any loan shall have been charged whether for the repayment of the principal or interest or both on any land of the council of any borough the same so far as unpaid shall remain a charge on the said lands after the constitution of such borough under this Act and where it has been so charged on any funds income revenues or rates of such council shall after the commencement hereof be a charge upon the borough fund and in every such case with the like priority as before the constitution of such borough under this Act.

Loans contracted by councils of municipal districts.

PART XVII.

STREETS BRIDGES AND THE LIKE.

(1.) *Maintenance &c. of Streets &c.*

266. The management of all public streets within any borough and all public bridges and ferries within the borough and being part of or in continuation of such streets and the management of all such streets bridges or ferries as shall have been or shall be placed under the control of the council as herein provided and the pavements and other materials as well as in the footways as carriageways of such streets and bridges and of such ferries and all buildings materials implements and other things provided for the purposes thereof respectively by the council of the borough shall belong to the council.

Management of streets bridges and ferries vested in council.

267. The council of every borough may from time to time subject to the provisions herein contained open or make new streets and divert alter or increase the width of any street under their care or management within the borough.

Council may make and widen streets.

268. The council by order may direct that any land taken purchased or acquired by them under the provisions hereof for any purpose mentioned in the last section shall be a public street from such time as shall be named in such order and every such order shall be pub-

And may order that new street be public highway.

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authority of the council alter obstruct or in any manner interfere with any ditches gutters drains watercourses tunnels or bridges after they shall have been made by or taken under the charge of the council such owner occupier or other person shall be liable to reimburse all charges and expenses which may be occasioned by reinstating and making good the work so altered obstructed or interfered with to be recovered in default of payment before two justices and shall also on conviction forfeit and pay for every such offence a penalty not exceeding twenty pounds.

Wilful displacement
&c. of materials of
street.

280. Every person who wilfully displaces takes up or makes any alteration in the soil pavement flags or other materials of any street under the management of the council of any borough without their consent in writing or without other lawful authority shall be liable to a penalty not exceeding five pounds and also a further sum not exceeding five shillings for every square foot of pavement flags or other materials of the street exceeding one square foot so displaced taken up or altered.

Encroachment upon
streets.

281. Every person who encroaches on any public street within any borough by making or causing to be made any building hedge ditch or other fence or any drain shall on conviction forfeit for every such offence any sum not exceeding five pounds and the council may cause such building hedge ditch fence or drain to be taken down or filled up or otherwise made good at the expense of the person by or to whom the same shall have been made or belong and such expenses may in default of payment be recovered by the council before any two justices.

Temporary road dur-
ing repairs &c.

282. It shall be lawful for the council to make a road through the grounds adjoining to any ruinous part of any public street (such ground not being the site or ground whereon any house stands and not being a garden lawn yard court park plantation planted walk or avenue to any house or enclosed ground set apart for building ground or as a nursery for trees the owner of which last-mentioned lands respectively shall not consent in that behalf) to be made use of as a public highway whilst the old street is being repaired making compensation to the proprietor and occupier of such grounds for the damages which they may thereby sustain to be recovered in default of payment before any two justices.

Right to procure ma-
terials for streets.

283. It shall be lawful for the council of every borough by their surveyor or any other person authorized by them to enter and search for dig raise gather take and carry away on and from any land within the borough not being such land as is excepted by the last section whereof the owner or occupier does not consent as therein mentioned and in and from any river or creek any materials necessary for making or repairing any street road or bridge but nevertheless so as not to damage any building street road or ford or to divert or interrupt the course of any river or creek and so as not to search for dig raise gather or take any such materials within fifty yards of any bridge dam jetty or other structure and the council shall make reasonable compensation to the owners and occupiers of such land or of the soil of or adjoining such river or creek for the damage which they may sustain by or through the exercise of any of the powers conferred by this section.

Notice of laying out
new streets.

284. Every person who intends to make or lay out any new street in any borough shall give not less than ten days notice of such his intention to the council of the borough in order that the level of such street may be fixed by the council.

Level how fixed.

285. The level of every new street shall be fixed under the direction

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of the surveyor of the council subject to such right of appeal as hereinafter mentioned and the level so fixed if not altered on appeal shall be kept thereafter by every person raising any house or other building in such street.

286. If the council do not fix such level within two months from the time of the delivery of such notice as aforesaid unless the fixing of such level be delayed by the appeal hereinafter provided the person giving such notice may proceed to lay out the street at any level which will allow of compliance with the other provisions of this Act as if such level had been fixed by the council and in such case every change of the level which the council afterwards deem requisite and the works consequent thereon shall be made by the council and the expense thereof and any damage which any person sustains in consequence of such alteration shall be defrayed by them.

Proceeding on default of council in fixing level.

287. Every person who makes or lays out any such new street as aforesaid without causing such notice to be given to the council as aforesaid shall be liable to defray all the expenses consequent upon any change of the level of the said street deemed requisite by the council and every person who in building any house or other building in such street does not keep the level fixed by the council shall be liable to defray all the expenses consequent upon any change of the level of that part of the street on which such house or building abuts which the council deem requisite.

Default by person laying out street in giving notice.

288. One month at the least before fixing the level of any private street or any street which has not theretofore been levelled or paved the council shall give notice by advertisement to be twice inserted in some newspaper circulating in the borough of their intention to fix the level thereof which notice shall set forth the name and situation of the street the level whereof is to be fixed and shall refer to plans of such intended work and shall specify a place where such plans may be seen and a time when and place where all persons interested in such intended work may be heard thereupon.

Notice by council of intention to fix level.

289. The council shall meet at the time and place mentioned in such notice and consider any objections made against such intended work and all persons interested therein or likely to be aggrieved thereby shall be entitled to be heard before the council at such meeting and thereupon the council in their discretion may abandon or make such alterations in the said intended work as they judge fit.

Hearing and determining objections.

290. Any person aggrieved by any order of the council as aforesaid relating to the level of any street may at any time within fourteen days next after the making of any such order give notice to the council that he intends to appeal against such order to the District Court at the next sitting of such court to be holden for the district in which any part of the street to which such order relates is situated and if no part of such street is within any district over which any District Court has jurisdiction such appeal shall be to any judge of the Supreme Court to whom the judicial district shall have been assigned within which any part of such street is situate and if within eight days after giving such notice the party enter into a recognizance before some justice with two sufficient sureties conditioned to try the appeal and abide the order of the District Court or judge of the Supreme Court as the case may be and to pay such costs as shall be awarded by such court or judge thereon the order so appealed against shall not take effect until after the judgment on such appeal and such court or judge shall hear and determine the matter of the appeal and shall make such order thereon either confirming quashing or varying the order of the council as shall seem fit.

Appeal against order determining level.

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Prescribed width of street.

291. No street being a carriage way unless forty feet in width (such width to be ascertained by measuring at right angles to the course of such street) from front to front of the buildings or proposed sites for buildings on either side thereof shall after the constitution of any borough hereunder be formed within such borough.

Alleys and court.
No alley or court to be less in width than twenty feet.

292. No alley or court of less than twenty feet in width (such width to be determined as prescribed by the last preceding section) shall after the constitution of any borough hereunder be formed within such borough and for the purpose of this Act a court or alley shall mean any street not being a carriage way whether a thoroughfare or not.

Entrances to.

293. Every alley to be hereafter formed shall have two entrances each of the full width of the alley and one open from the ground upwards.

Further regulations.

294. Such alleys courts and passages as may have at any time been formed or shall be formed within any borough shall in all cases where the council shall deem it necessary be secured against the ingress of horses cattle and otherwise at the entrances thereof and to the satisfaction of the Council and by and at the expense of such persons and in such manner as the council may by any public notice or by any bye-law for the further regulation of the entrances of courts and alleys within the borough direct.

Penalty on forming street or alley contrary to provisions.

295. Every person who shall form or lay out in any borough or permit or suffer to be formed or laid out any new street court or alley contrary to the provisions of this Act unless the same shall have been formally sanctioned by the council which sanction they are hereby empowered to give shall forfeit and pay a sum not exceeding fifty pounds and a further sum of not exceeding five pounds per day for every day after the first during which he shall suffer or permit such new street court or alley to remain so formed or laid out.

Alteration on notice from council of water or gas pipes.

296. For the purposes of this Act if the council deem it necessary to raise sink or otherwise alter the situation of any water pipe or gas pipe or other waterworks or gasworks laid in any of the streets they may from time to time by notice in writing require the person to whom any such pipes or works belong to cause forthwith as soon as conveniently may be any such pipes or works to be raised sunk or otherwise altered in position in such manner as the council direct provided that such alteration be not such as permanently to injure such works or to prevent the water or gas from flowing as freely and conveniently as before and the expenses attending such raising sinking or altering and full compensation for every damage done thereby shall be paid by the council as well to the person to whom such pipes belong as to all other persons.

Council may act on default.

297. If the person to whom any such pipes or works belong do not proceed forthwith or as soon as conveniently may be after the receipt of such notice to cause the same to be raised sunk or altered in such manner as the council require the council may themselves cause such pipes or works to be raised sunk or altered as they think fit provided that such works be not permanently injured thereby or the water or gas prevented from flowing as freely and conveniently as before.

Streets made good by owners &c. to be public highways.

298. If any private street in any borough be at the time of the first constitution of such borough hereunder or shall be thereafter paved flagged macadamised or otherwise made good to the satisfaction of the council then on the application of the occupiers of so many of the houses and lands abutting upon such street as shall in rateable value be the greater part of all the houses and lands so abutting the council shall by writing under the common seal of the body corporate declare the same to be a public street and thereupon the said street shall

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become a public street and shall thereafter be under the management of the council and such declaration shall be entered among the proceedings of the council and notice of such declaration shall be posted up in some conspicuous place in or near such street.

299. If any private street or if any part of such street shall not have been drained paved flagged macadamised or otherwise made good to the satisfaction of the council they may by notice in writing require the owners of the buildings or lands abutting on such street or such part as the case may be to drain pave flag macadamise or otherwise make good to the satisfaction of the council so much of such street or part to the centre thereof as fronts such last-mentioned buildings and lands within a reasonable time to be fixed by the council and the said owners shall within such time as aforesaid at their own costs obey such requirement and if such street or such part thereof as aforesaid be not so made good within the time fixed the council may cause so much as shall not be so made good to be made good and the expenses which shall be incurred by the council shall be repaid to them by the owners by whom such work ought to have been done respectively.

Owners of tenements abutting to make good certain streets.

(2.) Street Tolls.

300. The council of every borough may from time to time erect and maintain and may continue and maintain if lawfully existing at the time of the first constitution of such borough hereunder upon or near the roads and streets within the borough and at or near any bridge or ferry within the borough or placed under the control of the council all such toll-bars toll-gates toll-houses and ferry-houses chains rails and fences as shall appear to them necessary for the purpose of enforcing the payment of tolls on such roads under this Act and the same may remove or alter.

Toll gates &c. may be established.

301. It shall be lawful for the council of every borough by special order confirmed by the Superintendent from time to time to direct that tolls shall be payable and collected at any toll-bar toll-gate or toll-house within the borough or any bridge or ferry within the borough or placed under the control of the council for all animals and vehicles passing or repassing through by on or over the same respectively and by the same or any other special order confirmed in like manner to appoint the several tolls so payable and in like manner from time to time to alter or abolish the same or any tolls in force at the commencement hereof but so that such tolls shall in no case exceed the several amounts or vary from the several rates and proportions of toll to be from time to time limited and prescribed by the Superintendent and every such special order when confirmed shall be forthwith published in the *Government Gazette* of the province in which such borough is situate and shall at the expiration of one month from the day of such publication take effect and be of the same force and validity as if the several matters thereby directed had been directed by this Act. Provided that it shall be lawful for the Superintendent if satisfied that any road bridge or ferry at which such tolls are payable is in a ruinous state or incapable of being used or worked to direct that such tolls shall cease to be payable until the same has been effectually repaired or put in working order and such tolls shall cease to be payable accordingly.

Tolls may be ordered to be payable.

Where roads &c. ruinous payment of tolls may be suspended.

302. All rates of toll in force in any borough at the time of the first constitution thereof hereunder shall be deemed to have been appointed under this Act.

Existing tolls.

303. All tolls payable under this Act shall be paid to the respective

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collectors thereof to be appointed by the council in such several amounts for the respective animals or vehicles as shall be specified in and by any such special order confirmed and published as aforesaid and if any person liable to the payment of such toll other than those exempted from toll as hereinafter provided shall after demand thereof neglect or refuse to pay any such toll the collector thereof may seize and distrain any horse beast cattle carriage or other vehicle in respect of which any such toll is payable or the goods and chattels of such person so neglecting or refusing to pay and if such toll with reasonable charges for such seizure and distress shall not be paid within five days the animals goods or chattels seized may be sold after due notice by advertisement has been given and the proceeds applied in payment of such tolls and the charges occasioned by such seizure distress and sale and the surplus (if any) of such proceeds shall be paid on demand to the owner thereof.

Exemption from toll

304. No toll shall be demanded or taken by virtue of this Act for any horses or carriages conveying or attending or going to convey or attend or returning from having conveyed or attended the Governor or the Superintendent of the province in which the road is situate or of or from any of Her Majesty's officers or soldiers being in proper staff or regimental or military uniform dress or undress for any horse ridden or any horse or carriage then employed by such officer or soldier upon or for Her Majesty's service or returning from such employment or of or from any member of any corps of volunteers going to or returning from exercise as such for any horse ridden by such member or for any gun-carriage waggon or other vehicle belonging to any such corps or then being employed exclusively for the purposes of the same or returning from such employment and not otherwise employed or of or from any member of the police force being on actual duty or prisoners under the charge of such member of the police force or for any horse or carriage exclusively employed in carrying such member of the police force or prisoner or their baggage respectively or returning from such employment and not otherwise employed or of or from any minister of religion or of or from any person going to or returning from attending at a funeral or going to or returning from any place of worship on Sunday Good Friday or Christmas Day or any proclaimed fast day for any horse or private vehicle ridden or driven by such minister or person neither shall any toll be demanded or taken for any animal or vehicle solely employed in carting manure. Provided always that every such member as aforesaid of any volunteer corps or of the police force shall have his dress and accoutrements according to the regulations of such corps or force for the time being.

False claim of exemption.

305. If any person shall claim or take the benefit of any exemption from toll hereinbefore mentioned not being entitled to the same he shall on conviction forfeit and pay for every such offence a penalty not exceeding five pounds and the proof of such exemption shall be upon the person claiming the same.

Punts &c. not to ply within fixed distance of ferry.

306. It shall not be lawful for any person to ply with for hire any boat punt or other vessel for the carrying across any river or creek at a place where any ferry shall or may be established under this Act or within half a mile of any such place any passengers beasts or vehicles or to employ or hire any such boat or punt or other vessel with which any person shall so regularly ply for hire within such half mile as aforesaid under the penalty in every such case not exceeding five pounds. Provided that this section shall not apply to persons plying for hire with any boat packet or vessel for carrying cattle or stock or

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any person hiring or employing the same if the ferry so established under this Act shall be unsuitable for such carrying.

307. If any person shall with any horse cattle beast or carriage go off or pass from any street or road through or over any land or ground near or adjoining thereto (not being a public highway and such person not being the owner occupier or servant or one of the family of the owner or occupier of any such ground) with intent to evade the payment of any tolls payable under this Act or if any owner or occupier of any such land or ground shall knowingly or willingly permit or suffer any person (except as aforesaid) with any horse cattle beast or carriage whatsoever to go or pass through or over such land or ground with intent to evade any such tolls or if any person shall give or receive from any person other than the collectors of the tolls any note or ticket hereby directed to be given with intent to evade the payment of the tolls or any part thereof or if any person shall fraudulently or forcibly pass through by or over any toll-house toll-gate toll-bar or ferry with any horse cattle beast or carriage or shall leave upon such street or road any horse cattle beast or carriage whatsoever by reason whereof the payment of any tolls shall be avoided or lessened or shall take off or cause to be taken off any horse or other beast or cattle from any carriage either before or after having passed through by or over any toll-house toll-gate toll-bar or ferry or having passed through by or over the same respectively shall afterwards add or put any horse or other beast to any such carriage and draw therewith upon any part of such street or road so as to increase the number of horses or other beasts drawing the said carriage after the same shall have so passed whereby the payment of all or any part of the tolls shall or may be evaded or if any person shall do any other act whatever in order or with intent to evade the payment of all or any of the tolls and whereby the same shall be evaded every such person shall for every such offence forfeit and pay any sum not exceeding five pounds and if any person shall forge or counterfeit any such note or ticket as aforesaid with intent to defraud he shall be guilty of a misdemeanour.

Evasion of toll.

308. The council of every borough shall and they are hereby required to cause to be put up and maintained on some conspicuous part of every toll-house toll-bar or toll-gate within the borough and of every ferry within the borough or placed under the control of the council and so that the same shall be visible to public view a table painted in distinct and legible black letters at least two inches in length and of a breadth in proportion on a board with a white ground containing at the top thereof the name of the toll-house toll-bar toll-gate or ferry at which the same shall be put up and also containing a list of the tolls payable thereat respectively distinguishing the several tolls and the different sorts of animals or vehicles for which they are to be paid and the council shall also cause to be provided tickets denoting the payment of the toll and on such several tickets shall be specified the name of the toll-house gate bar or ferry at which the same shall be delivered and one of such tickets shall if demanded be delivered gratis by the collector to every person paying any toll.

Toll-board.

Toll collector's board

309. Every toll collector shall place or cause to be placed on some conspicuous part of every toll-house toll-gate toll-bar or ferry at which he shall be stationed and so that the same shall appear to public view his christian name and surname painted in black on a board with a white ground each of the letters of such name to be at least two inches in length and of a breadth in proportion and such board shall be and remain at such toll-house toll-bar toll-gate or ferry during the whole of the time during which the person whose name shall be expressed

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Offences by toll collector.

thereon shall be on duty thereat and if any collector of the said tolls shall not place such board and keep the same there during the time he shall be such collector as aforesaid or shall demand and take a greater or less toll from any person than he shall be authorized to do by virtue of this Act or shall demand and take a toll from any person or persons who shall be exempt from the payment thereof and claim such exemption or shall refuse to permit or suffer any person or persons to read or shall in anywise hinder any person or persons from reading the inscriptions on any board put up or kept hereunder or shall refuse to tell his christian name and surname to any person or persons who shall demand the same on being paid the said tolls or any of them or shall in answer to such demand give a false name or names or shall refuse or when required omit to give the person paying the toll a ticket denoting the payment thereof and naming and specifying the toll-bar toll-gate toll-house or ferry at which the same has been delivered or upon the legal toll being paid or tendered shall unnecessarily detain or wilfully obstruct hinder or prevent any passenger from passing through by or over such toll-house bar gate or ferry or shall make use of any scurrilous or abusive language to any passenger every such collector shall on conviction forfeit and pay for every such offence a penalty not exceeding five pounds.

Letting of tolls.

310. It shall be lawful for the council of every borough from time to time to let to farm for any term not exceeding twelve months all or any of the tolls authorized by or in pursuance of this Act to be collected by the council and such letting shall be either by sealed tender to be advertised for in two newspapers generally circulating in the borough twenty-one days at least before such tenders shall be opened by the council or by public auction to be advertised in the like manner and at the like distance of time before such auction shall be held and such security shall be taken by the council as they may deem necessary for the due payment of the rent or sum stipulated to be paid for such tolls. Provided that no tolls which shall have been let hereunder shall be altered or abolished by the council during the continuance of such lease without the consent of such lessee or farmer as aforesaid.

Powers and liabilities of lessee.

311. During such time as all or any of such tolls as aforesaid shall be leased to any person it shall be lawful for the lessee or farmer thereof or such other persons as he shall by writing under his hand authorize or appoint in that behalf to demand and take such tolls so leased or farmed and to use all such means for the recovery thereof in case of non-payment or evasion as any collector of tolls appointed by the council is authorized and empowered to use and such lessee or farmer or other person as aforesaid so demanding or taking such tolls shall be subject to the like penalties and forfeitures and shall be liable to the like actions and prosecutions as any collector of such tolls appointed by the council is subject or liable to.

Application of tolls.

312. All tolls collected under this Act by the collectors appointed by the council of any borough and all rents and moneys received under or in respect of any lease of tolls by such council shall be paid to and carried to the account of the borough fund.

Toll road passing through different boroughs &c. may be proclaimed common toll road.

313. If any road shall extend through or into two or more boroughs in the same province or through or into one or more boroughs or road districts in the same province and if tolls shall be payable hereunder upon such road or at any bridge or ferry thereon to the council of any such borough or district and if such road be commonly used for direct traffic by persons passing with animals or vehicles along such road for a length thereof which shall extend not only through or into the borough or district to the council or board of which such tolls are

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payable but also through or into another or others of such boroughs or districts of all which matters the Superintendent alone shall judge and if the council of any one or more of such last-mentioned boroughs or districts shall in writing under their common seal complain to the Superintendent that they ought by reason of such traffic being common to their own borough or district with the borough or district in which such tolls shall be payable or for other like cause to have a share of such tolls it shall be lawful for the Superintendent to proclaim if it shall seem fit such road for such length thereof as shall lie as well within the borough from which such complaint shall proceed and within the borough or district in which such tolls are payable as also between the boundaries of both to be a "common toll road" as well of such boroughs or districts as of all boroughs and districts lying between the same respectively and along the line of the said road.

314. Every common toll road under this Act shall for the purposes of all the provisions hereof relating to repair and maintenance of main roads be deemed to be a main road. Common toll road to be repaired as main road.

315. In and by the last-mentioned or any other order it shall be lawful for the Superintendent from time to time to determine in what proportions the tolls payable at each and every toll-gate or toll-bar upon such common toll road or upon any bridge or ferry thereon shall be distributed among the several councils and boards through or into whose boroughs or districts such common toll road shall extend and every order made under this or the last section shall take effect accordingly upon publication thereof in the *Government Gazette* of the province in which such boroughs or districts are situate. And tolls apportioned to different councils &c.

316. It shall be lawful for all the councils or councils and boards as each case may be through or into whose boroughs or districts severally any common toll road may pass from time to time together under the common seals of the several bodies corporate or in their default for forty days after the proclamation of such common toll road or notice from the Superintendent so to do for the Superintendent to appoint a manager of the common toll road and for all the said councils or councils and boards from time to time with the consent of the Superintendent together to remove and at all times for the Superintendent to remove such manager and such manager shall at such fixed times as the Superintendent shall appoint receive from the collectors and lessees of all tolls upon such road and the bridges and ferries thereon all moneys collected by them as and for such tolls or due by them as the rents thereof and still unpaid respectively and if at any time after the proclamation of such common toll road and the publication of the order determining the proportions aforesaid there be no such manager the said collectors and lessees respectively shall pay the said several moneys to the Provincial Treasurer of the province in which such boroughs or districts are situate to be held by him until there shall be such manager empowered to deal with the same as hereinafter provided and the said treasurer shall then pay over the same to such manager. Manager of common road.

317. Every such manager shall at such times and in such manner as shall be fixed by the Superintendent in that behalf pay over to each of such councils or boards in the proportions aforesaid and separately for each place of taking toll the moneys so received by him as aforesaid and every such manager before he shall enter upon any of the duties of his office shall give sufficient security to the satisfaction of the Provincial Treasurer of such provinces as aforesaid for the due and faithful execution of the same. Manager to distribute money.

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Moneys received to
be deemed tolls col-
lected by committee.

318. All moneys so received through any such manager by any such council or board shall be deemed to be moneys received by such council or board at or in respect of the particular place of taking toll in respect of which the same shall have been received from such manager.

PART XVIII.

SEWERAGE ETC.

Sewers &c. vested in
council.

319. All public sewers and drains within any borough and all sewers and drains in and under the streets thereof with all the works and materials thereunto belonging whether made before the constitution of such borough under this Act or any time thereafter and whether made at the cost of the council or otherwise and the entire management of the same shall vest in and belong to the council of the borough.

Construction &c. of
main sewers &c.

320. The council of every borough may from time to time cause to be made under the streets thereof such main and other sewers as shall be necessary for the effectual draining of the borough and also all such reservoirs sluices engines and other works as shall be necessary for cleansing such sewers and if needful may carry such sewers through and across all underground cellars and vaults under any of the streets doing as little damage as may be and if for completing any of the aforesaid works it be found necessary to carry them into or through any enclosed or other lands whether within or without the borough the council may subject to the provisions hereof relating to permanent works and undertakings carry the same into or through such lands accordingly and they may also where practicable cause such sewers to communicate with and empty themselves into the sea or may cause the refuse from such sewers to be conveyed by a proper channel to the most convenient site for its collection and sale for agricultural and other purposes as may be deemed most expedient but so that the same shall in no case become a nuisance.

Improvement &c. of
sewers.

321. The council may from time to time as they see fit enlarge alter arch over or otherwise improve all or any of the sewers vested in them.

Unlawfully making
branch drains &c.

322. Every person not being authorized for that purpose by the council who shall without the consent of the council make any drain into any sewer or drain so vested in the council as aforesaid or who shall without such consent stop or obstruct any such last-mentioned sewer or drain shall on conviction forfeit and pay for every such offence a penalty not exceeding twenty pounds and the council may cause such branch drain to be re-made as they think fit and all the expense incurred thereby shall be repaid to the council by the person making such branch drain and may be recovered before any justice.

Laying drains &c.
from private tene-
ments.

323. If any house or building within any borough be at any time not drained by some sufficient drain or pipe communicating with some public sewer or with the sea to the satisfaction of the council and if there be such means of drainage within one hundred feet of any part of such house or building the council may construct or lay from such house or building a covered drain or pipe of such materials of such size at such level and with such fall as they think necessary for the drainage of such house or building its areas waterclosets privies and offices provided that the cost of executing such work shall

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not without the written consent of the owner exceed one year's rackrent of such house or building and the expenses incurred by the council shall be repaid to the council by the owner of such house or building.

324. If any land within a borough shall not as to the drainage of surface and storm water be drained by some sufficient drain or channel communicating with some public sewer drain or channel used for the discharge of surface and storm water the council of the borough doing as little damage as may be may construct and lay at and along the natural outfall of the water as shaped by the intervention of any houses buildings or other like structures and through any land lying between such first-mentioned lands and the nearest such public sewer drain or channel an open drain or channel paved or otherwise secured and suited for draining therefrom and from the intermediate tenements such surface and storm water as aforesaid but so that such drain or channel shall not pass through or under any house building or other like structure and that it shall at the desire and request of any owner of land through which it shall pass descend and fall into any drain or channel already upon such land and available for the like drainage of the same and lying along the natural outfall aforesaid and all expenses incurred by the council in respect of any such drain or channel or any part thereof made through the land of any separate owners shall be repaid to the council by such owners.

Council may drain land in certain cases.

PART XIX.

LIGHTING.

325. The council may contract for any period not exceeding three years at any one time with the owners of any gasworks or with any other person for the supply of such gas or oil or other means of lighting and may provide such lamps lamp posts and other works as the council think necessary for lighting the streets of the borough and all such lamp posts works and the fittings thereof shall be vested in the council.

Council may contract for lighting streets.

PART XX.

WATER SUPPLY.

326. The council shall cause all public reservoirs tanks cisterns pumps wells conduits and other waterworks used for the gratuitous supply of water to the inhabitants within the borough existing at the time of the constitution of such borough hereunder to be continued maintained and supplied with water or they shall substitute other such works equally convenient and shall cause them to be maintained and supplied with water and such public reservoirs tanks cisterns and other works shall be vested in the council and be under their management and control and the council may construct or accept and have the management and control of within the borough or if the Superintendent consent without the borough any new reservoirs tanks cisterns pumps conduits and other waterworks and may supply with water any public baths or wash-houses and may also subject to conditions to be approved by the Superintendent accept the management

Council to provide for supply of water.

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Upon approval of
Superintendent.

and control or become the lessees of any Crown lands and any reservoirs or other waterworks for use upon payment or otherwise by the public and whether within or without the borough as may by grant lease or otherwise be made over or demised to such council and may maintain and repair the same and make bye-laws for the resort thereto and the use thereof Provided that the council shall not construct any such new works without the approval of the Superintendent and he shall withhold his approval if upon inquiry he shall be satisfied that an equally good and abundant supply of water for such public purposes can be procured as cheaply by any other means as by the construction of such new works.

Council may contract
for water supply.

327. The council may contract for any period not exceeding three years at one time with the owners of any waterworks or any other person for such supply of water as the council shall think necessary for the purposes of this Act.

Works for supply of
water in case of fire.

328. The council may cause all necessary works machinery and assistance for securing an efficient supply of water in cases of fire to be provided and maintained and for this purpose they may enter into any agreement with any water company or other party and they shall paint or mark on the buildings and walls within the streets words or marks near any fire plugs so provided to denote the situation thereof and do such other things for the purposes aforesaid as they may from time to time deem expedient.

Remuneration &c. of
persons for extin-
guishing fire.

329. It shall be lawful for the council to agree with any persons or associations for or with respect to providing the necessary labour and assistance in case of such premises or property as may be on fire at any time within the borough for extinguishing such fire and for the payment to such persons or associations out of the borough fund of reasonable remuneration for the same and also to contribute from the said fund such sum as may be reasonable in general aid of any persons who shall be associated together for the purposes aforesaid.

Interpretation.

330. The word "fireman" in the following provisions of this Act shall extend to any person engaged in preventing the spread of fire.

Mayor may appoint
Fire Inspectors.

331. The mayor of any borough may from time to time by an instrument in writing under his hand published in the *Government Gazette* of the province in which such borough is appoint one or more persons in such borough as he shall from time to time think fit to be called a Fire Inspector or Fire Inspectors for such borough and in like manner revoke any such appointment.

Fire Inspector may
take command.

332. On the occasion of any fire affecting or threatening to affect any building within such borough the Fire Inspector or any one of the Fire Inspectors appointed for such borough in which such building is situate who may be present may in his discretion take the command of any Volunteer Fire Brigade or other person who place their service at his disposal and may remove or order any fireman to remove any persons who interfere by their presence with the operations of the Fire Brigade or other person engaged in preventing the spread of fire and generally he may take any measures that appear expedient for the protection of life and property with power by himself or by any fireman to break into or through or take possession of or pull down any premises for the purpose of putting an end to a fire doing as little damage as possible he may also on any such occasion interfere with the water supply of any district in order to give a greater supply and pressure of water in the district in which the fire has occurred and no water company shall be liable to any penalty or claim by reason of any interruption of the supply of water occasioned only by compliance with the provisions of this Act.

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333. All police constables shall be authorized to aid the Fire Inspector in the execution of his duty. They may close any street in or near which any fire is burning and they may of their own motion or on the request of the Fire Inspector remove any persons who interfere by their presence with the operations of the firemen.

Police constables to assist Inspectors.

334. All damage occasioned by any Fire Inspector or any Fire Brigade or members thereof or any other persons acting under the orders of any Fire Inspector in the due execution of their duties under this Act shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

Resulting damage to be deemed damage by fire.

PART XXI.

MARKETS.

335. The council of every borough shall have the power to do the following things or any of them within the borough—

Power of council to provide markets.

To provide a market-place and construct a market-house and other conveniences for the purpose of holding markets.

To provide houses and places for weighing carts.

To make convenient approaches to such market.

To provide all such matters and things as may be necessary for the convenient use of such market.

336. It shall be lawful for the council to demand receive and have of and from every person exposing or offering for sale or selling any corn grain hay straw meat poultry eggs milk butter vegetables or other provisions or any cattle in any market provided hereunder or who shall rent or use any stall or standing place in such market and also from every person who shall use any building place or machine for the weighing of carts such sums of money as and for stallages rents and tolls as shall be appointed by special order of the council in such behalf respectively but not exceeding such amounts as shall be authorized by the Superintendent by general regulations to be made for the purpose.

Market &c. tolls.

337. It shall be lawful for the council to demise or let to farm for any term not exceeding twelve months all or any of the stallages rents and tolls from time to time payable under this Act in respect of any market provided hereunder and also to demise or let for any term not exceeding twelve months any stall or standing in such market.

Letting of tolls.

338. The following words and expressions in this Part shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say)—

Interpretations in this Part.

The expression "the market" shall mean the market and the works connected therewith by this Act authorized to be provided constructed or regulated.

"The market."

The word "cart" shall include waggon and also any carriage used wholly or chiefly for the conveyance of goods.

"Cart."

The word "driver" shall include the carter or other person having the care of any cart.

"Driver."

The expression "the collector" shall mean the person appointed by the council to collect the stallages rents or tolls authorized by this Act and shall include the assistants of the collector.

"Collector."

339. Before any market shall be opened for public use the council shall give not less than ten days' notice of the time when the same will be opened and such notice shall be given by the publication thereof in some newspaper generally circulating within the limits of

Before the market shall be opened notice to be given by the council.

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the borough and by printed handbills posted on some conspicuous place within those limits.

Market days.

340. After the market-place is opened for public use the council shall hold markets therein on such days not being Sundays as the council shall appoint from time to time by any bye-law to be made in pursuance of this Act.

Penalty for selling or exposing for sale unwholesome meat &c.

341. Every person who shall sell or expose for sale any unwholesome meat or provisions in the market shall be liable to a penalty not exceeding ten pounds or to be imprisoned for any period not exceeding one month for every such offence and any inspector of provisions appointed by the council may seize such unwholesome meat or provisions and carry the same before a justice and such justice shall forthwith order the same to be further inspected and examined by competent persons and in case upon such inspection and examination such meat or provisions shall be found unwholesome such justice shall order the same to be immediately destroyed or otherwise disposed of in such way as to prevent the same being exposed for sale or used for the food of man.

The council to provide proper weights and measures for weighing commodities sold at markets.

342. The council shall provide sufficient and proper weighing houses or places for weighing or measuring the commodities sold in the market and shall keep in them proper weights scales and measures according to the standard weights and measures for the time being for weighing such commodities as aforesaid.

Article to be weighed if requested by the buyer.

343. Every person selling or offering for sale any articles in the market shall if required so to do by the buyer cause the same to be weighed or measured by the weights and scales or measures provided by the council and any such person who shall refuse on demand to cause such articles to be weighed or measured in manner aforesaid shall be liable to a penalty not exceeding forty shillings.

Penalty for refusal.

The council to keep proper machines for weighing carts laden with goods.

344. The council shall provide sufficient and proper buildings or places for weighing carts in which goods are brought for sale within the market and shall keep therein machines and weights proper for that purpose and shall from time to time appoint a person in every such building or place to afford the use of such machines to the public by weighing such carts with or without their loadings as may be required.

Carts to be weighed at one of the machines erected by the council.

345. The driver of every such cart shall at the request of the buyer or seller of such goods or his agent take such cart with or without the loading thereof to the nearest of the said weighing machines and shall permit the same to be weighed and if such cart be weighed with its load thereupon the driver shall if required take such cart after its load has been discharged to the weighing machine nearest to such place of discharge and permit it to be reweighed without such load and if any such driver shall for the purposes aforesaid be required to take such cart a greater distance than half a mile including the going to and returning from such machine respectively the owner of the cart shall be paid for every horse which shall be used in drawing such cart sixpence for the first half-mile and a like sum for every additional half-mile and such payment shall be made by the person requiring such cart to be weighed as aforesaid before the driver thereof shall be obliged to take it as aforesaid for the purpose of having it weighed.

Penalty on drivers for refusing to take carts to be weighed &c.

346. The driver of any such cart who shall not upon being so requested as aforesaid and having such payment made or tendered as aforesaid take the same to such weighing machine as hereinbefore directed or who shall refuse to assist in the weighing of the same shall forfeit to the person requiring such cart to be weighed a sum not exceeding twenty shillings to be recovered before any justice.

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347. Every driver of any such cart weighed at any weighing machine to be provided in pursuance of this Act who shall commit any of the following offences shall be liable to a penalty not exceeding five pounds for each offence (that is to say)—

Penalties on drivers of carts &c. committing frauds in weighing.

If he at the time of weighing any such cart knowingly have anything in or about the same other than the proper loading thereof.

If he alter any ticket denoting the weight of any such cart or the loading of the same.

If he make or use or be privy to making or using any ticket falsely stating the weight of any such cart or the loading thereof.

If he after the weighing of any such cart with the loading thereof remove any part of such loading and afterwards dispose of or attempt to dispose of or represent as being the full loading denoted by such ticket the residue of such loading.

If he between the time when the cart and the loading thereof have been so weighed and the time when such cart is weighed without such loading change the wheels of such cart or make any other change upon it after being required to allow such cart to be weighed without the loading thereof

If he be guilty of any other fraudulent contrivance to misrepresent the weight of any such cart or the loading thereof.

348. If the buyer or seller of any goods brought in any cart for sale within the market and which shall be required to be weighed as aforesaid shall do anything to such cart or its loading whereby the true weight thereof respectively shall be altered before such weighing he shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty on buyers or sellers for committing frauds in weighing.

349. The person for the time appointed to keep any weighing machine provided in pursuance of this Act shall be liable to a penalty not exceeding five pounds in any of the following cases (that is to say)—

Penalties for frauds committed by the machine keeper.

If he wilfully neglect on application duly to weigh any cart with or without its loading as the case may be that is brought to the machine kept by him to be weighed.

If he do not fairly weigh every such cart with or without loading as the case may be.

If he do not deliver to the buyer or seller of any such loading or to any person interested therein on application a ticket or account specifying the true weight of such cart with or without such loading as may be required.

If he give to the driver of any such cart a false ticket or account of the weight of such cart with or without the loading thereof.

If he weigh any cart with or without its loading knowing that anything had been done to such cart or to the loading thereof to alter the true weight thereof respectively.

If he knowingly assist in or connive at any fraud concerning the weighing of any cart or the loading thereof or make or connive at making any false representation of the weight of the same respectively.

350. Every person who shall knowingly act or assist in committing any fraud respecting the weighing or weight of any cart or the loading thereof in pursuance of this Act shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty on other parties committing frauds as to weighing.

351. The council shall not demand or receive any stallage rent or toll until the market-place in respect of the use of which the same

Tolls &c. not to be demanded until market completed.

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shall be demanded shall be completed and fit for the use of the persons resorting thereunto.

Certificate of two justices to be considered evidence that market is completed.

352. A certificate under the hand of any two justices shall be conclusive evidence that the same is completed and fit for public use as aforesaid and any such justices shall sign such certificate on proof being adduced to them that the market-place is so completed and fit for public use.

Stallages &c. when to be paid.

353. The several stallages rents or tolls payable in respect of the market shall be paid from time to time on demand to the council or the collector or other person authorized by the council to receive the same.

Tolls to be paid to persons authorized before the same are weighed &c.

354. The tolls payable in respect of weighing carts with or without goods shall be paid to the person authorized by the council to weigh the same by the persons bringing such carts to be weighed before the same are weighed.

Tolls in respect of cattle when due.

355. The tolls in respect of cattle brought to the market for sale shall become due as soon as the cattle in respect whereof they are demandable are brought into the market-place and before the cattle are put into any pen or tied up in such market place and if the cattle be not removed within forty-eight hours after the close of the market another toll shall become due in respect of the cattle so omitted to be removed.

Stallage tolls &c. may be varied from time to time.

356. The council may from time to time by special order change the stallages rents and tolls to be taken in respect of the market and for weighing provided that the stallages rents and tolls in no case exceed the amounts authorized under this Act. Provided also that no such change shall be made during the continuance of any lease of such stallages rents or tolls without the consent of the lessee or farmer thereof.

Penalty on taking a greater toll than authorized by this Act.

357. Every person who shall demand and take a greater toll than that authorized to be taken under this Part shall for every such offence be liable to a penalty not exceeding forty shillings.

Recovery of tolls.

358. If any person liable to the payment of any stallage rent or toll authorized by this Act to be taken do not pay the same when demanded the council or their lessee or any person authorized by the council or their lessee to collect the same may levy the same by distress of all or any of the cattle or other articles in respect of which such stallage rent or toll is payable or of any other cattle or other articles in the market belonging to the person liable to pay such stallage rent or toll or under his charge or such tolls may be recovered before a justice or in any court having competent jurisdiction.

Disputes respecting tolls how to be settled

359. If any dispute arise concerning any such stallage rent or toll such suit shall be determined by a justice and such justice shall on application made to him determine the same and make such order therein and award such costs to either party as to him shall seem proper.

List of tolls &c. to be set up and placed in conspicuous places.

360. The council or their lessee shall from time to time cause to be painted on boards or to be printed and attached to boards in large and legible characters a list of the several stallages rents and tolls from time to time payable under this Act and shall cause a board containing such list to be conspicuously set up and continued in the market and in each weighing house provided by the council to which each such list shall relate and no stallage rent or toll shall be payable during the time such list is not so set up or for anything not specified therein. Provided always that if such list shall be destroyed injured or obliterated the stallages rents and tolls shall continue to be payable during such time as shall be reasonably required for the restoration of

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such list in the same manner as if such list had continued in the state required by this Act.

361. The council may from time to time make such bye-laws as they think fit for all or any of the following purposes (that is to say)—

Bye-laws relating to markets and slaughter-houses.

For regulating the market-place and the buildings stalls pens and standings therein and for preventing nuisances or obstructions therein or in the immediate approaches thereto.

For fixing the days and the hours during each day on which the market shall be held.

For regulating the carriers resorting to the market and fixing the rates for carrying articles carried therefrom within the limits of the borough.

For regulating the use of the weighing machines provided by the council and for preventing the use of false or defective weights scales or measures.

For preventing the sale or exposure for sale of unwholesome provisions in the market.

PART XXII.

MISCELLANEOUS.

(1.) *Pounds.*

362. The council of every borough shall alone within and for such borough have and exercise the powers hereinafter specified which by the Ordinance of the Governor and Legislative Council of New Zealand intituled "An Ordinance to authorize and regulate the Impounding of Cattle" or which by any Act or Ordinance of any Provincial Legislature heretofore or hereafter to be passed amending the same or making provision for like purposes with the said Ordinances may or are required to be exercised by the Governor or the Governor in Council or by the Superintendent of any province either with or without the advice of his Executive Council or by a Resident Magistrate or by Justices of the Peace that is to say all such powers conferred by the said Ordinance or any such Act or Ordinance as aforesaid as relate to the appointment establishment and abolition of pounds the appointment and removal of poundkeepers and the filling up of vacancies in the office of poundkeeper the authority to be given for incurring expenses relating to the erection repair or removal of any pound the appointment to whom pound fees shall be paid over the appointment fixing altering and amending subject in each case to the approval of the Superintendent of fees for sustenance of cattle and for ordinary damages and the council shall provide the expenses of the erection removal and repair of all pounds within the borough and the poundkeeper shall be an officer of the council within the meaning of this act and all pounds existing and all poundkeepers in office in any borough at the time of the first constitution thereof under this Act shall be deemed to all intents and purposes to have been respectively established and appointed by the council thereof and so much of all fines penalties and forfeitures and of all fees and sums of money which by reason of the operation of the said Ordinance or any such Act or Ordinance as aforesaid in or for or in respect of any borough shall be payable by any person as would if this Act had not been passed and such borough had not been constituted go and be paid and applied to the ordinary revenue shall belong to the council of such borough and be paid to the borough fund.

*Municipal Corporations.**(2.) Baths &c.*

Council may provide
baths &c.

363. The council may from time to time by special order purchase rent or otherwise provide either within the limits of the borough or at a reasonable distance therefrom suitable and convenient land and buildings in a situation and according to plans to be approved of by the Superintendent or by such person or persons as the Superintendent shall from time to time direct to be used for public baths and wash-houses and may fit up the same respectively with all requisite and proper conveniences and from time to time enlarge renew and repair the same respectively and afford the use thereof respectively to the inhabitants of the borough under and subject to such bye-laws as the council may make in that behalf and either without charge or at such reasonable charges as the council shall order by any such bye-laws.

Copy of bye-laws to
be posted.

364. A printed copy or sufficient abstract of the bye-laws made by the council relating to the use of such baths so far as regards every such bath or washhouse shall be put up in such bath and washhouse.

(3.) Places of Recreation &c.

Council may provide
places of recreation
libraries &c.

365. The council may from time to time by special order purchase rent or otherwise provide lands grounds buildings or other places either within the borough or at a reasonable distance therefrom not exceeding four miles from the centre of the principal market place (if any) or from the principal office of the council to be used as pleasure grounds libraries museums gymnasiums gardens or places of public resort or recreation and the council may from time to time level drain plant and otherwise lay out and may repair and improve any such public lands grounds or buildings for the more convenient use and enjoyment thereof and may afford the use and enjoyment thereof to the inhabitants subject to such bye-laws as the council may make in that behalf.

(4.) Charitable Institutions.

Council may establish
aid &c. charitable in-
stitutions.

366. The council of every borough may from time to time on such terms and conditions as may appear expedient appropriate such portion of the borough fund as they may see fit to erecting establishing maintaining or otherwise aiding any hospital asylum or other institution or society within or if the Superintendent consent without the borough for the relief of such poor persons as through age sickness infirmity or accident are unable to help themselves and also to the relief at their own houses or elsewhere within the borough of such poor persons as aforesaid.

(5.) Expense of obtaining Acts of Parliament.

Expenses of obtaining
Acts of Parliament.

367. If it shall be for the general benefit of the inhabitants of any borough that any work undertaking or thing be done carried out or provided by the council and the same cannot be effected without obtaining an Act of the General Assembly for the purpose it shall be lawful for the council to retain and employ such professional or other like services and to provide such stationery and other materials as may be necessary to promote and procure the passing of such Act and to expend as much of the borough fund as may seem fit in and about such purposes and the payment of any fees of office required with respect to such Act.

(6.) Co-operation of Councils.

Co-operation of sepa-
rate councils.

368. Subject to the approval of the Superintendent it shall be lawful for the council of any borough from time to time to contract upon such terms and conditions as they may see fit with the council of any other borough in the same province or with any other body corporate or public body empowered in that behalf for or with respect

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to the doing and the control and management by either or both of the contracting parties of any matter or thing which the council of the borough or such other council or body is by law empowered to do control and manage.

(7.) Fencing &c. of Works in Progress &c.

369. The council shall during the construction alteration or repair of any of the streets sewers or drains vested in them take proper precaution for guarding against accident by shoring up and protecting the adjoining houses and shall cause such bars or chains to be fixed across or in any of the streets to prevent the passage of persons carriages and animals while such works are carried on as to the council shall seem proper and the council shall cause any sewer or drain or other works during the construction alteration or repair thereof by them to be lighted and guarded during the night so as to prevent accidents and every person who takes down alters or removes any of the said bars or chains or extinguishes any light without the authority or consent of the council shall for every such offence be liable to a penalty not exceeding five pounds.

Fencing and lighting works in progress.

370. If any hole or place near any street whether public or private be for want of sufficient protection or enclosure dangerous to the passengers along such street the council shall cause the same to be protected or enclosed so as to prevent danger therefrom and the expenses of such protection or enclosure shall be repaid to the council by the owner of the premises so protected or enclosed.

Fencing of dangerous places near street.

(8.) Notice to and Remedies &c., against owners &c.

371. Every notice which by this Act is required to be given to the owner of any building or land shall be addressed to the owner of such building or land and shall be served on the occupier thereof or left with some inmate of his abode or if there be no occupier may be put up on some conspicuous part of such building or land and it shall not be necessary in any such notice to name the owner of any such building or land. Provided always that when the owner of any such building or land and his residence are known to the council it shall be the duty of the council if such owner be residing within the borough to cause every notice required to be given to the owner to be served on such owner or left with some inmate of his abode and if such owner be not resident within the borough they shall send every such notice by the post in a registered letter addressed to the residence of such owner.

Notices how given to owners.

372. Whenever default is made by the owner of any building or land in the execution of any work by this Act required to be executed by him the occupier of such building or land may with the approval of the council of the borough cause such work to be executed and the expense thereof shall be repaid to such occupier by the owner of the building or land and such occupier may deduct the amount of such expense out of rent from time to time becoming due from him to such owner.

Occupier may act in certain cases on default of owner.

373. If the owner of any building or land made liable by this Act for the repayment to the council of any expenses incurred by them do not as soon as the same become due and payable from him repay all such expenses to the council the council may recover the same from such owner before two justices or in an action of debt in any court having jurisdiction.

Expenses payable by owner how recoverable from him.

374. The Council may by way of additional remedy whether any such action or proceeding has been brought or taken against any such owner or not require the payment of all or any part of the expenses payable by the owner from the time being from the person who then or at any time thereafter occupies any such building or land under such owner and in default of payment thereof by such occupier on demand the same may be recovered from him before two justices.

May in certain cases be recovered from occupier.

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But occupier not to be liable beyond rent due or to become due after notice.

375. Provided always that no occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof than the amount of rent due from him for the premises in respect which such expenses are payable at the time of the demand made upon him or which shall at any time after such demand and notice not to pay the same to his landlord have accrued and become payable by him unless he neglect or refuse upon application made to him for that purpose by the council truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued shall lie upon such occupier. Provided further that nothing herein contained shall be taken to affect any special contract made between any such owner and occupier respecting the payment of the expenses of any such works as aforesaid.

Payment of expenses by instalments in certain cases.

376. Where any such expenses payable to the council by any owner of any such building or land amount to more than half the amount of the net annual value of such building or land the council may if they think fit at the request of any such owner allow time for the repayment of such expenses and receive the same by such instalments as they under the circumstances of the case consider reasonable but so that the same be repaid by annual instalments of not less than one-seventh part of the whole sum originally due with interest for the principal money from time to time remaining unpaid after the yearly rate of six pounds in the hundred during the period of forbearance but all such sums remaining due notwithstanding the council have agreed to allow any time for the repayment thereof as aforesaid shall from time to time at the expiration of the several times so allowed for repayment thereof be recoverable in like manner as such respective amounts would have been recoverable if no such time had been allowed for repayment thereof.

Occupier obstructing owner in carrying Act into effect.

377. If the occupier of any building or land within the borough prevent the owner thereof from carrying into effect in respect of such building or land any of the provisions of this Act after notice of his intention so to do has been given by the owner to such occupier any justice upon proof thereof may make an order in writing requiring such occupier to permit the owner to execute all such works with respect to such building or land as may be necessary for carrying into effect the provisions of this Act and if after the expiration of ten days from the date of such order such occupier continue to refuse to permit such owner to execute such works such occupier shall for every day during which he so continues to refuse be liable to a penalty not exceeding five pounds and every such owner during the continuance of such refusal shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(9.) Other Matters.

Recovery of penalties

378. Every offence hereby or by any bye-law made hereunder punishable by a penalty shall be prosecuted and all fines and penalties imposed by this Act or any bye-law made hereunder shall be recoverable in a summary way before any two justices of the peace in the manner provided by "The Justices of the Peace Act 1866" or by any Act for the time being in force for the like purposes as those of the said last mentioned Act.

Justices judges &c. to hear and determine though liable to be rated &c.

379. Any justice or resident magistrate and any judge of any district court and any judge of the Supreme Court notwithstanding that such justice resident magistrate or judge is or is liable to be rated within any borough under any of the provisions in this Act contained or is a resident or is owner or occupier of land within any such borough may hold any court or do any act matter or thing or adjudicate in the recovery of rates and in appeals against rates and in revising lists of voters and may hear and determine informations and complaints and hear and adjudicate upon all

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other matters and things which such justice resident magistrate judge of a district court or a judge of a Supreme Court might hold do or adjudicate upon if he had not been liable to be so rated or had not been such resident owner or occupier.

380. In all cases in which no provision or no sufficient provision is in the opinion of the Governor made by this Act it shall be lawful for the Governor from time to time for the purpose of facilitating or more effectually carrying into execution any of the objects thereof to make and prescribe all such regulations and orders either general or applicable to particular cases only as he shall think fit and such regulations and orders from time to time to revoke or alter as to the Governor shall appear to be requisite.

Governor may make regulations and orders.

381. The council shall for the purposes of this Act have power by themselves or their officers to enter at all reasonable hours in the daytime into and upon any building or land within the borough for the purpose of executing any work or making any inspection authorized to be executed or made by them under this Act without being liable to any legal proceedings on account thereof. Provided always that except herein otherwise provided the council or their officers shall not make any such entry upon occupied premises unless with the consent of the occupier until after the expiration of twenty-four hours' notice for that purpose given to the occupier.

Powers of entry by officers of council.

382. Every person who shall at any time obstruct the council or any person employed by them in the performance of any thing which they are respectively empowered or required to do by this or any other Act shall be liable to a penalty not exceeding five pounds.

Obstructing council or officers.

383. The council may direct any prosecution for any public nuisance whatsoever created permitted or suffered within the borough and may order proceedings to be taken for the recovery of any penalties and for the punishment of any person offending against the provisions of this Act and may order the expenses of such prosecution or other proceedings to be paid out of the borough fund.

Council may direct prosecutions, &c.

384. Whenever any day provided or appointed by or under this Act for any purpose shall in any year happen on a Sunday Good Friday or Christmas Day or any proclaimed Fast Day then such provision and appointment shall take effect as for the following day.

Sundays, &c.

385. Where under this Act any act matter or thing is to be done by a Superintendent of a province if by any Act or Ordinance of such province for the time being in force it is provided that the Superintendent thereof shall in the administration of the affairs of such province act by and with the advice and consent of an Executive Council such Superintendent in doing any act matter or thing hereunder or exercising any power conferred on him hereby shall act by and with the advice and consent of an Executive Council in the same manner as if such act matter or thing were to be done under an Act or Ordinance of the Legislature of such province and if any Superintendent shall fail or neglect to do any act matter or thing or to make any appointment which under this Act is to be done or made by him the Governor may on the petition of the council of the borough do such act matter or thing or make such appointment (as the case may be) and if at the time being there shall be no councillors of such borough in office under this Act the Governor may do any such act matter or thing or make any such appointment as aforesaid without any petition whatever and in any such case if by this Act a time is fixed at or within or before which any such act matter or thing or appointment is to be done or made and the Superintendent shall have failed or neglected as aforesaid to do such act matter or thing or make such appointment at within or before the prescribed time it shall be lawful for the Governor if he proposes to do such act matter or thing or make any such appointment to extend or alter the time for doing such act matter or thing or making such appointment and if necessary to extend or alter the time for doing any other acts matters or

Superintendent to act with advice of Executive if by law he acts in other matters with advice of Executive.

If Superintendent fails to make appointment &c. Governor may on petition of council.

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things which under the provisions hereinbefore contained are consequent or in any manner depend on the act matter or thing or appointment which the Superintendent shall have failed or neglected to do or make at the prescribed time.

Governor's proclamation &c. to be published in the *New Zealand Gazette*.

386. Where by this Act it is provided that any proclamation order notice appointment or other matter or thing made or done by the Governor shall be published or notified in the *Gazette* such publication or notification shall be in the *New Zealand Gazette* and where by this Act it is provided that any proclamation order notice appointment or other matter or thing made or done by a Superintendent of a province shall be published or notified in the *Gazette* such publication or notification shall be in the *Government Gazette* of such province.

Superintendent's in *Government Gazette* of his province.

Right of making roads &c. reserved to Government.

387. Notwithstanding anything herein contained it shall be lawful for the Governor or the Superintendent to cause to be made constructed maintained and repaired within any borough all such roads and bridges as he shall think fit and also to cause to be constructed in or through any borough any railway canal or any other work whatsoever which shall be authorized by law and for all such purposes as aforesaid such persons as the Superintendent shall appoint shall have all the powers which are hereby vested in the council of such borough in the like behalf for the construction maintenance or repair of roads or bridges or for the execution of any permanent work or undertaking.

Certain roads &c. exempted from control of council.

388. Nothing herein shall authorize the interference by any council with any public road railway bridge ferry cemetery market wharf aqueduct public place or building whatsoever not formed constructed or erected by such council which may be excepted from the jurisdiction of such council by any proclamation made or to be made by the Superintendent or respecting which special provision shall have been or shall be made by any Act of the General Assembly or of any Provincial Legislature Provided that the Superintendent may by proclamation authorize the council to take upon itself the charge of any such excepted public road railway bridge ferry cemetery market wharf aqueduct public place or building within the limits of the borough and in actual use by the people of such borough upon such conditions as shall be specified in such proclamation with reference to the amount of compensation to be paid by the council.

Fines &c. under this Act to be paid to borough fund.

389. All fines and penalties paid or recovered under any of the provisions of this Act or of any bye-law made or adopted hereunder shall be paid over by the clerk or other proper officer of the court in which the same shall have been recovered to the council of the borough within which the offence or breach for which such fines or penalties shall be imposed shall have been committed and all fines and penalties paid or recovered under this Act or any such bye-laws aforesaid for any act matter or thing done within or with respect to any borough or for any omission or neglect to do any act matter or thing which ought under the provisions of this Act or any such bye-laws as aforesaid to have been done within or with respect to any borough shall be paid to the council of such borough and all such fines and penalties as aforesaid shall when received form part of the borough fund.

Superintendent may extend any of the parts of this Act to any incorporated city or town.

390. It shall be lawful for the Superintendent of any province by proclamation published in the *Government Gazette* of such province to declare that any complete parts of the several Parts of this Act numbered from two to twenty-two inclusive as he shall consider applicable shall extend and be applied to any city town or place in such province incorporated at the time of the passing of this Act under any Act or Ordinance of the Legislature of such province and in such proclamation to fix a time at which such parts or any of them shall extend to any such city town or place but no such proclamation shall be valid or have any force which affects to proclaim any provisions contained in any part without the remainder of the provisions of such Part.

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SCHEDULES.

FIRST SCHEDULE.

FIRST COLUMN.	SECOND COLUMN.	THIRD COLUMN.	FOURTH COLUMN.	FIFTH COLUMN.
NAME OF CITY TOWN OR MUNICIPAL DISTRICT.	BOUNDARIES.	NAME OF THE BODY HAVING GOVERNMENT OF THE AFFAIRS UNDER ACT OR ORDINANCE.	TITLE OF ACT OR ORDINANCE WITH DATE AND NUMBER.	BY WHAT LEGISLATIVE BODY ENACTED.
City of Auckland	Bounded on the North by the Waitemata Harbor on the East by suburban section No. 96 by the middle of Stanley Street from the south-western angle of section No. 11 of the City of Auckland to the junction of Stanley Street and Grafton Road by the middle of Grafton Road from the junction of Stanley Street to the northern boundary of lot No. 41 of suburban section No. 3 and the northern boundary of lot No. 8 of suburban section No. 15 by the middle of Symonds Street from the north-western angle of lot No. 8 of suburban section No. 15 to the junction of Karangahape Road on the South by the middle of Karangahape Road from Symonds Street to the junction of Ponsonby Road and by the middle of Ponsonby Road and on the West by the middle of Franklin Street as described in Schedule A. to the City Board Act 1863	The City Board of Commissioners for the better Government of the City of Auckland throughout "The City Board Act 1863" called "The Board"	"City Board Act 1863 Session XV. No. 7" Amended by "The City Board Act 1863 Amendment Act Session XVI. No. 6" and "The City Board Act Amendment Act 1865 Session XVIII. No. 4"	Superintendent and Provincial Council of the Province of Auckland.
City of Wellington	The boundaries of the City of Wellington for the purposes of an Act of the Superintendent and Provincial Council of the Province of Wellington intituled "An Act to repeal the Wellington Town Board Act and make other provision for	Board of Works for the City of Wellington	"An Act to repeal The Wellington Town Board Act and make other provisions for the manage-	The Superintendent and Provincial Council of the Province of Wellington.

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FIRST SCHEDULE—continued.

Town of Wanganui.....	the management of the City of Wellington " as defined by that Act to be the same as the limits thereof are settled and described in the plan of the Town of Wellington Port Nicholson annexed to a certain Crown Grant of the New Zealand Company dated the 27th day of January 1848 under the seal of the colony and under the hand of Sir George Grey the then Governor-in-Chief of the Colony and which Crown Grant was registered at Wellington on the 19th day of June 1850 No. 304 and also such portions of the Harbor of Wellington as are comprised in a certain Crown Grant thereof dated the 18th of October 1855 subject to the exception hereinafter mentioned and also the Town Belt the Canal and Basin and the Public Reserves belonging to the City of Wellington but excepting all lands houses or buildings belonging to the Crown or Provincial Government or granted to the Superintendent by the Grant dated the 18th of October 1855 by Thomas Gore Browne the late Governor of the Colony and grant in confirmation thereof so long as any such land or any part thereof shall remain undisposed of or such as are reserved for public purposes Town of Wanganui as the boundaries thereof are laid down in the New Zealand Company's map towards the north-east and south-east by the Wanganui River and towards the south-south-west and north-west by the Town Belt. Together with the parcel of land adjoining the town of Wanganui and commonly known as the Town Belt granted to the Superintendent of the Province of Wellington by letters patent or Crown Grant dated the third day of	ment of the City of Wellington Session XIII. No. 11 "	Superintendent and Provincial Council of the Province of Wellington.
	Board of Wardens	"An Act to provide for the management of the Streets Sewerage and Drainage in towns and populous places and the preservation of the health of the inhabitants thereof Session II. No. 17" "The Public Boards Act 1856 Session III. No. 3"	"An Act to vest in a Board of Wardens for the management of Local Public Works and matters

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FIRST SCHEDULE—continued.

Town of Nelson.....	June 1861 under the public seal of the Colony and the hand of Thomas Gore Browne the then Governor thereof. Town of Nelson as defined by an Ordinance of the Superintendent and Provincial Council of the Province of Nelson intituled "An Ordinance to increase the number of members of the Provincial Council and to alter the Electoral Districts of the Province of Nelson as comprising the site of the town and the Wakatu District."	Board of Works.	the management of the Streets Sewerage and preservation of the health of the inhabitants of the town of Wanganui Session IX. No. 8. "The Nelson Improvement Act 1858" Session III. No. 3 amended by "The Nelson Improvement Amendment Act 1858" Session V No. 11.	Superintendent and Provincial Council of the Province of Nelson.
Town of Picton.....	The Town of Picton as defined by the original plan thereof in the Crown Lands Office Picton and all adjoining lands within ten chains of the said Town.	Board of Works.	"Picton Improvement Act 1861" Session V No. 5 amended by "An Act intituled an Act to amend the Picton Improvement Act Session VII. No. 1. 1863." "Blenheim Improvement Act, 1864."	Superintendent and Provincial Council of the Province of Marlborough.
Town of Blenheim.....	Town of Blenheim consisting of Sections Nos. 46 47 48 Opawa and of Sections Nos. 1 3 50 and 51 Omaka as shewn on the New Zealand Company's Plan of the Wairau Plain.	Board of Works.	The same.	
City of Christchurch.....	Bounded on the North by the South boundaries of rural sections Nos. 46 206 257 243 13 293 286 287 and part of No. 6 from the North Road to the River Avon a distance of 11 chains 30 links on the East by the West boundary of rural section No. 33 the River Avon the West boundaries of rural sections Nos. 26 175 69 and part of No. 13 on the South by part of the North boundary of rural section No. 13 and by the North boundaries of Nos. 176 79 17 66 and No. 72 bounded on the North-west by the South-east side of the Lower Lincoln Road and on the	The Christchurch City Council.	"The Christchurch City Council Ordinance 1862."	Superintendent and Provincial Council of the Province of Canterbury.

*Municipal Corporations.**FIRST SCHEDULE—continued.*

Town of Lyttelton	West by the west side of Antigua Street and the River Avon and containing 1062 acres. Bounded on the North by the ridge of hills lying on the North side of Lyttelton on the East by the spur of the hill running down to the sea immediately on the East side of Gollan's Bay on the South by the sea and on the West by the eastern boundary of the native reserve at Rapaki.	The Lyttelton Municipal Council	"The Lyttelton Municipal Council Ordinance 1863."	Superintendent and Provincial Council of the Province of Canterbury.
Town of Hokitika	Town of Hokitika the boundaries whereof are specified in the proclamation by his Honor the Superintendent of the Province of Canterbury of the 30th June 1866 as follows:—All that piece or parcel of land containing 640 acres more or less situate on the Hokitika River commencing at a point on the high bank of the old bed of the aforesaid river the said point being forty chains forty links west of trigonometrical station 31 thence following a line bearing north 20 degrees 14 minutes East (magnetic) a distance of sixty-two chains sixty-five links thence westerly at a right angle a distance of eighty-five chains forty links to the sea beach following the said beach southerly to the mouth of the Hokitika River and from thence returning along the northern bank thereof and the high bank of the old river bed above mentioned to the commencing point and also all that parcel of land containing 640 acres more or less situate on the Hokitika River West Coast bounded on the Northward by reserve 271 in red on the Westward by the sea on the East by section No. 8238 and a line in continuation of the western boundary thereof and on the Southward by a line at right angles to the last described boundary and about one hundred and thirty chains distant on the average from the reserve above mentioned.	The Hokitika Municipal Council.	"The Hokitika Municipal Council Ordinance 1867."	Superintendent and Provincial Council of the Province of Canterbury.
Town of Kaiapoi	Commencing at the South-western corner of rural section No 938 E on the North Road thence south-westerly across the branch of the Courtenay (Waimakariri) and along the southern bank of the said branch (said to be the old course	Municipal Council.	Municipal Council Ordinance Session XIV No. 2 Proclamation of Superintendent under authority of	Superintendent and Provincial Council of the Province of Canterbury.

Municipal Corporations.

FIRST SCHEDULE.—Continued.

of the river) to point in line with the eastern boundary of rural section 365 thence in and along the line of the said eastern boundary of rural section 365 a distance of about 45 chains 80 links thence easterly at a right angle of about 66 chains 50 links along the southern side of a public street or road crossing rural sections 321 468 and 297 to the northern bank of the main stream of the river Courtenay following the said northern bank of the said main stream and the western bank of the branch stream a distance altogether of about 64 chains thence following a line due north to a point on the opposite bank of the last mentioned stream following easterly along that bank at a point in line with the western boundary of section 1393 thence following a straight line being in the continuation of the aforesaid western boundary to the southern boundary of section 1011 following westerly along the southern boundary of that section and of section 1002 to the eastern boundary of section 360 following southerly westerly and northerly along the eastern southern and western boundaries of said section 360 distances respectively of 50 links 30 chain and 50 links and from thence returning in a straight line to the commencing point.	On the North and East by the sea on the south by the north boundary of section No. 1702 The north side of a road lying to the north of section No. 2367 The Cemetery Reserve and the north boundaries of sections 1706 and 1607 on the west by the east boundary of section No 1606 the east and north boundary of section No. 707 the east boundary of section No 1652 till it meets Whales Creek to the sea.	Town of Timaru	above Ordinance 29th October 1864.	Municipal Council Ordinance Session XIV. No. 2 Proclamation of Superintendent under the above Ordinance 9th May 1865.	Superintendent and Provincial Council of the Province of Canterbury.
of the river) to point in line with the eastern boundary of rural section 365 thence in and along the line of the said eastern boundary of rural section 365 a distance of about 45 chains 80 links thence easterly at a right angle of about 66 chains 50 links along the southern side of a public street or road crossing rural sections 321 468 and 297 to the northern bank of the main stream of the river Courtenay following the said northern bank of the said main stream and the western bank of the branch stream a distance altogether of about 64 chains thence following a line due north to a point on the opposite bank of the last mentioned stream following easterly along that bank at a point in line with the western boundary of section 1393 thence following a straight line being in the continuation of the aforesaid western boundary to the southern boundary of section 1011 following westerly along the southern boundary of that section and of section 1002 to the eastern boundary of section 360 following southerly westerly and northerly along the eastern southern and western boundaries of said section 360 distances respectively of 50 links 30 chain and 50 links and from thence returning in a straight line to the commencing point.	On the North and East by the sea on the south by the north boundary of section No. 1702 The north side of a road lying to the north of section No. 2367 The Cemetery Reserve and the north boundaries of sections 1706 and 1607 on the west by the east boundary of section No 1606 the east and north boundary of section No. 707 the east boundary of section No 1652 till it meets Whales Creek to the sea.	City of Dunedin	above Ordinance 29th October 1864.	Municipal Council Ordinance Session XIV. No. 2 Proclamation of Superintendent under the above Ordinance 9th May 1865.	Superintendent and Provincial Council of the Province of Otago.

Municipal Corporations.

FIRST SCHEDULE—continued.

Port Chalmers	province of Otago adjacent and opposite to the city of Dunedin formerly below high water mark in the harbor of Otago but now reclaimed or in course of reclamation from the sea and declared by "The Otago Harbor Trust Leasing Ordinance 1862" to be included within the city of Dunedin as the said area and boundaries thereof are delineated or shewn in the Crown Grant Index Record Map of the Suburban Districts Central No. 2 deposited in the Survey office of the said Province at Dunedin aforesaid All that area in the Province of Otago containing by admeasurement two hundred and fifty acres more or less bounded by a line proceeding from Mussel Bay along the eastern boundary of section numbered 62 Sawyer's Bay Survey District to Lower Harbor West Survey District thence by the south-eastern boundary of the said Lower Harbor West Survey District to Otago Harbor thence proceeding in a southerly direction by Otago Harbor round the Port Chalmers Peninsula and Mussel Bay to the starting point.	The Corporation of the Town of Port Chalmers.	"Otago Municipal Corporation Ordinance 1865," extended by an Ordinance to Amend the Otago Municipal Corporation Ordinance 1865 Passed 5th January, 1866.	Superintendent and Provincial Council of the Province of Otago.
Clyde	All that area situate in the Province of Otago and containing by admeasurement eight hundred acres more or less bounded by a line proceeding from the north-west corner of section numbered one (1) block I. leaving Rock Survey District in a south-easterly direction along the boundary of the said block I. leaving Rock Survey District twelve thousand eight hundred and forty-eight links thence in a south-westerly direction along the boundary line of the said block I. leaving Rock Survey District to the Clutha River thence in a north-westerly direction along the bank of the Clutha River to a point bearing 227 degrees from the north-west corner of section numbered 1 block I leaving Rock Survey District aforesaid and thence in a direct line to the starting point.	Corporation of the Town of Clyde.	"Otago Municipal Corporation Ordinance 1865," "An Ordinance to amend the Otago Municipal Corporation Ordinance 1865" Passed 5th January 1866.	Superintendent and Provincial Council of the Province of Otago.
Oamaru	All that area in the Province of Otago containing by	The Corporation of the	"Otago Municipal Cor-	Superintendent and Pro-

*Municipal Corporations.***FIRST SCHEDULE—continued,**

admeasurement 1111 acres more or less bounded towards the north-west by blocks numbered respectively II. and IV. Oamaru Survey District four thousand five hundred and ninety-six links also by block numbering II. three thousand two hundred and fifteen links towards the north-north-east by block numbered I. Oamaru District six thousand four hundred and twenty-six links towards the east by high water mark of the ocean fifteen thousand eight hundred links towards the south-east by block numbered IV. Oamaru District two thousand links towards the south by block numbered IV. six thousand nine hundred and fifty links towards the south-west by the said block numbered IV. six thousand five hundred and forty-four links and towards the west-north-west by the said block numbered IV. four thousand five hundred and seventy-six links.	Town of Oamaru	porations Ordinance 1865" extended by an Ordinance to Amend the Otago Municipal Corporations Ordinance 1865 passed 5th January 1866.	vincial Council of the Province of Otago.
Town of Queenstown Boundaries of the Incorporated Town of Queenstown as delineated in the record maps of the said town deposited in the Survey Office in Dunedin in the said Province All that area in the Province of Otago containing by admeasurement two hundred and seventy (270) acres more or less bounded towards the north-west by Crown Lands three thousand one hundred and thirty (3130) links by cemetery reserve two thousand one hundred and ten (2110) links also by Crown Lands one thousand nine hundred and thirty (1930) links towards the north-east by Crown Lands four thousand nine hundred and twenty (4920) links towards the south-east by Crown Lands one thousand seven hundred (1700) links towards the south by Lake Wakatipu fifteen hundred (1500) links be the same more or less and towards the south-west by Crown Lands one thousand one hundred (1100) links.	Corporation of town of Queenstown	"Otago Municipal Corporations Ordinance 1865" "The Otago Municipal Council Empowering Act 1865" "An Ordinance to Amend the Otago Municipal Corporations Ordinance 1865" (passed 5th January 1866)	Superintendent and Provincial Council of the Province of Otago.
Milton All that area in the province of Otago containing by admeasurement 183 acres 3 roods 31 perches more or less being sections numbered respectively 134 135 and 137 block	The Corporation of the Town of Milton	"The Otago Municipal Corporations Ordinance 1865" extended by an	The Superintendent and Provincial Council of the Province of Otago.

*Municipal Corporations.*FIRST SCHEDULE—*continued.*

XVII. Tokomairiro Survey District and parts of sections numbered respectively 130 131 and 132 block XVI. Tokomairiro Survey District together with part of section numbered 102 block XII of the said district bounded towards the north-west by a line commencing at the western corner of section 134 block XVII. Tokomairiro district proceeding in a north-easterly direction along the Main South Road one thousand and three (1003) links thence crossing the Main South Road at a right angle in a north-westerly direction to a point two hundred and fourteen (214) links distant from the north-western side of the Main South Road thence at a right angle in a north-easterly direction two hundred and thirty-five (235) links thence at a right angle in a north-westerly direction three hundred and forty-six (346) links thence at a right angle in a north-easterly direction one thousand six hundred and sixty-two (1662) links thence at a right angle in a south-easterly direction three hundred and ten (310) links to a point two hundred and fifty links distant from the Main South Road and thence at a right angle in a north-easterly direction across sections 131 and 130 block XVI three thousand and thirty (3030) links thence crossing the District Road in the same direction to section 102 block XII. sixty (60) links thence at a right angle along the north-eastern boundary of the said road line in a north-westerly direction three hundred (300) links thence at a right angle in a north-easterly direction across section 102 block XII. one thousand five hundred (1500) links thence at a right angle in a south-easterly direction five hundred and fifty (550) links to the Main South Road thence in a south-westerly direction along the Main South Road crossing the District Road to the eastern corner of section 130 block XVI. one thousand five hundred and sixty (1560) links thence crossing the Main South Road at a right angle to the northern corner of section 135 block XVII. thence along the north-east boundary of the said section numbered 135 two thousand one hundred

Ordinance to Amend the
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tions Ordinance 1865.

Municipal Corporations.

FIRST SCHEDULE—continued.

and seventy (2170) links to section 136 thence along the north-eastern boundary of section 136 to section 137 two thousand six hundred (2600) links thence along the north-eastern boundary of section 137 in a south-easterly direction eight hundred and seventy-five (875) links to section 138 thence along the north-western boundary of section 138 to a District Road Line along Tokomairiro River Bank four thousand four hundred and fifty (4450) links thence in a north-western direction along the said road line four thousand five hundred (4500) links to the starting point. All that area situate in the Province of Otago containing by admeasurement 200 acres more or less being part of an allotment of land sold under application 246 and now known as section 15 block VI. Hawksbury District bounded towards the north by the Main North Road 4100 links towards the east by the Government Township of Hawksbury 8000 links towards the south by land sold to John Jones 2000 links and towards the west by the other part of section 15 block VI. Hawksbury District aforesaid 7500 links be all the said linkages more or less as the same is delineated in the map of the said Township of West Hawkesbury deposited in the office of the Registrar of Deeds at Dunedin. All that area in the Province of Otago containing by admeasurement six hundred (600) acres more or less bounded towards the north by a line commencing on the west bank of the Clutha River and proceeding in a westerly direction with a magnetic bearing of 269° 25' to the north-east corner of Cemetery Reserve 4100 links thence along a line in the same direction 7100 links thence by a line at a right angle in a southerly direction 6940 links thence by a line at a right angle in an easterly direction to the Kawarau River 4900 links thence along the Kawarau and Clutha Rivers to the starting point as delineated on the Record Map of the said town deposited in the Survey Office at Dunedin. All that parcel of land situate in the south-eastern	The Corporation of the Town of West Hawksbury	"The Otago Municipal Corporation Ordinance 1865" extended by an Ordinance to Amend the Otago Municipal Corporation Ordinance 1865.	The Superintendent and Provincial Council of the Province of Otago.
West Hawksbury			
Cromwell	The Corporation of the Town of Cromwell.	The Same.	The same.
Lawrence	The Corporation of the	"The Otago Municipal	Superintendent and Pro-

*Municipal Corporations.*FIRST SCHEDULE—*continued.*

Town of Invercargill district of the Province of Otago containing by admeasurement six hundred and six acres more or less bounded towards the north by Crown Lands seven thousand four hundred and thirty-one links towards the east by Crown Lands six thousand nine hundred and thirteen links towards the south by Crown Lands five thousand nine hundred and forty-five links; also five hundred links towards the south-west by Crown Lands four thousand links also two thousand links and towards the north-west by Crown Lands five hundred links also three thousand six hundred and seventy links and intersected by the Tuapeka and Weatherston Creeks all of which said lands are contained within and known as the Township of Lawrence and are more particularly delineated on the Record Map of the said township deposited at the office of the Chief Surveyor Dunedin.	Town of Lawrence.	Corporation Ordinance 1865" extended by an Ordinance to Amend the Otago Municipal Corporation Ordinance 1865.	vincial Council of the Province of Otago. Superintendent and Provincial Council of the Province of Southland.
The City of Invercargill as the boundaries thereof are described in the map of the same in the Crown Lands Office at Invercargill.	Town Board.	"Invercargill Town Board Ordinance 1868."	

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SECOND SCHEDULE.

I A.B. do solemnly and sincerely declare that all the signatures [*or if the case require such* Section 21. *and such*] signatures [*describing them as initialed or otherwise marked by each declarant*] affixed to the above petition are the genuine signatures of the persons whose they purport to be and that such persons are inhabitant householders of the district therein referred to.

(Signed)

A.B.

THIRD SCHEDULE.

Burgess list for the borough of _____ [*if for the ward of a borough for the* Section 52.
ward of the borough of _____]

Surname of person supposed to be entitled to vote.	Christian name of same person.	Trade or Occupation.	Description and situation of property giving title to vote.	Electoral District and division thereof.	Value at which property is assessed.	Number of Votes.

(Signed)

E. F.
Town Clerk.

FOURTH SCHEDULE.

To the town clerk of the borough of _____

I hereby give you notice that I claim to have my name inserted in the burgess list for Section 54. the borough of _____ [*or if the borough be divided into wards say for the*
ward of the borough of _____] in virtue of my qualification as under
namely [*here state accurately the trade or occupation of the claimant the description and situation of the rateable property in respect of which the right to vote is claimed the electoral district and division in which it is situated that the claimant is liable to be rated for the same as owner or occupier as the case may be the value at which the property is assessed to the last rate or if not so assessed is valued by the claimant and the number of votes claimed in respect thereof*].

Dated this

day of 18

A.B. [*christian names and surname in full*]
of [*state residence.*]

FIFTH SCHEDULE.

To the town clerk of the borough of _____ and to A.B. of _____

I hereby give you notice that I object to the name of A.B. of _____ being retained [*or if the objection be to the number of votes assigned to A.B. say* being retained as for any number of votes exceeding _____] on the burgess list for the borough of _____ [*or if the borough has been divided into wards say for the*
ward of the borough of _____] on the following grounds [*here state the grounds of objection*].

Section 54.

(Signed)

C.D.

[*Objector must here state his name and description as inserted in the burgess list.*]

Municipal Corporations.

SIXTH SCHEDULE.

Section 54.

List of persons having claimed to have their names inserted in the Burgess list for the
 borough of [or if the borough be divided into wards say
 for the ward of the borough of]

Surname.	Christian Name.	Trade or occupation.	Description and situation of property giving title to vote.	Electoral District and division thereof.	Value at which property is assessed.	Number of votes.

(Signed)

E. F.
Town Clerk.

SEVENTH SCHEDULE.

Section 54.

List of persons whose names appear on the Burgess list for the borough of
 [or if the borough be divided into wards say for the
 ward of the borough of] against whom objections have
 been sent in.

Surname of persons objected to in full.	Christian names of the same person.	Description of person objected to on Burgess list.	Christian names and surname of objector.	Substance and grounds of objection.

(Signed)

E. F.
Town Clerk.

EIGHTH SCHEDULE.

Section 67.

Burgess roll for the borough of [or if the borough be divided into wards
 for the ward of the borough of] for the year ending October 18

Number.	Voter's surname.	Voter's Christian name.	Trade or occupation.	Description and situation of rateable property.	Electoral District and division thereof.	Number of votes to which voter is entitled.

(Signed)

E. F.
Town Clerk.

NINTH SCHEDULE.

FORM OF NOMINATION.

Section 83.

We the undersigned burgesses of the borough of The day of 18 .
 or if the borough be divided into wards for the ward of the borough
 of] do hereby nominate [stating christian and
 surname] of as a candidate for the office of [councillor] at the election.
 [to be held for the said borough [or ward] on the day of A.D. 18
 [Here are to follow the signatures.]

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TENTH SCHEDULE.

We the undersigned nominators of A.B. as a candidate at the election of councillor to be held on the _____ day of _____ in and for the borough of _____ [or the _____ ward of the borough of _____] do hereby withdraw the said A.B. as such candidate [Here follow signatures of nominators] and I the said A.B. do hereby retire from being such candidate. (Signed) A.B.

ELEVENTH SCHEDULE.

VOTING PAPER.

Section 99.

Borough of _____
Voting Paper for borough as if divided into wards voting paper for ward in the district of _____

Names of the persons voted for as councillors.	Christian name and surname of voter.	Description of property.	Number of votes.	

I vote for the persons named in the first column of this form as councillors of the borough [or as councillors of the _____ ward] the borough of _____

Signed [here name of voter should be written]
Or the mark of _____

Witness to the mark.

TWELFTH SCHEDULE.

I A.B. do hereby solemnly declare that I will not either directly or indirectly by any means whatever publish or make known before the close of the poll the number of votes which may be given to any candidates at this present election.

(Signed)

A.B.

THIRTEENTH SCHEDULE.

PART I.

STREETS AND FOOTWAYS.

(1.) *Porticos Projections &c.*

1. The word "portico" shall mean and include every awning portico porch verandah shed shade or covering upon or across any public footway for the purpose of shade or shelter together with the supports other than the building against which it shall be of such portico. Interpretation.

2. Subject to the provisions hereinafter contained it shall be lawful for the owner of any house or building abutting upon any public footway within the borough to erect or place against or in front of such building and upon or across such footway such portico as such owner shall see fit. Erection of porticos.

3. Every such portico shall be supported by upright pillars or supports fixed on the outer line or kerb of the footway and shall be in every part thereof of such height from the ground not less than seven feet and with the pillars or supports thereof shall be of such shape figure dimensions and materials respectively as shall have been appointed as herein provided. Height &c. of porticos.

4. It shall be lawful for the council of every borough from time to time to make regulations for all or any of the purposes following that is to say— Regulations relating to porticos.

For regulating the height from the ground of such porticoes as aforesaid

For appointing the shape figure dimensions and materials of such porticos

And there shall be deposited at the office of the council a plan and specification of such portico as shall be appointed in any such regulation and such plan and specification shall

Municipal Corporations.

be referred to in such regulation and shall be open for inspection by any ratepayer or person interested at all reasonable times without fee or reward.

Porticos erected contrary to bye-laws or regulations. 5. If before the coming into operation of this sub-division in the borough any portico shall have been erected or placed against or in front of any building and upon or across any public footway contrary to some Act or Ordinance or bye-law lawfully in force in the borough or in the city town or place converted into an original borough or if after such coming into operation any portico shall have been erected or placed against or in front of any building and upon or across any public footway otherwise than as shall have been appointed by some regulation to be made hereunder or if any projecting window balcony step cellar cellar-door or window or steps leading into any cellar or otherwise lamp lamp-post lamp-iron sign sign-post sign-iron show-board window shutters wall gate fence or opening or any other projection or obstruction placed or made against or in front of any building within the borough after the coming into operation of this sub-division therein shall be an annoyance in consequence of the same projecting into or being made in or upon or endangering or rendering less commodious the passage along any footway or street it shall be lawful for the council to give notice to the owner or occupier of such building to remove or to alter so as to conform to such regulation such portico or to remove or in such manner as the council shall by such notice require to alter such projection or obstruction and such owner or occupier shall within fourteen days after the service of such notice upon him remove or in manner aforesaid respectively alter such portico or such projection or obstruction as aforesaid respectively and if the owner or occupier of any such building neglect or refuse for fourteen days after such notice so served to remove such portico or such projection or obstruction or to alter the same in manner aforesaid respectively he shall forfeit a sum not exceeding five pounds and a further sum not exceeding forty shillings for every day during which such projection or obstruction continues after the expiration of fourteen days from the time when he may be convicted of any such offence contrary to the provisions of this section,

Porticos erected without violation of previous bye-laws. 6. If before the coming into operation of this sub-division in the borough any portico shall have been erected or placed without violation of any bye-law for the time being lawfully in force against or in front of any building and upon or across any public footway laid out as such hereunder or otherwise and such portico shall not be in conformity with some regulation for the time being in force hereunder or if any such projection or obstruction as in the last preceding section mentioned which has been placed or made against or in front of any building before such coming into operation as aforesaid shall be an annoyance as in the said section mentioned it shall be lawful for the council to cause such portico to be removed or altered so as to conform to such regulation or (as the case may be) such projection or obstruction to be removed or altered as they see fit Provided that the council shall give notice of every such intended removal or alteration to the owner or occupier against or in front of whose building such portico projection or obstruction may be seven days before such removal or alteration shall be commenced and shall make reasonable compensation to be ascertained and ordered if the parties differ by two justices to every person who shall incur any loss or damage by such removal or alteration except in cases where the portico projection or obstruction shall have been erected placed or made without lawful right or against the law or may be removable under some other Act or law in which case no compensation shall be made.

Proviso. 7. Every owner or occupier of any building against or in front of which there shall be any portico shall keep the same clean and in good repair and it shall be lawful for the council to give notice to any such owner or occupier to clean or repair such portico if and as the same may require and every owner or occupier who shall neglect or refuse within seven days after the service of such notice to effect such cleaning and repair shall forfeit a sum not exceeding forty shillings for every day during which he shall fail to effect the same.

Repair &c. of porticos.

(2.) Naming Streets and Numbering Houses.

Names of streets. 8. It shall be lawful for the council of the borough from time to time to cause to be painted or affixed on a conspicuous part of some house or building at or near each end corner or entrance of every street and in the direction of the line of such street the name of such street in legible characters not exceeding three inches in length and proportionately broad and near to each other and the council may where more than one street in the borough is called by the same name alter the name of any or all of such streets save one (to be described in the order altering the same) to any other name which to the council may seem fit and before any name is given to any new street notice of the intended name shall be given to the council and if there be any street in the borough called or about to be called by the same name the council may by notice stating that there is already a street in the borough called or about to be called by the same name and describing the locality thereof given to the person by whom notice of such intended name was given to them at any time within fourteen days of the receipt of such last-mentioned notice object to such intended name and it shall not be lawful to set up any name to any street in the borough until the expiration of fourteen days after notice thereof has been given as aforesaid to the council or to set up any name objected to as aforesaid.

Numbering &c. of houses. 9. The owners or occupiers of houses or buildings in the several streets of the borough shall mark such houses or buildings with such numbers and names for the purpose of

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distinguishing the same as the council shall direct or approve and shall renew the numbers or names of such houses or buildings as often as they are obliterated or defaced and if any occupier of any such house or building neglect for one week after notice from the council to mark such house or building with such number or name as the council may direct or approve or to renew the number or name thereof as aforesaid he shall forfeit a sum not exceeding forty shillings and the council may cause such name to be so marked or renewed and recover the expense thereof from the owner of such house or building before any justice.

10. If any person wilfully and maliciously destroys pulls down obliterated or defaces the name of any street in any borough or the name or number of any house or building in any such street or paints affixes or sets up any name to any street or any name or number to any house or building contrary to this sub-division he shall for every such offence forfeit a sum not exceeding five pounds and it shall be lawful for the council to cause such name or number so unlawfully painted affixed or set up to be obliterated or destroyed. Malicious injury to name or number.

11. The council of the borough shall cause to be kept a register of all alterations made by them in the names of streets and such register shall be kept in such form as to show the state of every such alteration and the name of such street previous to such alteration and the new name thereof. Register of alterations.

(3.) Spouts and Drains from Houses &c.

12. The owner or occupier of every house or building in adjoining or near to any street within seven days next after service of a notice by the council for that purpose shall put up a shoot or trough of the whole length of such house or building and shall connect the same either with a similar shoot on the adjoining house or building or with a pipe or trunk to be fixed to the front or side of such first-mentioned house or building from the roof to the ground to carry the water from the roof thereof in such manner that the water from such house or the shoot or trunk fixed thereto or from any portico or projection therefrom shall not fall upon the persons passing along the street or flow over the footway but so that no such pipe or trunk shall be an obstruction to the safe and convenient passage along the footway and shall construct or lay from and in continuation of such pipe or trunk to the water channel or gutter herein called channel at the outer edge of the footway and through under and transversely to the footway such covered drain or trunk for carrying such water to such channel as shall be authorized or directed by some regulation in that behalf and shall thereafter keep in good condition every such shoot trough pipe drain and trunk and every such drain or trunk shall be constructed laid and repaired subject to the inspection of such officer as the council shall have appointed in that behalf and in default of compliance with any such notice within the period aforesaid or with the provisions of this section such owner or occupier shall forfeit a sum not exceeding forty shillings for every day that he shall so make default. Spouts &c.
Drains.

13. Every owner or occupier of land in adjoining to or near any street if such land shall be so situated that surface or storm water from or upon the same overflows or tends naturally if not otherwise discharged to overflow any footway of such street shall within seven days next after the service of notice by the council for that purpose construct and lay from such point upon such land being near to the footway as shall be specified in such notice by plan appended or otherwise and higher in level than the bottom of the channel at the outer edge of the footway to the said channel and through under and transversely to the footway and keep in good condition such covered drain or trunk as and subject to the like inspection as in the last preceding section mentioned respectively and in default of compliance with any such notice within the period aforesaid or with the provisions of this section such owner or occupier shall forfeit a sum not exceeding forty shillings for every day during which he shall make default. Drains for discharge of surface water from land.

14. It shall be lawful for the council to make regulations for all or any of the purposes following (that is to say)— Regulations.

For regulating the materials and the size the level and the fall of any drain or trunk to be laid or constructed under any footway either absolutely or with relation to the level or fall of the footway or channel or otherwise in like manner and so if they please that such size be variable within limits prescribed in the regulation according to the discretion of such officer as the council shall thereby direct.

(4.) Crossing over Footways and Channels.

15. Every person who wilfully and without lawful excuse rides or drives any horse or other animal or drives or wheels any carriage cart or other vehicle upon along or across any footway or any water channel or gutter herein called channel by the side of any street save in each such case upon and by or at some crossing to be made as hereinafter mentioned shall forfeit a sum not exceeding five pounds and shall also pay to the council such sum not exceeding ten pounds by way of compensation for any damage done by him to the footway or channel as the justice adjudicating upon the information shall on the hearing thereof order. Crossing &c. footway &c. save by made crossing.

16. If any land shall front to adjoin or abut upon the footway of any street and if access with horses and vehicles from such street to such land or to some sufficient way

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appurtenant thereto cannot be had without riding driving or wheeling the same respectively upon or across the said footway or the channel if any lying along the outer edge thereof and if the owner of such land shall desire that a crossing for horses and other animals and for vehicles be made as herein provided over such footway and channel and shall give a notice in writing of such his desire to the council and in such notice describe the land in question and the proposed work by reference to the specification deposited as hereinafter mentioned such specification being in accordance with the provisions hereof and with such regulation as may be in force in that behalf it shall be lawful for such owner after seven clear days from the giving such notice and not before (with no unnecessary delay or obstruction) at his own cost and under the inspection of such officer as the council shall have appointed for the purpose to make such crossing according to the tenor of such notice and specification and not otherwise and the owner of such land shall afterwards in like manner maintain the same.

Specification.

17. Every such owner who desires as aforesaid that any such crossing shall be made shall before giving notice to the council as herein provided deposit with the town clerk a specification describing the proposed work with respect to each of the several matters hereby or by any such regulation in force in that behalf required or provided.

Immunity of person giving irregular notice in certain cases.

18. Unless within the period of seven days after the receipt of any such notice as aforesaid the council shall give notice to the person giving the same that (if the fact be so) such notice or the specification referred to therein and deposited is not in accordance with the provisions of such regulation as aforesaid such notice and specification shall thereafter so far only as affects the liability of such person to any penalty be deemed to be in accordance therewith.

Notice of crossing where there is a street kerb.

19. In streets in which at the site of any such proposed crossing there is a kerb of stone or wood along the outer edge of the footway the crossing so far as the footway extends shall have on both sides a kerb not higher in any part than the surface of the footway at that part and similar in all respects to such first-mentioned kerb and such kerb shall approach to and join the street-kerbing in gentle curves outwards and such crossing shall be of such width and the surface thereof so far as the footway extends shall have such inclination outwards and be depressed so far below the footway as shall have been respectively appointed by some regulation in that behalf and shall with respect to the channel be so laid or constructed as not to raise or obstruct the same or any part thereof.

Notice of crossing where there is no street kerb.

20. In streets in which at the site of any such proposed crossing there is no such kerbing as in the last preceding section mentioned the crossing over the channel shall be such suitable bridge as shall leave a free passage for the water underneath the same and shall be of such materials form length size strength and fall as shall have been respectively appointed by some regulation in that behalf and the surface of such crossing so far as the footway extends shall be so made good by paving macadamising gravelling or otherwise that the necessary traffic by animals or vehicles over the same shall not cause any damage thereto but that such crossing shall be as sound and commodious for the passage of persons using the footway as the other portions of such footway adjoining such crossing.

Departures from notice &c. not punishable in certain cases.

21. No person making any crossing shall be deemed guilty of an offence by reason only of some departure in making such crossing from the notice or specification relating thereto unless the officer of the council appointed as hereinbefore provided to inspect the making of the crossing shall have reported in writing such departure to the council within three days after the same shall have occurred and unless such person being served by the council within three days after such report with a notice so to do shall for the space of seven clear days after such notice have failed to correct or supply such departure.

Council may alter improper crossing.

22. If any crossing shall have been made in any respect contrary to this subdivision or any regulation in force hereunder it shall be lawful for the council if they shall see fit to cause the same to be altered so as to conform to this subdivision and to such regulation respectively and to recover in manner in this Act elsewhere provided the expenses of such alteration from the owner of the land to which such crossing shall lead but they shall not so recover in those cases of departure from the notice or specification which the council or their officer might respectively have given notice of or reported but failed to give notice of or report respectively in manner and within the time provided in the preceding sections thereof.

Expenses.**Crossing for private street. Expenses.**

23. If any private street shall meet at an angle the footway of any public street and there shall be no crossing upon and across such footway and the channel adjacent thereto from such private street to such public street it shall be lawful for the council if they shall see fit to make in accordance with any regulation in force in that behalf a crossing upon and over such footway and channel of the description hereinbefore provided with respect to other crossings and to recover from the owner of each of the tenements abutting on such private street such portion of the expenses of such making as shall bear to the whole of such expenses the same proportion as the rateable value of such tenement bears to the whole rateable value of all the tenements so abutting.

Council may alter crossings made before sub-division in force.

24. If any crossing across or over any footway or channel to any land or way appurtenant thereto or to any private street shall have been made before the coming into operation of this subdivision in the borough but shall in any respect not be in accordance with any regulation made hereunder the council may if they shall see fit cause the same to be altered so as to conform to such regulation and if such crossing shall have been made contrary to any bye-law in force at the time of making the same the council may recover

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the expenses of such alteration in manner in the last two preceding sections mentioned according as one or the other may be applicable to the case.

25. If any crossing shall be out of repair and the person liable hereunder to maintain **Repair of crossings.** or repair the same shall for seven days after notice from the council to that effect neglect properly and completely to repair the same he shall forfeit for every day that such crossing shall remain so unrepaired a sum of forty shillings and the council may if they shall see fit effect such repair and recover the same from such person before any justice.

26. It shall be lawful for the council from time to time to make regulations for all or **Regulations.** any of the purposes following that is to say—

For regulating the width depression and inclination of crossings across or over footways and channels and the materials for making and constructing the same the mode of laying and bedding such materials the length width size strength and fall of bridge crossings and the said inclination and fall either absolutely or with relation to the levels inclination or fall of the footway or channel or otherwise in like manner.

(5.) *Deposit or discharge of Rubbish Liquid, &c. on Streets &c.*

27. Every person who causes to run from any manufactory or any establishment for **Causing &c. offensive** the boiling or preparing of any animal matter or any brewery slaughter-house butcher's **liquid &c. to flow on** shop or any dunghill or other receptacle or from any inn into or upon any street public or **street &c.** private or any footway or channel and every occupier of any land or premises who causes or permits to run from such land or premises into or upon any such street footway or channel any offensive liquid or matter shall for every day during which any such liquid or matter shall so run forfeit a sum not exceeding five pounds.

28. Every person who unless where authorized by or under some Act now or hereafter **Causing sludge to** to be in force shall cause any sludge made in the process of washing earth for gold or **flow on street &c.** otherwise to flow or run into or upon any street public or private or any footway or channel shall for every day during which any such sludge shall so flow or run forfeit a sum not exceeding five pounds.

(6.) *Depositing Building Materials Excavations &c.*

29. Every person who throws or lays any building or other materials or building **Unlawful depositing** rubbish or puts up constructs or erects any stage scaffolding hoarding or fence in upon **of building materials** across or over any street footway channel or public place save in lawful execution of the **in street.** powers given by this subdivision shall forfeit a sum not exceeding ten pounds and a further sum not exceeding forty shillings for each day during which such matter or thing or any of it or any part thereof is suffered to remain in or upon such street footway channel or public place.

30. Every person intending to build put up or take down or cause to be built put up **Notice of intention to** or taken down any building wall or other structure or any fence or to alter or repair or **build &c.** cause to be altered or repaired the outward part of any such building or other structure whether in any of such cases over or under ground or to make any hole within ten feet of any street or footway shall give notice in writing of such his intention to the council and in such notice shall describe the intended work and the height depth extent and position thereof and whether or not it be necessary for the execution of the said work that a scaffold or stage be constructed or that building or other materials or building rubbish be deposited upon or in the footway or street adjoining or in front of such structure or hole and for what time it will be necessary that such stage or scaffolding or such materials deposited be so kept or continued or that such hole remain open together with such other particulars touching such intended work as such person shall see fit.

31. No person shall execute or begin or continue to execute any such work as in the last **Penalty for com-** preceding section mentioned without having given to the council such notice as therein **mencing &c. work** provided or until the expiration of forty-eight hours after giving the same and every person **without notice.** offending against the provisions of this section shall forfeit a sum not exceeding five pounds for every day upon which he shall so offend.

32. It shall be lawful for the council having received any such notice as aforesaid to **License for depositing** grant if it shall seem to them fit to the person having given such notice upon payment by **materials scaffolding** him of the sum of five shillings a license in the appointed form under the hand of the **&c.** town clerk authorizing such person to construct such stage and scaffolding as the proper officer of the council to be appointed in that behalf shall require or permit and to deposit building and other materials and building rubbish upon or across in each of the cases aforesaid so much of the footway adjoining or in front of the site of the intended work and so much of the street adjoining such footway and to keep and continue the said stage scaffolding and materials or rubbish so constructed or deposited respectively for such time respectively as shall seem fit to the said council and be specified in the said license and the council may if it shall seem fit renew such license or grant a fresh license to such person from time to time and such person may thereupon from time to time do the said acts according to the tenor of such license.

33. Every person who shall intend to build or take down or cause to be built or taken **Hoarding and fence.** down any building or other structure whether over or under ground or to alter or repair or

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cause to be altered or repaired the outward part of any such structure within in any of the cases aforesaid ten feet of any street or footway or who shall have a license for constructing any stage or scaffolding or depositing any building or other materials or building rubbish upon or across any footway or street shall before beginning to execute such work or to do such act cause to be put up so as to separate from the street and from the remainder (if any) of the footway so much of the premises where the work is to be executed as fronts the site of such work and the area upon which according to the license such stage or scaffolding is to be constructed or such materials or rubbish are to be deposited such sufficient hoards or fences together with such convenient platform or handrail if there be room enough to serve as a footway for passengers outside of such hoard or fence as shall be respectively approved by such officer as the council shall have appointed in that behalf and shall continue such hoard or fence with such platform and handrail as aforesaid standing and in good condition to the satisfaction of such officer during the time limited as aforesaid in the said license or the last renewal thereof and for such longer time as the public safety or convenience requires and shall in all cases in which it is necessary in order to prevent accidents cause the same to be sufficiently lighted from sunset to sunrise and shall remove such hoard fence platform and handrail and make good the footway and street within a reasonable time after the provisions of this section have been fulfilled.

Penalty for not putting up lighting &c. hoarding.

34. Every person who executes or begins or continues to execute any such work as in the last section mentioned or who being licensed thereto constructs or begins or continues to construct any such stage or scaffolding or deposits or keeps deposited any such material or rubbish upon or across any footway or street without having in any of the cases aforesaid put up such hoard or fence or such platform with such handrail as aforesaid or continuing the same respectively standing and in good condition as aforesaid during the time aforesaid or without keeping the said hoard fence platform or rail and each part thereof respectively while the same are standing sufficiently lighted from sunset to sunrise or without removing the same within such reasonable time as aforesaid or without making good the footway and street after such removal shall for every such offence forfeit a sum not exceeding five pounds and a further penalty not exceeding forty shillings for every day while such default is continued.

Removal of scaffold ing &c.

35. Every person licensed as herein mentioned to construct any stage or scaffolding or to deposit any materials or rubbish shall remove within a reasonable time after the time limited as aforesaid in such license or in the last renewal thereof all such stage scaffolding materials and rubbish and shall make good the footway and street and if any such person shall fail in any such case to comply with this section he shall forfeit a sum not exceeding five pounds and a further penalty not exceeding forty shillings for every day while such default is continued.

Street &c. not to be obstructed &c.

36. Nothing herein contained shall render it lawful to construct any stage or scaffolding or to deposit any materials or rubbish or to put up any hoarding or fence platform or handrail as aforesaid or all or any of them so that the same shall extend or be across or over or upon any street further from the inner edge of the footway than one-third of the whole breadth of such street or in any case so as to render the street exclusive of the footways impassable for carriages or so as to obstruct the channel.

Council may remove &c in certain cases and recover expenses.

37. If any person who ought under this subdivision to remove any matter or thing or to make good any footway or street shall fail so to do whether or not such person shall have been convicted or not of any offence under this subdivision the council may remove such matter or thing or make good such street or footway and may recover the expenses of so doing from the person so making default before any justice.

(7.) Lighting &c. of Obstructions generally.

Persons laying materials or making hole whether by authority or not to light &c. same.

38. When any building materials rubbish or other things are laid or any hole made in any street or footway whether the same be done by order or authority of the council or not the person causing such materials or other things to be so laid or such a hole to be made shall at his own expense cause a sufficient light to be fixed in a proper place upon or near the same and continue such light every night from sunset to sunrise while such materials or hole remain and such person shall at his own expense cause such materials or other things and such hole to be sufficiently fenced and enclosed until such materials or other things are removed or the hole filled up or otherwise made secure and every such person who fails so to light fence or enclose such materials or other things or such hole shall for every such offence forfeit a sum not exceeding ten pounds and a further sum not exceeding forty shillings for every day while such default is continued.

Penalty in like case for non-removal.

39. In no case shall any such building materials or other things or such hole as last mentioned respectively be allowed to remain an unnecessary time under a penalty not exceeding ten pounds to be paid for every such offence by the person who whether by order or authority of the council or not causes such materials or other things to be laid or such hole to be made and in any such case the proof that the time has not exceeded the necessary time shall be upon the person so causing such materials or other things to be laid or causing such hole to be made.

(8.) Houses &c. Encroaching on Street &c.

Houses built so as to encroach on street.

40. If any person shall erect or place any house or other building or any part thereof upon over or across any public street footway or channel he shall forfeit a sum not exceed-

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ing twenty pounds and a further sum not exceeding five pounds for every day while the same shall so continue.

41. If any house or other building or any part thereof shall before the coming into operation of this subdivision have been erected or placed in upon over or across the highway or any public street or footway marked or set out as such in such manner as to be a common nuisance to the highway or as to encroach on such street or footway it shall be lawful for the council to give notice to the owner of such house or building to remove such house or such part thereof as shall so have been erected or placed with such precautions for the safety of passengers and for the proper securing of so much (if any) of such house or building as is to remain thereafter as the council shall see fit and such owner shall within twenty-eight days after the service of such notice upon him remove such house or part according to the tenor of such notice and if such owner shall fail within the said period of twenty-eight days to remove such house or part or shall not comply with the requirements of the said notice he shall forfeit a sum not exceeding ten pounds and a further sum not exceeding five pounds for every day while such default is continued and the council may if they shall see fit remove such house or part and recover the expenses of so doing from the said owner.

(9.) Obstructions &c. to Streets &c. by Cattle &c.

42. If any cattle shall be found upon any land not being a common and such that there is no fence whether upon the same land or any other dividing such first-mentioned land from the streets whether public or private of the borough or any of them without any person having charge of such cattle the owner of such cattle shall forfeit a sum not exceeding twenty shillings for every head of such cattle and the proper officer of the council may seize such cattle and place the same at some neighbouring place of safe custody and any justice if such owner be not known upon proof of the issue of a summons in the usual form addressed to such owner as "owner" only without otherwise naming or describing him such cattle and the place of seizure being truly described therein and of the publication of such summons in some newspaper commonly circulating in the borough may after the expiration of twenty-four hours from such publication proceed with respect to such owner not appearing as if personal service of a summons stating his name had been effected or if such owner appear then as in other cases and the justice may order the cattle to be sold and the money arising from the sale after deducting the said penalty and the costs awarded and the reasonable expenses to be estimated and assessed by the justice of seizing keeping and selling the said cattle shall be paid if demanded within one month to the owner of the cattle and if not so demanded then to the borough fund and if the said money shall not be sufficient for all the purposes aforesaid the amount whereby the same falls short or if no such sale be ordered the whole of the said amount may be recovered from the said owner if and when known in like manner as other penalties and sums adjudged or ordered to be paid by justices are to be recovered.

43. If any cattle be at any time found in any street without any person having the charge thereof the owner of such cattle shall forfeit for every head of such cattle a sum not exceeding twenty shillings and if such cattle shall by reason of having been so found at large have been impounded by the council the amount of such penalty and the costs if adjudged respectively before the release or sale of such cattle shall be added to the pound fees and charges payable in respect of such cattle and the amount thereof or such lesser amount (if any) as after the sale of the cattle may remain in the hands of the pound-keeper shall be paid over by him accordingly and if the proceeds of any sale of such cattle shall not be sufficient after paying the lawful fees and charges aforesaid to satisfy such penalty and costs or if such penalty and costs shall have been adjudged after the release or sale of the cattle the same or so much thereof as remains unpaid shall and may be recovered from the owner of the cattle in like manner as other penalties and costs adjudged by justices are by law to be recovered and if in the case of any information under this section the owner be not known then the provisions of the last preceding section so far as necessary to give the adjudicating justice jurisdiction shall apply.

44. If any goat shall have been sold under the provisions of either of the two last preceding sections or under the provisions of this Act relating to the impounding of cattle for trespass in the streets and shall after the expiration of twenty-four hours be found in any place whatsoever within the borough any justice may by warrant under his hand directed to any constable authorize the destruction of such goat and the same may be destroyed accordingly.

45. It shall be lawful for the council to make regulations from time to time for appointing the hours during which it shall not be lawful to drive into or through the borough or such parts thereof as shall by boundaries be set forth in such regulation any cattle intended for sale slaughter or shipment or travelling from one part of New Zealand or of any other colony to any other place and to provide if they shall see fit in such regulations separately with respect to Sundays and week days and if any person shall drive any such cattle contrary to such regulation he shall forfeit for every head of cattle so driven a sum not exceeding twenty shillings. Provided that nothing herein contained shall apply to horses driven in harness or to oxen in the yoke.

46. It shall not be lawful to break in any horse or other animal in any street whether public or private or in any public place save such public places as from time to time may

Houses previously built and unlawfully encroaching on street.

Cattle at large on unenclosed land.

Cattle at large in streets.

Goats sold for trespass to be removed from borough or killed.

Regulations.

Breaking in &c. horses in streets.

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be appointed by some regulation of the council in that behalf which regulation the council are hereby authorized to make or by locking the wheels of any cart or other vehicle or otherwise to test or try any horse or other animal so as to obstruct or injure any street or public place and any person offending against this section shall forfeit a sum not exceeding five pounds.

(10) *Miscellaneous.*

Council may regulate driving near places of worship.

47. It shall be lawful for the council on the application of the minister of any church chapel or other place of public worship in the borough to make orders for regulating with respect to such place of public worship the route and conduct of persons who shall drive any cart or carriage or any cattle within the borough during the hours of divine service (to be named in every such order) on Sunday Christmas-day Good Friday or any day appointed for a public fast or thanksgiving and any orders which shall be so made shall be printed or affixed on or near the church chapel or place of public worship to which the same shall refer and in some conspicuous places leading and contiguous thereto and elsewhere as the council shall direct and every person who offends against such orders shall forfeit a sum not exceeding forty shillings.

PART II.

WATERWORKS DRAINS ETC.

Polluting water reservoirs &c.

1. Whosoever shall bathe in any stream reservoir conduit aqueduct or other water works belonging to or under the management or control of the council or shall wash cleanse throw or cause to enter therein any animal whether alive or dead or any rubbish filth stuff or thing of any kind whatsoever or shall cause or permit or suffer to run or be brought therein the water of any sink sewer drain engine or boiler or other filthy unwholesome or improper water or shall do anything whatsoever whereby any water or waterworks belonging to the council or under their management or control shall be fouled obstructed or damaged shall for every such offence forfeit on conviction a sum not exceeding five pounds and a further sum not exceeding twenty shillings for each day while such offence is continued after written notice in that behalf.

Wilful waste of water.

2. Whosoever being supplied with water by the council from any waterworks of or belonging to or under the control or management of the council or having access to any such waterworks for the taking of water therefrom shall wilfully or negligently suffer any water to run to waste from any pipe or conduit from or by which he shall be so supplied or to which he shall have such access shall on conviction forfeit and pay for every such offence a sum not exceeding ten pounds.

Damming up water without consent.

3. Whosoever shall without the consent in writing of the council construct or place any dam or embankment in or across any river creek or natural watercourse shall on conviction forfeit a sum not exceeding twenty pounds and a further sum not exceeding five pounds for every day after such conviction during which such dam or embankment or any part thereof shall continue.

Diverting water from reservoirs of council in certain cases.

4. In any case in which the council has the exclusive right of collecting for the supply of any reservoir or waterworks belonging to the council or under their management or control the storm-water having fallen on any gathering ground whosoever shall by any means whatsoever divert any such water from the course of its natural flow so that the same shall tend to flow elsewhere than to such reservoir or waterworks or some watercourse leading thereto or shall flow to the same respectively in a foul state shall forfeit on conviction a sum not exceeding fifty pounds and a further sum not exceeding ten pounds for every day after such conviction during which such water so tends to flow or flows as the case may be.

Shooting or fishing in or near reservoir.

5. It shall be lawful for the council from time to time to make regulations for prohibiting or regulating the shooting of waterfowl and the taking of fish upon or in or within one-quarter of a mile of any stream reservoir or other waterworks belonging to or under the management or control of the council and every person who shall offend contrary to any such regulation shall on conviction forfeit and pay for every such offence a sum not exceeding five pounds.

Obstructing &c. culverts &c.

6. Whosoever shall obstruct or damage any culvert sewer or drain belonging to or under the control of the council shall forfeit a sum not exceeding ten pounds and shall pay to the council by way of compensation for any such damage such further sum not exceeding ten pounds as the convicting justice shall order.

PART III.

WHARVES ETC.

Application of this Part.

1. This Part shall apply only to such wharves jetties and piers as belong to and are under the sole management or control of the council of any borough in which this Part

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shall be in operation and as are not within the operation of any Act relating to ports or harbours.

2. It shall be lawful for the council from time to time to make regulations for all or Regulations. any of the purposes following that is to say—

For limiting the time during which goods shall be suffered to remain upon such wharf jetty or pier according to the nature of such goods

For appointing the rates and tolls to be paid in respect of goods landed shipped or Tolls. deposited upon or from such wharf pier or jetty

For appointing the parts and the extent of such wharf pier or jetty on which it shall be lawful to deposit goods

And every person who shall place or keep any goods contrary to any such regulation shall on conviction forfeit a sum not exceeding five pounds for such offence and a further sum not exceeding forty shillings for every day after such conviction during which such goods or any of them shall so remain.

3. If any master or person in charge of any ship shall not on being thereto required Offences by masters by the proper officer of the council remove his ship from the wharf pier or jetty or from &c of Ships. one part to another part thereof or if any such master or person or the owner of any ship shall cause or suffer such wharf pier or jetty to be damaged by contact of such ship therewith or otherwise every such master owner or person shall forfeit a sum not exceeding ten pounds and such further sum by way of compensation to the council for any such damage as the convicting justice shall on the hearing order.

PART IV.

PLACES OF IMPROVEMENT AND RECREATION ETC.

(1.) *Public Libraries and Museums.*

1. Every person who shall being intoxicated enter or remain in any public library or Misconduct &c. in museum belonging to or under the control or management of the council or who shall use library or museum. therein any abusive improper or unbecoming language or who shall by unnecessarily loud talking or any unnecessary noise or otherwise disturb or annoy the persons using or resorting to such library or museum or who shall without lawful excuse but without felony remove any property from such library or museum shall forfeit a sum not exceeding ten pounds and every such person may be forthwith removed by any officer of the council in charge of such library or museum.

2. It shall be lawful for the council from time to time to make regulations for the proper Regulations. management and control of every such library and museum and every person offending against any such regulation shall forfeit a sum not exceeding five pounds.

(2.) *Public Gardens.*

3. The gardens under the management or control of the council and ground appertaining thereto herein called the gardens shall be open from sunrise to sunset on each day of Hours. the week.

4. No person shall pluck any of the flowers or walk on the beds or borders or climb upon Injury to things in or get over the fences or remove any of the tallies or disturb damage or destroy any property gardens. or thing in the gardens.

5. No person shall carry firearms through the gardens or shoot snare or destroy any wild Shooting &c. fowl either in the gardens or in or on any water adjacent thereto or bathe within such distance from such gardens as shall be fixed by any regulation of the council to be made in that behalf in such water.

6. No cart or other vehicle used for the conveyance of goods shall without the authority Driving carts. of the proper officer of the council be driven through the gardens.

7. Such plants seeds or cuttings as are commonly purchaseable at nurseries in New Zealand Supplying plants &c. shall not be supplied from the gardens to any person unless in exchange or for public institutions or for benevolent purposes.

8. No visitor shall interrupt the gardeners or labourers by conversation or otherwise. Interrupting workmen.

9. Children under the age of ten years not being under the control of some competent Children. person shall be removed from the gardens.

10. All dogs and goats and all poultry found within the gardens shall be destroyed and Dogs. the owner shall make compensation to be recovered before any justice for any damage done.

11. In addition to the provisions herein contained it shall be lawful for the council from Regulations. time to time to make such regulations for the proper maintenance and management of the gardens as shall seem to them fit.

12. Any person offending against this subdivision or any such regulation shall forfeit a Penalties. sum not exceeding five pounds.

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PART V.

REGULATION ETC. OF BUILDINGS.

Regulations for build-
ings.

1. It shall be lawful for the council from time to time to make regulations for all or any of the purposes following that is to say—

For prohibiting or restraining the use of combustible materials in the construction alteration repair or renewal of buildings roofs or chimneys flues smoke-vents or stove-pipes hereinafter in this subdivision called in common "chimneys" or of parts thereof respectively to be specified in the regulation

For regulating the distance from any other building at which it shall be lawful to construct any building

For regulating the height thickness construction or materials of the party walls of buildings adjoining each other and of the external walls of buildings and of chimneys and the materials for and mode of enclosing the same

For regulating the construction materials and enclosing by building or otherwise of fireplaces or furnaces to be used in the working of engines by steam or in any mill brewery bakehouse or gaswork or in any manufactory whatsoever although a steam engine be not used therein respectively

For regulating the erection of tents

For limiting a time not in any case less than seven years from the coming into force of the limiting regulation after which it shall not be lawful without the consent of the council to use keep continue or suffer to remain any building roof fireplace furnace or chimney or the enclosure of any fireplace furnace or chimney originally constructed or made without violation of law and existing at the time of such coming into force being of any such construction height thickness materials or description or within any such distance of other buildings as respectively are contrary to any regulation existing at the time of such coming into force

For appointing fees not in any case exceeding the sum of two pounds which may be charged and received on account of the borough fund by the proper officer of the council for any inspection superintendence or other service made or performed by him under any such regulation as hereinbefore in this section provided for

And every such regulation may be made to apply to the whole or separately to a part or parts of the borough described by boundaries in such regulation and may provide with respect to the several matters of prohibition restraint and regulation hereinbefore in this section mentioned either absolutely or with relation to classes rates situations distances or other like *data* to be laid down or referred to in general terms therein and with or without relation to a right of approval disapproval or inspection to be vested in the council or some proper officer of the council.

Constructing &c.
buildings contrary
hereto.

2. If any person after the coming into force of any such regulation as in this subdivision aforesaid and whilst the same is in force shall construct alter repair or renew within the borough or within the limits prescribed in such regulation any building roof fireplace furnace or chimney or put up any tent or enclose any fireplace furnace or chimney contrary in any of the cases aforesaid to such regulation or shall after the expiration of the time (if any) limited in that behalf and notice from the council to remove or alter any building roof fireplace furnace chimney or enclosure to which the limiting regulation applies use keep or continue the same or suffer the same to remain or if the case be so to remain unaltered for more than twenty-eight days after the time when such notice has been given him he shall forfeit a sum not exceeding ten pounds for every day while such building roof chimney fireplace furnace or tent continue so constructed or standing or continues so as unlawfully altered repaired renewed or enclosed or while (if the case be so) the same shall after the expiration of the said twenty-eight days be used kept continued or suffered to remain as aforesaid.

Buildings &c. hereto-
fore unlawfully con-
structed.

3. If any building roof fireplace furnace or chimney shall before the coming into operation of this subdivision have been constructed or any fireplace furnace or chimney enclosed or left unenclosed in violation of any law or bye-law theretofore in force in the borough it shall be lawful for the council to give notice to the owner or occupier thereof respectively to remove or to alter or enclose so as to conform to any regulation in force in that behalf under this subdivision such building roof fireplace furnace chimney and such owner or occupier shall remove or in manner aforesaid alter or enclose the same within twenty-eight days after the service of such notice upon him and if such owner or occupier neglect or refuse within twenty-eight days after such notice so served to remove or in manner aforesaid to alter or enclose such building roof fireplace furnace or chimney he shall forfeit a sum not exceeding ten pounds and a further sum not exceeding forty shillings for every day during which the same continued or if the case be so continues so unaltered or unenclosed after the expiration of fourteen days from the time when he may first be convicted of any such offence under this section.

Buildings &c hereto-
fore improperly con-
structed but without
violation of law.

4. If any chimney shall have been commenced or constructed before the coming into operation of this subdivision and shall be of other height thickness construction or materials or enclosed otherwise than respectively required by or left unenclosed contrary to the tenor

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of any regulation in force under this subdivision but shall have been so constructed enclosed or left unenclosed without violation of law and if the proper officer of the council upon inspection had (which inspection any ratepayer may upon payment of five shillings demand and require) shall deem that such chimney by reason of want of proper height thickness or enclosure or by reason of its being constructed of inflammable materials causes reasonable danger of fire to any building or causes a nuisance through not properly carrying up the smoke it shall be lawful for such officer to give notice to the owner and occupier of the premises in which such chimney is forthwith to take down or alter or enclose such chimney as the case may require for prevention of such danger or nuisance and if such owner or occupier do not within seven days after such notice comply with the same then any two justices if they are satisfied that for the reasons aforesaid such chimney causes such danger or nuisance may order the same to be removed altered or enclosed as they may see fit by the said officer and reasonable compensation shall be paid out of the borough fund to all persons who shall be put to expense or suffer damage in complying with any such notice or through the execution of such order.

(2.) Ruinous or Dangerous Buildings &c.

5. If any building or wall or anything affixed thereon be deemed by the proper officer of the council to be in a ruinous state and dangerous to passengers or to the occupiers thereof or of the neighbouring buildings such officer shall immediately cause a proper board or fence and if he shall deem it necessary props to be put up for the protection of passengers and of such occupiers and shall also if he shall deem it necessary cause the neighbouring buildings to be properly shored up and shall cause notice in writing to be given to the owner of such building or wall if he be known and resident within the borough and shall also cause such notice to be put on the door or other conspicuous part of the said premises or otherwise to be given to the occupier thereof (if any) requiring such owner or occupier forthwith to take down secure or repair such building wall or other thing as the case may require. Notice to owner &c. of ruinous building.

6. If such owner or occupier do not begin to take down repair or secure such building wall or other thing within the space of three days after such notice shall have been given or put up as aforesaid and complete such taking down repairs or securing as speedily as the nature of the case will admit such officer may make complaint thereof to two justices and it shall be lawful for such justices to order the owner or in his default the occupier (if any) of such building wall or other thing to take down rebuild repair or otherwise secure to the satisfaction of such officer the same or such part thereof as appears to them to be in a dangerous state within a time to be fixed by such justices and in case the same be not taken down rebuilt repaired or otherwise secured within the time so limited or if no owner or occupier can be found on whom to serve such order the council shall with all convenient speed cause all or so much of such building wall or other thing as shall be in a ruinous condition and dangerous as aforesaid to be taken down rebuilt repaired or otherwise secured in such manner as shall be requisite and all the expenses of putting up every such hoard fence and props and of shoring up such buildings and of taking down rebuilding repairing or securing such building wall or other thing shall be paid by the owner thereof and any two justices may order such payment. Justices may limit time for removal repair &c.

7. If any such building or wall as aforesaid or any part of the same be pulled down by virtue of the powers aforesaid the council may sell the materials thereof or so much of the same as shall be pulled down and apply the proceeds of such sale in payment of the expenses incurred in respect of such building or wall and the council shall restore any overplus arising from such sale to the owner of the building or wall on demand. And in default &c. council may do act.

8. If such owner cannot be found within the borough or sufficient distress of his goods and chattels within the borough cannot be made and the said expenses or any part thereof remain unpaid the council after giving twenty-eight days notice of their intention to do so by posting a notice in a conspicuous place on such building or wall or on the land whereon such building or wall stood may take such building or land provided that such expenses or so much as remains due be not paid or tendered to them within the said twenty-eight days making compensation to the owner of such building or land in the manner provided by "The Lands Clauses Consolidation Act 1863" in the case of lands taken otherwise than with the consent of the owners and occupiers thereof and the council shall be entitled to deduct out of such compensation the amount of the expenses so unpaid as aforesaid and may sell or otherwise dispose of the said building or land for the purposes hereof. Materials may be sold

PART VI.

BUILDINGS ETC. FOR PUBLIC MEETINGS ETC.

1. Every occupier of any hall or other building used for public meetings or of any such building or any ground in which public amusements are conducted shall in each year register at the office of the council such building or ground together with the situation and description thereof and the purpose being such as aforesaid for which the same is to be Public buildings &c. to be registered.

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kept and the name of such occupier and every person who causes and every occupier of any such premises who permits any public meeting to be held or any public amusement to be conducted in or on any such premises not being registered for the purpose or without such certificate of registration as hereinafter mentioned having been obtained for the same shall forfeit for every such offence a sum not exceeding twenty pounds.

Certificate of registration &c.

2. The council upon the written application of any such occupier as aforesaid stating the particulars aforesaid may if upon inspection by the proper officer the premises shall have been found to be secure and proper for the purpose stated and if the council shall see fit cause the premises to be registered in a registry book to be kept for that purpose and shall thereupon grant to the applicant a certificate of such registration of such premises in the appointed form and the council may at any time suspend for a stated period the effect of or cancel any such registration and shall forthwith give notice of such suspension or cancellation to the occupier of the registered premises and during such suspension or after such cancellation such premises shall be deemed to be unregistered in respect of the purpose mentioned in the certificate of registration and such certificate shall be of no force or virtue.

Inspection.

3. The proper officer of the council may at all reasonable times enter and inspect any such registered premises as aforesaid.

Regulations.

4. It shall be lawful for the council from time to time to make regulations for appointing the times and hours during or at which respectively any such registered building or ground shall be used for the purpose for which it is registered or shall be closed and every occupier of any such premises who permits the same to be used for such purpose during or at or any other time or after any such hour respectively shall for every such offence forfeit a sum not exceeding ten pounds.

PART VII.

FIRE PREVENTION.

(1.) *Foul Chimneys.*

Wilfully setting fire to chimneys.

1. Every person who wilfully sets or causes to be set on fire any chimney flue smoke-vent or stove pipe herein called in common "chimney" shall forfeit a sum not exceeding five pounds. Provided always that nothing herein contained shall exempt the person so setting or causing to be set on fire any chimney from liability to be informed against or prosecuted before any criminal court for such act as for an indictable offence.

Negligently suffering chimney to be on fire.

2. If any chimney accidentally catch or be on fire the person occupying or using the premises in which such chimney is situated shall forfeit a sum not exceeding forty shillings. Provided always that such forfeiture shall not be incurred if such person prove to the satisfaction of the justice before whom the case is heard that such fire was in nowise owing to the omission neglect or carelessness whether with respect to cleansing such chimney or otherwise of himself or his servant.

(2.) *Deposit &c. of Inflammable Materials &c.*

Regulations.

3. It shall be lawful for the council from time to time to make regulations for all or any of the purposes following that is to say—

For prescribing the distance from any adjoining land or from any building within which it shall not be lawful to make or keep any stack of hay corn straw or other produce if not placed under roof or cover and the like where placed under roof or cover and for prohibiting or restraining the use for such covering of such inflammable materials as shall be described in such regulation

For prescribing the distance from any adjoining land or from any street or public place or from any building within which it shall not be lawful to deposit such combustible materials as shall be specified in the regulation or save in some properly constructed fireplace within some building to make or light any fire

And every such regulation may be made to apply to the whole or separately to any part or parts of the borough described by boundaries in such bye-law and may provide as to the subject-matter thereof either absolutely or with relation to the consent of the council or of the proper officer of the council to be given or withheld in any case to be in question under such regulation.

Stacks or coverings &c. in violation of or otherwise than required by regulation.

4. Every person who shall make or place any stack of hay corn straw or other produce or place as or for the covering of any such stack any inflammable material or deposit any combustible material or light any fire contrary in any such case to any regulation under this subdivision and every occupier of any premises whereon any stack or any such covering of a stack shall be or any combustible materials have been deposited if the same though lawfully made placed or deposited before the coming into force of any such regulation shall be there contrary to the tenor of such regulation who shall not within seven days after notice from the council so to do remove such stack covering or materials or who shall suffer to remain any such stack covering or materials unlawfully made placed or deposited before the coming into force of such regulation shall forfeit on conviction of

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such offence a sum not exceeding five pounds and in every such case a further sum not exceeding forty shillings for every day after any such conviction during which such stack covering or materials shall so continue.

5. Every person who wilfully sets fire to any inflammable matter whatsoever in the open air without having given notice in writing to the occupiers of the land adjoining to the land upon which such matter shall be and also to the town clerk of his intention so to do or within twenty-four hours after giving the last given of such notices or between the hours of four in the afternoon of any day and eight in the morning of the following day shall forfeit a sum not exceeding five pounds. Setting fire to matter without notice.

6. Every person who shall light any bonfire tar-barrel or firework upon or within sixty yards of any public or private street or any public place shall forfeit a sum not exceeding five pounds. Fireworks.

7. It shall not be lawful for any person to make or place or to keep or continue any fence of brushwood bushes or other like material within the borough and every person who shall make or place any such fence and every owner or occupier of any premises who for seven days after notice from the council to remove any such fence thereto appertaining if lawfully made or placed before the coming into operation of this subdivision shall suffer any such fence or any part thereof to remain or who shall suffer to remain any such fence unlawfully made before such coming into operation shall forfeit on conviction for such offence a sum not exceeding five pounds and in every such case a further sum not exceeding forty shillings for every day after any such conviction during which such fence shall continue. Brush fences.

(3.) Water Tanks on Private Premises.

8. For the extinguishing of fires the occupier of every dwelling-house warehouse or shop or other building shall at all times keep therein or upon the land appertaining thereto in some fit butt or tank water in quantity not less than fifty gallons and every such occupier who shall make default contrary to this section shall forfeit a sum not exceeding twenty shillings for every day of such default. Occupier of house to keep water.

PART VIII.

NUISANCES ETC.

(1.) Nuisances of various kinds.

1. It shall be lawful for the council from time to time to make regulations for appointing by limits to be set forth therein portions of the borough in which it shall not be lawful to keep any swine and if any person shall keep any swine within any such prescribed limits he shall forfeit for every day during which he shall so offend a sum not exceeding five pounds. Regulation as to keeping swine.

2. Every person who shall empty any privy or load carry remove or deposit any night-soil offal or other offensive refuse or matter save between such hours of the night or shall deposit the same save at such places as respectively shall have been appointed by some regulation of the council in that behalf or who shall use for any such purpose any cart or carriage not having a covering proper for preventing the escape of the contents of such cart or of the stench thereof shall forfeit for every such offence a sum not exceeding five pounds and it shall be lawful for the council from time to time to make regulations for appointing such hours and places as aforesaid. Removing nightsoil &c.

(2.) Private Slaughter-houses.

3. It shall be lawful for the council of the borough if the council shall not as yet have provided within such borough and duly notified the same as ready for public use to license upon payment of such sum not exceeding two pounds as shall be appointed by regulation in that behalf such slaughter-houses as they from time to time may think proper for slaughtering cattle within the borough and every such license shall be in force for a year from the time of granting the same and no longer. Licenses for private slaughter-houses where no public.

4. Every person who without having such license as aforesaid in force uses as a slaughter-house any place within such borough as in the last preceding section mentioned other than a slaughter-house which was in use at the time of the passing of this Act shall for each such offence forfeit on conviction a sum not exceeding five pounds and a like penalty for every day after such conviction upon which he shall so offend. Slaughtering in unlicensed place.

5. Every place which at the time of the passing of the Act was in use as a slaughter-house and has so continued ever since shall within one month after the coming into operation of this subdivision in any borough be registered by the owner or occupier thereof at the office of the council and on application to the council for that purpose and on payment of such sum not exceeding twenty shillings as shall have been Registration of slaughter-houses previously established.

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appointed by regulation in that behalf they shall from time to time cause every such slaughter-house to be registered in a book to be kept for that purpose and such registration shall be of effect for one year after the making thereof and no longer and every person who after the expiration of such period of one month uses or suffers to be used any such place as a slaughter-house without its being so registered shall forfeit on conviction a sum not exceeding five pounds for such offence and a further sum not exceeding ten shillings for every day after such conviction during which such place shall be used as a slaughter-house without having been so registered.

Regulations.

6. It shall be lawful for the council from time to time to make regulations for all or any of the purposes following that is to say—

For the licensing (where the council are empowered to license) and for the registering and inspection of the said slaughter-houses

For appointing subject to the limits herein prescribed the fees for licenses and registration

For preventing cruelty in such slaughter-houses

For keeping the same in a cleanly and proper state and for removing the filth a least once in every twenty-four hours and requiring them to be provided with sufficient supply of water

For confining the use of licensed slaughter-houses to the slaughter of any particular kinds of animals

And every person offending contrary to any such regulation shall forfeit on conviction a sum not exceeding five pounds and in the case of a continuing offence a further sum not exceeding ten shillings for every day during which such offence shall continue after such conviction.

Suspension revocation &c. of license &c.

7. The justice before whom any person is convicted of any offence against this subdivision in addition to any penalty may suspend for a period not exceeding two months the license for any slaughter-house granted hereunder to such person or the effect of the registration of any slaughter-house of which such person is the owner or occupier and upon the conviction of any person for a second or subsequent like offence may in addition to any penalty declare the license granted hereunder to such person revoked or the registration of any slaughter-house of which such person is the owner or occupier cancelled and no license while so suspended or after such revocation and no registration while the effect thereof is suspended or after the same is cancelled shall exist or avail for any purpose whatsoever.

PART IX.**MISCELLANEOUS MATTERS.****Regulations as to bathing.**

1. Where any part of the sea-shore or strand of any river or creek used as a public bathing place is within the borough or within three hundred yards of the boundary thereof and not within some other borough the council may make regulations for and with respect to the time and place of bathing at or within such part and according to the sex of the persons bathing or otherwise and also as to persons resorting to or passing by such part whether by land or water and for the stands of bathing machines and otherwise for securing reasonable privacy for bathers and the observance of decency.

Damaging trees.

2. If any person shall wilfully and without the authority of the council cut break bark root up or otherwise destroy or damage the whole or any part of any tree sapling shrub or underwood growing in or upon any street or place under the management of the council although the injury done shall not be to the amount of one shilling he shall forfeit a sum not exceeding ten pounds.

Removing soil &c. from public places.

3. If any person shall without the authority of the council break displace or remove the surface or soil of any land belonging to or under the control or management of the council he shall forfeit a sum not exceeding five pounds.

What shall be deemed a secure fence in case of goats.

4. For the purpose of those provisions of any Act now or hereafter to be in force whereby any person may be authorized to destroy goats land in the borough shall be deemed to be securely enclosed and fenced if the same be enclosed or fenced with a substantial three-railed fence of the usual height and the openings in which (if any) shall at the time of trespass be secured or barred with gates or other fastenings of like closeness and strength with the fence or if such land be enclosed or fenced with any fence and gates or fastenings of equivalent closeness and strength with such first-mentioned fence.

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PART X.

CARRIAGE OF PERSONS AND GOODS.

(1.) *Passenger Vehicles.*

1. The words "prescribed space" shall for the purposes of this subdivision mean for any borough the space within the circumference of a circle whose radius is five miles in length from the principal post office of such borough and where any group of two or more boroughs whether this subdivision is in force in all of them or not is so situated that any portion of the prescribed space as hereinbefore defined of each of them is also portion of the prescribed space of some other or others of them the prescribed space for each such borough hereinafter called occasionally with respect to such boroughs "common prescribed space" shall be the whole area comprised by the prescribed spaces of all such boroughs.

2. In this subdivision the term "hackney carriage" shall include every wheeled carriage whatever may be its form or construction used in standing or plying for hire for a passenger in any street within the prescribed space for any borough not being a stage carriage and not being such borough stage carriage as next hereinafter mentioned and the term "borough stage carriage" shall include every wheeled carriage whatever may be its form or construction used in standing or plying for hire for passengers at separate fares and which shall upon every journey go from or come to any place within the prescribed distance for such borough to or from any other place within such prescribed distance and for all purposes the terms "hackney carriage" or "borough stage carriage" (as the case may require) shall be deemed sufficient to describe a carriage of either of the kinds hereinbefore mentioned and the word "owner" shall include every person who either alone or in partnership with any other person shall keep or be concerned otherwise than as a driver or attendant in the keeping employing or letting to hire of any hackney carriage or borough stage carriage And the word "conductor" shall include every director or other person except the driver who shall attend upon the passengers in any borough stage carriage And the word "passenger" shall include every person carried by any hackney carriage or borough stage carriage except one driver and (where there shall be a conductor to such borough stage carriage) one conductor.

3. The council of the borough may from time to time license to ply for hire within the prescribed space for the same such hackney carriages and such borough stage carriages of any kind adapted for the carriage of persons as such council shall see fit. Council may license carriages.

4. For every such license there shall be paid to the council granting the same for a hackney carriage such sum not exceeding twenty shillings and for a borough stage carriage such sum not exceeding forty shillings as shall have been directed by some regulation in that behalf Provided that in all cases in which any such license shall be of effect within the common prescribed space of several boroughs the licensing council on the first day of January in each year shall pay to the councils of such other boroughs respectively and shall itself retain such several portions of the sums so received as aforesaid as shall be proportioned to the net annual value of the rateable property situated in each of the boroughs concerned as appearing by the then last rate for each. Payments for licenses.

5. Before any such license is granted by the council of the borough an application for the same in the appointed form shall be made and signed by the owner or one of the owners of the carriage in respect of which such license is applied for and in every such application shall be truly stated the name and surname and place of abode of the person applying for such license and of every owner of such carriage and any person who states in such application the name of any person who is not an owner of the carriage in respect of which he applies or wilfully omits to specify truly in such application the name of any owner of such carriage shall be liable to a penalty not exceeding five pounds. Application for license

6. The council to whom any such application as aforesaid shall be made shall cause an inspection to be made of the carriage to which the same shall relate and shall not grant the license unless such carriage shall be found to be in a fit and proper condition for public use. Inspection of carriage

7. In every such license shall be specified the name and surname and place of abode of every owner of the carriage in respect of which the license is granted and the name of the borough by the council of which the same is granted and also the number of the license but so that no two licenses granted hereunder by the council of any borough shall bear the same number and also the number of persons to be carried in and by such carriage together with such other particulars as the council shall think fit. Contents of license.

8. Every such license shall be made out and signed by the town clerk of the borough the council of which grants the same and shall be duly entered in a registry book to be provided for that purpose and in such book shall be contained columns or places for entries to be made which entries the town clerk is hereby required having satisfied himself of the truth of the matter to make of every offence committed by any owner driver or conductor of such carriage and any person may at any reasonable time inspect such book without fee or reward. Registration of license.

9. Every license so to be granted shall be in force for one year only from the day of the date thereof or until the next general licensing day in case any general licensing day be appointed by the council which day shall in such case be named in such license any Duration and effect of license.

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such license shall not include more than one carriage so licensed but nothing herein contained shall prevent the licensing of the same carriage both as a hackney carriage and a borough stage carriage.

Owner changing
abode to give notice.

10. So often as any person named in any such license as an owner of any such carriage changes his place of abode he shall within seven days next after such change give notice thereof in writing signed by him to the council having granted such license specifying in such notice his new place of abode and he shall at the same time produce such license at the office of the said council and the town clerk shall endorse thereon and sign a memorandum specifying the particulars of such change and any person named in any such license as the owner of any such carriage who changes his place of abode and neglects or wilfully omits to give notice of such change or to produce such license in order that such memorandum as aforesaid may be endorsed thereon within the time and in the manner herein directed shall forfeit a sum not exceeding five pounds.

Number &c. of car-
riage to be marked
thereon.

11. The owner of every licensed carriage and borough stage carriage shall cause to be painted or marked thereon in such manner and in such conspicuous position as shall be directed by some regulation in that behalf and to be kept so painted or marked the name of the borough the council whereof shall have granted the license and the number of such carriage corresponding with the number of the license.

Plying without
license.

12. If any owner of any carriage permits the same to be used as a hackney carriage or as a borough stage carriage plying within the prescribed space for any borough without having a license in force in respect of such carriage from the council of the borough or in the case of two or more boroughs having a common prescribed space from the council of some one of such boroughs or without having the name and number aforesaid painted or marked on such carriage as aforesaid or if any person be found driving standing or plying for hire within such prescribed space with any hackney carriage or borough stage carriage for which no such license is in force or without having the name of the borough and the number of such carriage as aforesaid openly displayed on such carriage every such person so offending shall forfeit a sum not exceeding five pounds.

Occasional inspection
of carriages.

13. The council of the borough may as often as they may deem it necessary cause an inspection to be made of all hackney carriages and borough stage carriages licensed by them and of the harness and the horses used in drawing such carriages and if any such carriage or the harness or the horses used in drawing the same shall at any time be in a condition unfit for public use the council shall give notice to that effect to the owner thereof which notice shall be personally served on such owner or delivered at his usual place of residence and if after notice as aforesaid any owner shall use or let to hire such carriage as a hackney carriage or borough stage carriage or use or let to hire such harness or horses whilst respectively in a condition unfit for public use the council may suspend for such time as may seem proper the license of such carriage and every driver or conductor who knowingly shall ply for hire with any hackney carriage or borough stage carriage which shall be at the time unfit for public use shall forfeit a sum not exceeding five pounds.

Plying for hire with
unfit carriage.

Endorsement on
license of route &c.
for borough stage
carriage.

14. The owner of every borough stage carriage plying for hire within the prescribed space for any borough shall from time to time procure to be endorsed upon the license for such carriage by the town clerk of the borough the council of which shall have granted the same the places or termini between which such carriage is by a single route so to ply and every such town clerk shall on being required make such endorsement without fee or reward and if any such owner permits such carriage to ply as such stage carriage to or between other termini or by any other route than those mentioned in the then last such endorsement on such license or the intermediate places of call (if any) appointed as herein provided between such termini he shall forfeit for every such offence a sum not exceeding forty shillings.

Drivers' and conduct-
ors' licenses.

15. No person shall act as driver of a hackney carriage or as the driver or conductor of a borough stage carriage licensed respectively in pursuance of this subdivision to ply for hire within the prescribed space for any borough without having a license so to act from the council of such borough or in the case of two or more boroughs having a common prescribed space from the council of some one of such boroughs which license such council is authorized to grant on being satisfied that the person applying for the same is a person of good character and proper skill and fitness for being so licensed and every such license shall be registered by the town clerk of the borough the council whereof shall grant the same and a fee of one shilling shall be paid for the same.

Acting as driver or
conductor without
license.

16. If any person acts as such driver or conductor as aforesaid within any such prescribed space without having such license as last aforesaid in force for the time being or if he lend or part with his license except to the owner of the carriage or if the owner of any carriage employ any person as the driver or conductor thereof who has not such license in force every such driver and conductor and every such owner shall for every such offence respectively forfeit a sum not exceeding twenty shillings.

Owner to hold and
produce driver's or
conductor's license.

17. In every case in which the owner of any carriage permits or employs any licensed person to act as the driver or conductor thereof such owner shall cause to be delivered to him and shall retain in his possession the license of such driver while such driver or conductor remains in his employ and in all cases of information or complaint where the owner of a carriage is summoned to attend before a justice or to produce the driver or conductor of such carriage he shall also produce the license of such driver if at the time of receiving such summons he be then in his employ and if any driver or conductor charged

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in any such case be adjudged guilty of the offence alleged against him such justice shall make an endorsement upon the license of such driver or conductor stating the nature of the offence and the amount of the penalty inflicted and if any such owner shall neglect or omit to have delivered to him and to retain in his possession the license of any driver or conductor while such driver or conductor remains in his employ or if he refuse or neglect to produce such license as aforesaid he shall forfeit a sum not exceeding forty shillings.

18. When any driver or conductor leaves the service of any owner of a carriage such owner shall on demand thereof return to him his license but if such owner shall have any complaint against such driver or conductor he may retain the license for a time not exceeding forty-eight hours after the demand thereof and within that time may summon such driver or conductor to appear before a justice to answer such complaint and if any owner who on demand thereof shall have refused or neglected to return to any driver or conductor his license shall not within such period of forty-eight hours apply for such summons or shall not appear to prosecute his complaint at the time mentioned therein it shall be lawful for such driver or conductor to summon before a justice such owner for the unlawful detention of the license and any justice shall have power to hear and determine any complaint under this section and if the justice shall think that there was no just cause for detaining the license or that there has been needless delay on the part of the owner in bringing the matter to a hearing he shall have power to order the owner to pay such compensation to such driver or conductor as the said justice shall think reasonable and the justice shall order the license to be forthwith returned to the said driver or conductor unless there be proof of any matter by reason whereof the justice shall think that the license ought under the powers herein given to be revoked or suspended.

Owner may in certain cases retain license of driver &c. leaving.

19. The council having granted any license under this subdivision may at any time if it be proved to their satisfaction that the owner of any carriage thereby licensed or any person thereby licensed to act as driver or conductor (as the case may be) has been convicted of any offence against this subdivision or any regulation made in pursuance thereof or of any offence in respect of property entrusted to him as such owner driver or conductor respectively suspend for any stated time or on the like proof of a second such conviction or of two such convictions suspend for any stated time or revoke as they may deem fit such license and also any other license which such owner driver or conductor may hold under this subdivision and no license while suspended under this section or otherwise or when revoked shall be deemed to be of any force or virtue hereunder.

Suspension and revocation of license.

20. No hackney carriage or borough stage carriage shall be used or employed or let to hire or shall stand or ply for hire within the prescribed space for the borough unless the number of persons which according to the license may be carried by such carriage in words at length and in the form following (that is to say) "To carry persons" be painted in manner directed by some regulation in that behalf on a plate placed on some conspicuous place on the outside of such carriage and in legible letters so as to be clearly distinguishable from the colour of the ground whereon the same are painted one inch in length and of a proportionate breadth and the driver of any such carriage shall not be entitled to carry in or by such carriage a greater number of persons than the number which according to the license may be carried.

Number of passengers to be painted on carriage.

And observed.

21. If the owner of any hackney carriage or borough stage carriage permit the same to be used employed or let to hire or if any person stand or ply for hire with such carriage within in any such case aforesaid the prescribed space for the borough without having the number of persons which according to the license may be carried by such carriage painted and exhibited in manner aforesaid or if the driver or conductor of any such carriage shall carry a greater number of persons in or by such carriage than such number or shall where the carriage is a hackney carriage and for the time employed or plying as such refuse when required by the hirer thereof to carry in or by such carriage the number of persons which such carriage is licensed to carry or a less number together with a reasonable quantity of luggage without additional charge or refuse where the carriage is a borough stage carriage and for the time being employed or plying as such to carry any passenger not forming with other passengers already being in such carriage an excess of the number which such carriage is licensed to carry and to whose admission no reasonable objection is made every owner driver or conductor so offending shall forfeit a sum not exceeding forty shillings.

Default in painting number.

Carrying excessive number.

Refusal to carry full number and luggage.

22. Any driver of a hackney carriage standing at any of the stands appointed for hackney carriages or being in any street public or private within the prescribed space for the borough the council of which shall have licensed such carriage who without reasonable excuse refuses or neglects to drive such carriage to any place within such prescribed space to which he is directed to drive by the person having hired or wishing to hire such carriage or refuses to drive any such carriage for any time not exceeding three hours if so required by any such person or who shall not drive the same at a reasonable and proper speed not less than six miles an hour except in case of unavoidable delay or when required by the hirer thereof to drive at any slower pace shall forfeit a sum not exceeding forty shillings.

Omission to drive hackney carriage as required.

23. Every owner or driver of any hackney carriage who permits or suffers any person to be carried in or upon or about such hackney carriage during the hire thereof without the express consent of the person hiring the same shall forfeit a sum not exceeding forty shillings.

Carrying others without consent of hirer.

24. No agreement made with the owner or driver of any hackney carriage for the pay-

Agreement for excessive fare not binding.

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ment for the hire thereof of more than the proper sum limited by some regulation in that behalf shall be binding on the person making the same and every owner or driver of a hackney carriage who exacts or demands for the hire thereof more than such proper sum whether in pursuance of any such agreement or not shall forfeit a sum not exceeding forty shillings and the adjudicating justice may upon the hearing order in addition that such owner or driver pay to the party aggrieved the amount of such overcharge if paid.

25. No owner or driver of any hackney carriage having agreed to take any fare for any time or from or to any place shall refuse to neglect or delay to fulfil such agreement and every owner or driver offending against this section shall forfeit a sum not exceeding forty shillings.

26. Every driver of a hackney carriage who save for such reasonable time as may be required for taking up or setting down any passenger or luggage stands or plies for hire with such carriage or suffers the same to stand elsewhere than at some standing or place appointed for that purpose by some regulation in that behalf or stops such carriage across any street whether public or private or alongside of any other carriage whatsoever or refuses to give way if he conveniently can to any other carriage or who by loitering or any wilful misbehavior causes any obstruction in any street whether public or private or who obstructs or hinders the driver of any other hackney carriage in taking up or setting down any person into or from such carriage or who wrongfully in wilful manner prevents the driver of any other hackney carriage from being hired shall forfeit a sum not exceeding forty shillings.

27. No borough stage carriage shall stand or ply for passengers elsewhere than on some standing duly appointed according to the route and terminus by and to which such carriage is to proceed or upon such route or shall stop or delay upon such route save whilst taking up or setting down passengers or at some place of call on such route appointed by some regulation in that behalf and no such carriage shall leave any standing for use as a borough stage carriage save in such succession or turn as shall have been appointed as aforesaid and every driver or conductor of any such carriage who shall offend against this section shall forfeit a sum not exceeding forty shillings.

28. Every driver or conductor of any borough stage carriage who by loitering or any wilful misbehavior shall cause any obstruction in or upon any street whether public or private or shall improperly delay such carriage on any journey or wilfully deceive any person with respect to the route or destination thereof or who shall demand more than the lawful fare for any passenger or who for the purpose of taking up or setting down a passenger or except in case of accident or other unavoidable necessity shall stop such carriage opposite to the end of or across any street or upon any place where foot passengers usually cross the carriage way or who shall ply for hire or passengers by blowing a horn or using any other noisy instrument within any borough in which this subdivision shall be in force and every driver or conductor of any such carriage who shall smoke while acting in such capacity after an objection taken by any person riding in or upon such carriage and every conductor who shall allow any person besides himself to ride upon the steps or in the place provided for him shall for every such offence forfeit a sum not exceeding twenty shillings.

29. Every driver or conductor of a borough stage carriage who shall knowingly carry or permit to be carried in such carriage any person who so violently noisily or indecently conducts himself or otherwise so misbehaves as to annoy any other passengers save for such time only as may be necessary to procuring the delivery of such person into proper custody shall forfeit a sum not exceeding forty shillings.

30. Every driver of a hackney carriage or driver or conductor of a borough stage carriage who shall be guilty of wanton or furious driving or who by carelessness or wilful misbehavior shall during his employment cause any hurt or damage to any person or property being in any public or private street or be drunk or make use of any insulting or abusive language or be guilty of any insulting gesture or any misbehaviour shall forfeit a sum not exceeding five pounds and if the adjudicating justice see fit shall without or in addition to any penalty awarded be imprisoned for a period not exceeding three months.

31. In every case in which any such hurt or damage as in the last section aforesaid shall have been caused the justice upon the hearing may also adjudge as and for compensation to any party aggrieved as aforesaid a sum not exceeding ten pounds and may order the owner of the carriage the driver or conductor of which shall have caused such hurt or damage forthwith to pay such sum with costs and any sum and costs so paid may be recovered by such owner in a summary way before a justice from the driver or conductor through whose default such sum shall have been paid or the justice in the first instance may adjudge that such compensation be paid by such driver or conductor to the party aggrieved.

32. No carriage licensed both as a hackney carriage and a borough stage carriage shall stand or ply for hire elsewhere than on some standing appointed as herein provided for the standing of borough stage carriages or both of hackney carriages and borough stage carriages and any such carriage which shall leave any such standing under hire or for use as a hackney carriage shall not be used or ply as a borough stage carriage until the same shall have returned to some such standing as aforesaid and every driver or conductor offending against this section shall forfeit a sum not exceeding forty shillings.

33. Hackney carriages and borough stage carriages shall take their stations on the standing in the order of their arrival and when any such carriage shall be driven off any stand the driver of the carriage immediately behind shall cause his carriage to move

Omission to fulfil agreement where fare stipulated for.

Plying elsewhere than on standing and obstructions by driver of hackney carriage.

Borough stage carriage plying elsewhere than on standing &c.

Obstruction or misbehaviour by drivers &c. of borough stage carriage.

Driver &c. of borough stage carriage not to carry person misbehaving, &c.

Furious driving &c.

Damage to persons or property.
Other offences.

Compensation for damage done.

Common standings for hackney and borough stage carriages.

Order &c. of standing.

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forward to the place vacated by the carriage so driven off and the drivers of the other carriages behind shall cause them to move forward each up to the place vacated by that immediately before it but subject to the provision next hereinafter contained and every driver offending against this section shall forfeit a sum not exceeding twenty shillings.

34. After every four carriages which shall be on any standing there shall be left a clear space of eight feet and if the driver of any carriage which shall be next after the fourth or eighth carriage upon any standing or next after any other carriage after which such clear space as aforesaid ought to be left shall suffer his carriage or the horse attached thereto to stand or be within the distance of eight feet from such fourth or eighth or other carriage he shall forfeit a sum not exceeding twenty shillings. Spaces to be left in certain cases.

35. The owner of every hackney carriage and every borough stage carriage shall put up and at all times keep distinctly painted or marked upon every such carriage in such a manner and in such a position as shall be directed by some regulation in that behalf if the carriage be a hackney carriage the amount of fare according to distance and time which may be legally demanded and taken from the hirer of such carriage and if the carriage be a borough stage carriage the amount of fare which may legally be demanded and taken for the carriage of passengers between or to the termini or several places of call of or on the route of such borough stage carriages and every owner offending against this section shall forfeit a sum not exceeding five pounds. Statement of fares to be painted on carriage.

36. The owner of every hackney carriage or borough stage carriage used in plying for hire or passengers after sunset and before sunrise shall cause the same to be provided with proper carriage lights and the driver or conductor of such carriage shall keep the same properly lighted while such carriage shall be so used and every owner or driver offending this section shall forfeit a sum not exceeding forty shillings. Carriage lights.

37. The owner of every covered borough stage carriage shall cause to be placed and kept inside thereof a lamp in such manner and position as shall have been appointed by some regulation in that behalf and the conductor or if there be no conductor the driver of such carriage shall keep the said lamp properly lighted whenever such carriage shall be used to ply for hire or carry passengers at any time after sunset and before sunrise and every owner conductor or driver offending against this section shall forfeit a sum not exceeding forty shillings. Lamps inside borough stage carriages.

38. All property left by any passenger in any borough stage carriage shall be given up to the conductor of such carriage or if there be no conductor to the driver upon pain of a penalty of not exceeding twenty pounds to be paid by any person refusing or neglecting to give up any such property belonging to another person and the conductor or driver of every such carriage to whom any property shall be so given up and every conductor or driver of any such carriage and driver of a hackney carriage who respectively shall find in the carriage any property so left shall within two days next after the same shall have been left carry the property in the state in which the same shall have come to his hands to the office of the council of the borough the council of which granted the license of such driver or conductor and deposit and leave such property with the town clerk of such borough and every conductor or driver offending against this section shall forfeit a sum not exceeding twenty pounds. Property left in carriages.

39. The town clerk with whom any such property shall be deposited shall forthwith enter in a book to be kept by him at the said office for that purpose the description of such property and the name and address of the conductor or driver who shall have brought the same and the day on which it shall have been brought and the property so entered shall be returned to the person who shall prove to the satisfaction of the said council that the same belonged to him such person previously paying all expenses incurred together with such reasonable sum to such conductor or driver as with reference to the value of the property in question the said council shall award. Provided that if such property shall not be claimed by and proved to belong to some person within one year after the same shall have been so deposited (the same having been advertised in such manner as the council shall direct) such property shall be delivered up to the conductor or driver who deposited the same provided he shall apply for the same within one month after the expiration of the said one year and in default of such application the council shall cause such property to be sold and the proceeds thereof shall be carried to the borough fund. Entry and restitution &c. of lost property.

40. If the driver of any hackney carriage or of any borough stage carriage shall leave such carriage unattended in any street whether public or private or at any place of public resort or entertainment whether such carriage if a hackney carriage be hired or not any constable may drive away such carriage and deposit the same with the horses harnessed thereto at some neighboring place of safe custody and such driver shall forfeit a sum not exceeding forty shillings for such offence and in default of payment of the said penalty on conviction and of the expenses to be awarded by the adjudicating justice of taking and keeping the said carriage and horses the same together with the harness belonging thereto or any of them may by order of such justice be sold and after deducting from the produce of the said sale the amount of the said penalty and costs (if any) and of the said expenses so awarded and expenses of the said sale the surplus (if any) shall be paid to the owner of the said carriage. Leaving carriage unattended.

41. No driver of any hackney carriage or borough stage carriage in any street whether public or private or in any public place shall feed any horse attached to such carriages save by means and out of a nose-bag containing the forage and attached to the head of such Feeding horses in street &c.

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horse or shall remove the blinkers of any such horse and every driver of any such carriage to which any vicious horse shall be attached shall keep such horse while standing on any stand or in any such street or place as aforesaid properly muzzled and every driver offending against this section shall forfeit a sum not exceeding forty shillings.

Suffering another to drive &c. without consent of owner.

42. No person authorized by the owner of any hackney carriage to act as driver thereof or by the owner of any borough stage carriage to act as driver or conductor thereof shall suffer any other person to act as driver or conductor as the case may be of such carriage without the consent of the owner and no person whether licensed or not shall act as driver or conductor of any such carriage without the consent of the owner and any person so suffering another person to act as driver or conductor and any person so acting as driver or conductor without such consent as aforesaid shall forfeit a sum not exceeding forty shillings.

Owner may be summoned to produce driver or conductor.

43. When any complaint shall be made before any justice against the driver of any hackney carriage or the driver or conductor of any borough stage carriage for any offence committed by him against the provisions of this subdivision it shall be lawful for such justice if he shall think proper forthwith to summon the owner of such carriage to produce before him or such other justice as shall then be present the driver or conductor by whom such offence was committed to answer such complaint and in case such owner after being duly summoned shall fail to produce the driver or conductor it shall be lawful for the justice before whom such driver or conductor ought to be produced (if he shall think fit) to proceed in the absence of such driver or conductor to hear and determine the case in the same manner as if he had been produced and to adjudge payment by the owner of any penalty or sum of money or both and costs which the driver or conductor shall being convicted be adjudged or ordered to pay and any sum of money which shall be so paid by the owner may be recovered by him before any justice from the driver or conductor by whose default such sum shall have been paid upon proof of the payment thereof pursuant to the order of the justice having ordered such payment and upon proof of the service of the notice next hereinafter mentioned.

Penalty for not producing driver or conductor.

44. If the justice before whom any such owner shall be so summoned as last aforesaid shall deem it proper it shall be lawful for him when such owner shall fail to produce his driver or conductor without any satisfactory excuse to be allowed by such justice to impose a fine not exceeding forty shillings upon such owner and so from time to time as often as he shall be summoned in respect of such complaint until he shall produce his driver or conductor and every owner so summoned to produce his driver or conductor shall cause to be given to such driver or conductor or to be left at the abode specified in his license or (if such license shall expire after the offence committed and before the hearing of the complaint) at his usual place of abode a written notice of the time and place when and where such driver or conductor shall be required to attend and if such driver or conductor shall not attend according to such notice it shall be lawful for a justice to issue a warrant for his apprehension and if after such notice any driver or conductor shall without a reasonable excuse to be allowed by the justice neglect or refuse to attend at the time and place therein mentioned or (having previously left the service of the owner so summoned as aforesaid) shall not at the time and place of his attendance produce his license he shall forfeit the sum of forty shillings and so from time to time as often as he shall so neglect or refuse.

Compensation where complaint against driver &c. dismissed &c.

45. If the driver of any hackney carriage or the driver or conductor of any borough stage carriage be summoned or brought before a justice to answer any complaint or information made or laid by a private person touching or concerning any offence alleged to have been committed by such driver or conductor against the provisions of this Act or of any regulation made under this Act and such complaint or information shall afterwards be withdrawn quashed or dismissed or if such driver or conductor be acquitted of the offence charged against him such justice if he shall think fit may order the complainant or informant in addition to any costs awarded to pay to such driver or conductor such compensation for his loss of time in attending such justice touching or concerning such complaint or information as to such justice may seem reasonable.

Lawful fare how recovered.

46. If any person without lawful excuse refuse to pay on demand to any owner or driver of any hackney carriage or to any owner driver or conductor of any borough stage carriage the fare allowed and limited by any regulation in that behalf and due under such regulation any justice may order payment of the same.

Wilful injury to carriage by passengers.

47. Any passenger in or by any hackney carriage or borough stage carriage plying under a license granted under this Act who wilfully injures the same shall forfeit a sum not exceeding five pounds and shall also pay to the owner of such carriage such reasonable satisfaction for the damage so caused as shall upon the hearing be awarded and ordered by the adjudicating justice.

Regulations.

48. The council of every borough in which this subdivision shall be in force and which shall not be within any common prescribed space may from time to time make regulations for all or any of the purposes following that is to say—

For appointing subject to the limits here prescribed the several sums to be paid for licenses for hackney carriages borough stage carriages drivers and conductors.

For regulating the manner in which the name of the borough and the number of each carriage corresponding with the number of its license shall be displayed thereon.

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For regulating the conduct of the owners drivers and conductors of hackney carriages and of borough stage carriages plying within the prescribed space in their several employments and determining whether such drivers or conductors shall wear any and what badges and for regulating the days and hours within which they may exercise their calling.

For regulating either by relation to the nature and dimensions of the carriage and the number of horses required to draw the same or all or any of these or otherwise the number of persons to be carried by hackney carriages and borough stage carriages and in what manner such number is to be shown upon such carriages and in what position and manner the lamp where required hereby to be placed inside borough stage carriages is to be placed therein.

For fixing the following local matters namely the standings of hackney carriages and of borough stage carriages whether separately or otherwise and the number of such carriages to be allowed at any such standing and the mode in which such carriages are to stand thereon and the routes and places of call for borough stage carriages and the time during which each such stage carriage shall be allowed to remain at any such place and the times and succession for the starting and the running of such stage carriages.

For fixing the rates or fares as well for time as for distance to be paid for hackney carriages and by passengers in borough stage carriages and the mode in which such rates or fares are to be painted or marked on every such carriage.

49. The councils of all boroughs to which this subdivision shall apply and which shall be within one common prescribed space may from time to time in manner in this Act mentioned together make joint regulations to be in force within such space for all or any of the purposes in the last preceding section mentioned save as is next herein otherwise provided that is to say each such council may and shall in manner and to the extent in the said section provided severally make separate regulations for fixing within the limits of the borough the local matters mentioned in the last preceding section.

Joint regulations of boroughs having common prescribed space.

(2.) Carts and Carters.

50. The words "prescribed space" shall for the purposes of this subdivision mean for any borough the space within the circumference of a circle whose radius is five miles from the principal post office of such borough and where any group of two or more boroughs whether this subdivision is in force in all of them or not is so situated that any portion of the prescribed space as hereinbefore defined of each of them is also portion of the prescribed space of some other or others of them the prescribed space for each such borough hereinafter called occasionally with respect to such boroughs "common prescribed space" shall be the whole area comprised by the prescribed space of all such boroughs.

Prescribed space for licensing &c.

51. The word "cart" shall for the purposes of this subdivision include every waggon dray or other such carriage whatever be its construction drawn by horses or other animals used wholly or chiefly for the carriage of burthens or heavy goods the word "woodcart" shall mean a cart used in the hawking of firewood for sale the word "watercart" shall mean a cart used in the hawking of water for sale and the word "nightcart" shall mean a cart used in the carrying or removing of night soil offal or other offensive refuse.

Interpretation.

52. The council may if they shall see fit from time to time license to ply for hire within the prescribed space for the borough such carts as respectively after inspection had by the authority of the council shall be found fit for public use and also such carts to be used within the prescribed space in hawking wood or water for sale respectively or both wood and water and also such carts to be used and ply for hire or to be employed as nightcarts within the prescribed space as shall after the like inspection be found fit for such purposes respectively and for every such license there shall be paid to the council granting the same such sum not exceeding twenty shillings as shall with respect to each kind of cart aforesaid be directed by some regulation in that behalf.

Licenses for carts.

53. Every such license shall be granted on the written application for the same of the owner or if there be more owners than one of some one owner of the cart to be licensed and in every such application shall be set forth truly the name and surname and place of abode of the applicant and the like shall be set forth in the license when granted and any person who shall wilfully omit from any such application any particular hereby required to be stated therein or who shall wilfully state anything falsely touching any such particular shall forfeit a sum not exceeding twenty pounds.

Application for license.

54. Every such license shall be numbered so that no two or more licenses granted under this subdivision by the council of any borough shall bear the same number and shall be registered with such number by the town clerk in a registry book to be kept for the purpose and shall be in force for one year only from the date thereof or until the next general licensing day (if any) which shall have been appointed by the council and the owner named in any such license shall cause to be painted or marked and to

Numbering &c. of licenses and carts.

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be kept so painted or marked on some conspicuous place on the right or off side of the cart thereby licensed the name of the borough the council of which shall have granted such license with the number of such license in legible letters and figures one inch in length and of a proportionate breadth and the words "licensed cart" in the like letters and every such owner who shall omit or fail to comply with the provisions of this section shall forfeit a sum not exceeding forty shillings.

Contents of license for nightcart.

55. In every license granted for any nightcart in addition to the particulars hereinbefore required to be set forth there shall be set forth the hours between which it shall be lawful as herein provided that such nightcart be used as such and the places at which it shall be lawful as aforesaid to deposit the nightsoil offal or offensive refuse or matter.

License for cart may be extended to hawking of wood or water.

56. The town clerk of any borough by the council of which any cart (not being a nightcart) shall have been licensed to ply for hire as aforesaid may and shall from time to time upon application by the owner named in such license make and sign with his name without fee or reward an endorsement on such license being still in force authorizing during the currency of such license or for such less time as may be stated in such endorsement the use of such cart for the hawking for sale within the prescribed space for the borough of wood or water or of both wood and water and forthwith upon making such endorsement shall make an entry thereof in a proper column of the registry book aforesaid against the entry of such license and every authority so endorsed upon any such license shall while the same shall be in force have the effect of and be deemed for all purposes to be a license of the like tenor granted under this sub division.

Plying for hire &c. without license &c

57. If any owner of any cart permits the same to stand or ply for hire or to be used as a woodcart or as a watercart or to ply for hire or to be used as a nightcart within the prescribed space for any borough without having a license in force for such cart licensing or authorizing such standing plying for hire or use respectively within such prescribed space or if any person be found within any such prescribed space standing or plying for hire or using any woodcart or watercart or plying for hire or using any night cart for which respectively no such license is in force or without having the name of the borough by the council of which the license for such cart shall have been granted and the number of such license and the words "licensed cart" displayed upon such cart openly and in manner herein provided every such person so offending shall forfeit a sum not exceeding forty shillings.

Registration of private carts.

58. The owner of every cart kept within the borough and not used within the prescribed space thereof in standing or plying for hire or for any other of the purposes hereinbefore in this subdivision mentioned shall in each year apply to the town clerk of the borough that such cart be registered and shall truly state at the same time to the said town clerk the name and place of abode of such owner and if such cart have been previously registered in the borough the number of such registration and such town clerk shall forthwith register the said cart and enter the said particulars in a register book to be kept for the purpose numbering all such entries with a number but so that in no case shall any two such entries bear the same number save in the case of such previous registration in which case the second and all subsequent entries of the cart shall bear the number of the said previous registration and the town clerk shall issue to to such owner a certificate signed by such clerk of such registration bearing the number thereof and the name and place of abode of such owner and every such registration shall be of effect until such day in each year as the council shall by general order for that purpose have appointed and no longer and every such owner shall cause such number to be painted or marked on such cart and kept so painted or marked in the like position and manner as is herein required in the case of licensed carts.

Penalty for not registering.

59. Every owner of any such cart as in the last preceding section aforesaid who in any year keeps any such cart within any borough without having registered the same in such year in the manner therein aforesaid or without having caused such number to be so painted or marked as aforesaid and keeping the same so painted or marked on such cart shall for such default forfeit a sum not exceeding forty shillings and a further sum not exceeding five shillings for every day during which such default continues after any conviction for the same under this section.

Driver to hold and produce license.

60. The driver of every licensed cart shall hold the license for such cart and shall when required by any constable or by any officer of the council of any borough within the prescribed space for which such cart shall be or by any person wishing to hire or having hired such cart if licensed to stand and ply for hire produce for the inspection of the person so requiring such license and also a copy of the table of rates and charges appointed as herein provided and every such driver who shall on being so required refuse or neglect so to produce such license or copy shall forfeit a sum not exceeding forty shillings.

Owner to cause driver's name to be written on license.

61. Every owner of a cart licensed under this subdivision who shall employ any other person to drive the same shall cause to be truly written upon the license for such cart the name of the person so employed and shall keep such name so written while such person remains so employed and thereafter forthwith shall erase or deface such writing and if any such owner shall wilfully make default in causing such writing to be made or to be erased or defaced respectively when and as herein required or if any person so employed as aforesaid shall without reasonable excuse refuse or neglect when required by such owner to produce or return to such owner such license every person so

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offending respectively shall forfeit a sum not exceeding forty shillings and any justice may order such production or return.

62. Every owner or driver of any cart who uses any abusive or insulting language to any person who wishes to hire or has hired such cart or if the same be then employed as a woodcart or watercart who shall deal with such owner or driver for the purchase of or have immediately before purchased of him any wood or water of the loading of such cart respectively shall forfeit a sum not exceeding five pounds. Abusive language by driver.

63. Every owner or driver of any cart licensed to stand or ply for hire which shall stand upon any standing appointed for the purpose or shall be in any street who when required by any person who after sunrise and before sunset any day wishes to hire or has hired such cart refuses or neglects without reasonable excuse to carry for a single load such weight as shall have been appointed as herein provided or any less weight to any place within the prescribed space for the borough and every such owner or driver who demands and takes for the hire of such cart a greater sum than that appointed as herein provided or who without reasonable excuse refuses or neglects to load or unload such dray when hired so far as he can without assistance or who stands or plies for hire with such cart elsewhere than at some standing or place appointed as aforesaid shall for every such offence forfeit a sum not exceeding forty shillings. Omission to carry when required.
Exacting excessive hire.
Plying elsewhere than on stand.

64. If the driver of any cart shall leave the same unattended in any street whether public or private or shall go for a distance of more than two yards from the side of such cart being in any such street without passing through the near wheel or wheels thereof a suitable chain or chains so as effectually to prevent the rotation of such wheel or wheels whether in any such case such cart be hired or not such driver shall in every such case forfeit a sum not exceeding forty shillings for such offence and where such cart shall have been so left unattended any constable may drive away such cart and deposit the same with the horses harnessed thereto at some neighbouring place of safe custody and in default of payment of the said penalty on conviction for such last-mentioned offence and of the expenses to be awarded by the adjudicating justice of taking and keeping the said cart and horses the same together with the harness belonging thereto or any of them may by order of such justice be sold and after deducting from the produce of the said sale the amount of the said penalty and costs (if any) and of the said expenses so awarded and expenses of the said sale the surplus (if any) shall be paid to the owner of the said cart. Leaving cart unattended &c.

65. No driver of any cart in any street whether public or private or in any public place shall feed any horse attached to such cart save by means and out of a nose-bag containing the forage and attached to the head of such horse or shall remove the blinkers of any such horse and every driver of any cart to which any vicious horse shall be attached shall keep such horse while standing on any stand or in any such street or place as aforesaid properly muzzled and every driver offending against this section shall forfeit a sum not exceeding forty shillings. Feeding horses in streets &c.
Muzzles.

66. Every owner or driver of any licensed woodcart or watercart for the time being employed as such respectively who shall stand with such cart save for such reasonable time as may be necessary for loading or unloading the same elsewhere than at some standing appointed for woodcarts or watercarts as the case may be shall forfeit a sum not exceeding forty shillings. Wood or water-cart standing at improper places.

67. Every owner of a licensed watercart shall cause his name and the words "licensed watercart" to be painted or marked and kept painted or marked in legible letters one inch in length and of a proportionate breadth in white on black ground or in black on white ground in some conspicuous place outside the premises where such cart is kept and if any such owner shall fail to comply with the provisions of this section he shall forfeit a sum not exceeding forty shillings. Water-carter to have name &c. marked on premises.

68. Every owner and driver of a licensed watercart shall keep such cart loaded with water during all times after sunset and before sunrise and shall if any building premises or property shall be on fire within the borough the council whereof shall have granted the license attend at the place of such fire with such cart loaded with water and shall continue to cart water by full loads to such place and shall deliver such water in such manner as may be required by any constable or officer of the council or fireman authorized by the council then present for extinguishing such fire and every such owner or driver who shall without reasonable excuse fail to comply with the provisions of this section shall forfeit a sum not exceeding ten pounds. Water-carters to attend at fires.

69. There shall be paid out of the borough fund to the owner of every licensed watercart who shall have attended with any water at the place of any fire as herein provided and delivered the same as required for extinguishing such fire such reasonable compensation as the council of the borough shall by regulation have appointed in that behalf and also to such owners as shall have first and second in order attended with loads of water at any such place such sum by way of reward as such council shall have in like manner have appointed and every such payment shall be made if the council be satisfied on the certificate of some officer of the council authorized in that behalf that the conditions contained in this section have been fulfilled. Compensation for attending at fires.
Rewards.

70. The council having granted any license under this subdivision may at any time if it shall be proved to their satisfaction that the owner of the cart thereby licensed has been convicted of any offence against this Act or of any offence in respect of any pro- Suspension of revocation of license.

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perty intrusted to him as such owner suspend for any stated time or on the like proof of a second such conviction or of any two such convictions suspend for any stated time or revoke as seems to them fit such license and no license while suspended under this section or otherwise shall be deemed to be of any force or virtue hereunder.

Lights for carts.

71. The driver of every cart which shall during the hours after sunset of any day and before sunrise of the following day be in any street or public place within the prescribed space for any borough shall keep a light attached to or suspended from the off or right side of such cart so as to be plainly visible to the driver of any carriage proceeding along or through such street or place in a contrary direction to that in which such first mentioned cart shall be directed and in the case of a nightcart only such light shall be such and be so disposed as to appear white in front and red at the outer side and every driver who shall fail to comply with this section shall forfeit a sum not exceeding forty shillings.

Removing nightsoil &c.

72. Every owner or driver of any cart who shall use or employ the same in loading carrying removing or depositing any nightsoil offal or other offensive refuse or matter within the borough save between such hours of the night or shall deposit the same save at such places as respectively shall have been appointed by some regulation in that behalf shall forfeit a sum not exceeding five pounds.

Regulations.

73. The council of every borough in which this subdivision shall be in force and which shall not be within any common prescribed space may from time to time make regulations for all or for any of the purposes following that is to say—

For appointing the several sums to be paid for licenses for carts.

For appointing the weight to be carried for a single load by any cart licensed to stand or ply for hire.

For appointing the standings for carts licensed to ply for hire not being night-carts and for woodcarts and watercarts respectively.

For appointing the rates and charges as well for time distance or weight or all or any of these to be paid for the hire of any licensed cart.

For appointing the amount or rate of compensation and of rewards respectively to be paid to water-carters attending at fires under this subdivision.

For appointing the places at which and the hours not other than between seven o'clock in the evening and six o'clock on the following morning between which hours it shall be lawful to load carry remove or deposit nightsoil offal or other offensive refuse or matter.

Joint Regulations.

74. The councils of all boroughs to which this subdivision shall apply and which shall be within one common prescribed space may from time to time in manner in this Act mentioned together make joint regulations to be in force within such space for all or any of the purposes in the last preceding section mentioned save so far as the same extends to the appointing places for the standing for carts within any borough and each council may in manner in the said section mentioned severally make separate regulations for appointing such standings within the limits of the borough.

(3.) *Boats and Boatmen.*

Boats and Boatmen.

75. The following bye-laws relating to boats and boatmen shall when in force in any borough supersede within such borough and as to any wharf jetty or landing place affected by such bye-laws any of the provisions of any Act or Ordinance of the General Assembly or any Provincial Council or any bye-laws made thereunder relating to the same subjects:—

Licenses for boats.

76. The council of the borough if there shall be within the same or if there shall be adjoining to the boundaries thereof and not within the boundaries of any other borough any water navigable for boats or if there shall be any accustomed wharf jetty or other landing place for boats adjoining to the boundaries of the borough and along or in such water and not being within any other borough may from time to time if it shall seem fit license to ply for hire upon such water and to or from such landing places such boats for the conveyance of passengers and luggage as after inspection had as herein provided shall have been found together with the tackle and gear thereof seaworthy and fit for such conveyance and for public use and for every such license there shall be paid to the council granting the same such sum not exceeding five pounds as shall have been directed by some bye-law in that behalf.

Application for license.

77. Before any such license is granted a written application for the same shall be made to the council and every such application shall be in the appointed form and shall be signed with his name by an owner of the boat to which the same shall relate and in every such application the name surname and place of abode of the applicants and all the owners of the boat to which the same shall relate and the name of the said boat shall be duly stated and every such application shall have annexed thereto such certificate as next hereinafter mentioned and every person so applying who in such application states untruly or wilfully omits any of the particulars hereby required to be stated shall forfeit a sum not exceeding ten pounds.

Inspector of boats.

78. The council of the borough may and shall from time to time appoint a fit person as and to be inspector of boats and may from time to time remove such person from his office and any person desirous of obtaining a license hereunder for any boat may upon payment to such inspector of such sum not exceeding five shillings as shall have been appointed by some bye-law in that behalf require such inspector to inspect such boat and the tackle and gear thereof and such inspector shall thereupon inspect the same respectively and if he shall find the same respectively to be seaworthy and fit for the

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conveyance of passengers and luggage and for public use he shall deliver to the person so requiring a certificate to that effect in the appointed form and every such inspector Certificate. who shall make default contrary to this section shall forfeit a sum not exceeding forty shillings and every such inspector who shall knowingly and wilfully state any matter falsely in any such certificate shall be guilty of a misdemeanour.

79. In every such license shall be specified the name surname and place of abode of Contents of license. every owner of the boat thereby licensed the name of the said boat and the name of the borough by the council of which the same is granted and also the number of such license but so that no two such licenses issued by such council shall bear the same number and the number of passengers which such boat is licensed to carry and every such license shall be signed by the town clerk and be duly entered by him in a registry book to be kept for that purpose together with the particulars aforesaid contained in such license in proper columns of the said book and every such license shall be in force for one year only from the date thereof or until the next general licensing day (if any) which shall have been appointed by the council and the owner named in every such license shall cause to be painted or marked and to be kept painted or marked on some conspicuous part of such boat the name of the licensing borough and the name and number of the license of the said boat and the number of passengers which such boat is licensed to carry in form following that is to say "licensed to carry passengers" and the same respectively shall be so painted or marked in legible letters and figures at least one inch in length and of a proportionate breadth and every owner of any licensed boat upon which there shall not be so painted or marked the several matters aforesaid shall forfeit a sum not exceeding five pounds.

80. If any owner of any boat permits the same to ply for hire for the conveyance of Plying without license passengers or luggage as aforesaid on any water within the borough or so to ply on any water adjoining to the boundaries of the borough or to from or alongside of any landing place at or adjoining the boundaries of the borough or on any water adjacent to such landing place such boat not being then in any of such last-mentioned cases within some other borough without having a license in force for such boat from the council of the borough or if any person be found plying for hire on any water within any borough or so plying to from or alongside of any such landing place or on any water adjacent thereto as aforesaid with any boat for which no license granted by the council of the borough is in force or without having the name of the licensing borough and the name of such boat the number of the license for the same and the number of passengers as aforesaid painted or marked in legible letters and figures at least one inch in length and of a proportionate breadth upon some conspicuous part of such boat such boat in any of such last-mentioned cases not being within some other borough every person so offending shall forfeit a sum not exceeding five pounds.

81. The council who shall have licensed any boat under this sub division may from Occasional inspection of boats. time to time as they may see fit cause an inspection of such boat and of the tackle and gear thereof to be made by the inspector of boats aforesaid and if upon such inspection or otherwise the council shall be satisfied that such boat or any such tackle or gear thereof is not in a seaworthy condition or not fit for the conveyance of passengers or luggage or for public use they shall cause notice in writing to that effect to be given to the owner or one of the owners named in the license for such boat and if after such notice any owner of any such boat shall ply for hire or permit any other person to ply for hire with such boat while the same or the tackle or gear thereof are so not seaworthy or not fit for such conveyance and use as aforesaid the council may suspend for a stated time Suspension of license for unseaworthy boat the license for such boat and every boatmen or person who knowingly shall ply for hire in any such water or to or from or alongside of any such landing place as in this subdivision before mentioned with any boat which shall be or the tackle or gear whereof shall be unseaworthy or unfit for such conveyance and use as aforesaid shall forfeit a sum not exceeding twenty pounds.

82. If any boat licensed under this Act shall be lost or be under necessary repair it Transfer of license for boat lost or under repair. shall be lawful for the council having granted the license by endorsement thereon under the hand of the town clerk to transfer such license to some other boat if the council after inspection had of such boat shall be satisfied of the like matters concerning such boat and the tackle and gear thereof and in the like manner respectively as is herein required with respect to the grant of a license for a boat and such license shall on such endorsement cease to be in force with respect to the boat previously licensed thereby and shall be deemed for all purposes to be a license according to the tenor of such endorsement for the boat to which the transfer is made until the council shall as they are herein empowered to do if it shall seem fit on application of the owner of the boat previously licensed not being lost and being satisfied of the matters and in the manner aforesaid touching such boat cause the said endorsement to be erased or defaced whereupon and not before the license shall be in force for such last-mentioned boat and cease to be in force for the boat to which the transfer was made. Provided that in every such endorsement the number of passengers to be carried by the boat to which any transfer is made shall be stated.

83. No person shall act as a boatman in any boat plying for hire in any such water Boatman's license. or to or from or alongside any such landing place as aforesaid such boat not being at the time within any other such borough as aforesaid respectively whether or not he be

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the owner of such boat without having a license so to act from the council of the borough and if any person desiring to obtain such license shall make written application for the same and produce to the council a certificate signed by five ratepayers of the borough that the applicant is a person of good character and of proper skill and fitness for being so licensed the council if satisfied of the truth of the matters contained in the said certificate and if it shall seem fit may grant such license upon payment by the applicant to the council of such sum not exceeding ten shillings as shall have been appointed by some regulation in that behalf and every such license and certificate may be in the appointed forms respectively and every such license shall be signed by the town clerk and be registered together with the particulars therein contained by him in a registry book to be kept for that purpose.

Omission to convey
&c. when required.

84. Every owner or boatman in charge of a licensed boat who plies for hire in any such water or from or alongside any such landing place as hereinbefore respectively mentioned and without reasonable excuse refuses or neglects when required by the person wishing to hire or having hired such boat to carry with reasonable expedition to any place or for any distance appointed as herein provided the full number of passengers and the full quantity of luggage appointed as herein provided in that behalf or any less number or quantity or who if so plying for passengers at separate fares without reasonable excuse refuses or neglects to carry with reasonable expedition to any such place or for any such distance as aforesaid any passenger offering himself as such or any luggage of any such passenger such passenger or luggage respectively not forming together with any passengers or luggage already received to carry an excess of the number and quantity respectively appointed as herein provided or who carries in such boat a greater number of persons or a greater quantity of luggage than the number and quantity so appointed as aforesaid or who demands and takes for the hire of such boat or for the conveyance of any passenger or luggage a greater sum than that appointed as herein provided shall forfeit a sum not exceeding ten pounds.

Carrying excessive
number &c.

Exacting excessive
hire.

Boatman to produce
license and table of
fares.

85. Every licensed boatman shall when required by any constable or by any person wishing to hire or having hired any boat in which such boatman shall be plying or by any passenger or person intending to be a passenger or having immediately before been a passenger in or by such boat produce for the inspection of such person the license of such boatman and also a copy of the table of fares and charges appointed as herein provided and every such boatman who shall on being so required refuse or neglect so to produce such license or copy and every boatman plying for hire with any boat who uses any abusive or insulting language to any person who wishes to hire or has hired such boat or to any passenger or person intending to be a passenger or having immediately before been a passenger in or by such boat shall forfeit a sum not exceeding five pounds.

Abusive language &c.

Suspension and revo-
cation of license.

86. The council having granted any license under this subdivision may at any time if it shall be proved to their satisfaction that any owner of the boat thereby licensed or any person thereby licensed to act as a boatman (as the case may be) has been convicted of any offence against this subdivision or in respect of any property entrusted to him as such owner or boatman respectively suspend for any stated time or on the like proof of a second such conviction or of any two such convictions suspend for any stated time or revoke as seems to them fit such license and no license while suspended either under this section or otherwise or when revoked shall be deemed to be of any force or virtue hereunder.

Regulations:

87. The council of every borough in which this subdivision shall be in force may from time to time make regulations for all or any of the purposes following that is to say—

- For appointing the several sums to be paid for licenses for boats and for boatmen
- For regulating the conduct of owners of licensed boats and of licensed boatmen in the exercise of their several employments and for determining whether they shall wear any and what badges
- For regulating upon what part of the boat the several particulars herein required to be painted or marked thereon shall be so marked
- For regulating by proportion to the beam and dimensions of boats or in other like manner the number of passengers and the amount of luggage to be carried by licensed boats and
- For fixing the rates or fares both for time and distance to be paid for the hire of any licensed boat or for the conveyance of passengers or luggage by any licensed boat and the places and the extreme distances to which licensed boats shall be compelled to go.

(4.) Pedlars and Hawkers.

Pedlars and Hawkers
license.

88. It shall be lawful for the council of every borough to make regulations for licensing pedlars and hawkers trading in the borough and for defining to what persons such regulations shall apply and for fixing the amounts to be paid to the borough fund for their licenses and for the registration of their names and for the regulation of their conduct.

Trading without
license.

89. If any person trading as or carries on business within any borough to which this subdivision shall apply as a pedlar or hawker without having first obtained a license he shall forfeit and pay on conviction for every such offence any sum not exceeding five pounds

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and every person trading or carrying on such business as aforesaid within any such borough shall be deemed and taken to be unlicensed unless he shall prove to the contrary by the production of his license or otherwise.

90. Every person licensed to trade or carry on business as a pedler or hawker within any borough to which this subdivision shall apply who shall not comply with any regulation made by the council of the borough under the powers given in this subdivision for the regulation of the conduct of pedlers and hawkers he shall forfeit and pay on conviction for every such offence any sum not exceeding forty shillings. Penalty of each of Regulations.

(5.) Porters.

91. The town clerk of the borough shall from time to time issue to every person who shall desire to ply for hire as a porter within the borough and deliver to him a written application for a license, so to do together with a certificate signed by two rate-payers that the applicant is of good repute and a fit person to receive such license and who shall pay to such town clerk such sum not exceeding ten shillings as shall have been appointed by some regulation in that behalf a license to be called a porter's license numbered so that no two such licenses granted in any borough shall bear the same number and containing the name and address of the applicant and the said town clerk shall forthwith enter in a registry book to be kept for that purpose the number of and other matters contained in such license and shall deliver to the person thereby licensed a table of the rates and fares appointed for porters as herein provided and a badge upon which shall be engraved the initial letter or letters of the words expressing the name of the borough and the number of such license. Porter's license.

92. No person shall ply for hire as a porter within the borough or shall wear any badge as a licensed porter unless he shall have a license in force under the provisions hereof licensing him as such porter and every licensed porter when required by any constable or any officer of the council of such borough or by any person wishing to hire or having hired such porter shall produce for the inspection of the person so requiring the same his license and also the table of rates and fares aforesaid and shall whilst plying for hire keep and wear upon his person so as to be plainly visible the badge aforesaid and no licensed porter shall part with or transfer his license or badge to any person whomsoever and every person offending against any of the provisions of this section shall for every such offence forfeit a sum not exceeding forty shillings. Plying as porter without license.

93. Every person plying for hire as a licensed porter within the borough who shall be required by any person who after sunrise or before sunset of any day not being Sunday wishes to hire or has hired such porter to do within the borough any proper work as such porter and without reasonable excuse shall refuse or neglect so to do such work and every person plying for hire as a porter within the borough who shall demand and take for hire as a porter any greater sum than that appointed as herein provided or who shall use any abusive or insulting language to any person wishing to hire or having hired such porter shall forfeit a sum not exceeding forty shillings. Production of license &c.

94. It shall be lawful for the council of the borough at any time if it be proved to their satisfaction that any porter licensed for the borough has been convicted of any offence against this Act or in respect of any property intrusted to him as such porter to suspend for a stated time or on the like proof of a second such conviction or of any two such convictions to suspend for a stated time or revoke as seems to them fit the license of such porter and no license while so suspended or when so revoked shall be deemed to be of any force or virtue hereunder and any justice may order that the badge of any person whose license is so revoked be delivered up to the town clerk. Omission to convey &c when required.

95. The council of the borough may from time to time make regulations for appointing the sum to be paid for a porter's license and the rates and fares to be taken by licensed porters. Suspension and revocation of license.

PART XI.**REGULATIONS OF PROCEEDINGS OF COUNCIL OFFICERS ETC.**

1. In all cases not herein provided for resort shall be had to the rules forms and usages of Parliament which shall be followed so far as the same are applicable to the proceedings of the council. General conduct of business.

2. At every meeting of the council the first business thereof shall be the reading and putting a question for the confirmation of the minutes of the proceedings at the preceding meeting and the reading of the minutes of the proceedings of any committee presented at any such preceding meeting and no discussion shall be permitted thereon except as to their accuracy as a record of the proceedings and the said minutes of the proceedings at the preceding meeting shall then be signed as by this Act required and the rough minutes of the proceedings of the council at any meeting shall be read at the close of such meeting.

3. After the signing of the minutes as aforesaid the order of business of an ordinary meeting shall be as follows or as near thereto as may be practicable but for the greater

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convenience of the council at any particular meeting thereof it may be altered by resolution to that effect.

- (i.) Reading of copies of letters sent by the authority of the council.
- (ii.) Reading letters received and considering and ordering thereon.
- (iii.) Reception and reading of petitions and memorials.
- (iv.) Presentation of reports of committees.
- (v.) Payments.
- (vi.) Ordinary business.
- (vii.) Orders of the day including subjects continued from proceedings of former meetings.
- (viii.) Extraordinary business and new rules and regulations.
- (ix.) Other motions of which previous notice has been given.
- (x.) Notices of motion.

And the order of business at a special meeting shall be the order in which such business stands in the notice thereof.

4. Whenever a division shall be demanded by any councillor the councillors voting in the affirmative shall first hold up their hands and then those voting in the negative shall hold up their hands and the result be declared by the chairman.

Motions.

5. All addresses to the Governor shall be presented by the mayor and town clerk unless otherwise ordered by the council.

6. All notices of motion shall be dated and numbered and given by the intending mover to the town clerk at the close of the meeting of council or if not required by law to be given at a meeting then three clear days prior to the next meeting of council and the town clerk shall enter the same in the notice of motion book in the order in which they may be received.

7. No member shall make any motion initiating a subject for discussion but in pursuance of notice given as prescribed in the last preceding clause.

8. No motion except that for receiving the same shall unless under some urgent circumstances be made on any petition memorial or other like application until the next ordinary meeting of council after that at which it has been presented.

9. Except by leave of the council motions shall be moved in the order in which they have been received and recorded by the town clerk in the notice of motion book and if not so moved or postponed shall be struck out.

10. No motion entered in the notice of motion book shall be proceeded with in the absence of the councillor who gave notice of the same unless by some other councillor producing written authority from him to that effect.

11. No motion for an address or petition shall be entertained unless the mover shall at some previous meeting have submitted a draft of the same.

Order &c. of Debate.

12. Any councillor desirous of making a motion or amendment or taking part in discussion thereon shall rise and address the chairman and shall not be interrupted unless called to order when he shall sit down until the councillor (if any) calling to order shall have been heard thereon and the question of order disposed of when the councillor in possession of the chair may proceed with the subject.

13. Any councillor desirous of proposing an original motion or amendment must state the nature of the same before he addresses the council thereon.

14. No motion or amendment shall be withdrawn without the leave of the council.

15. No motion or amendment shall be discussed or put to the vote of the council unless it be seconded but a councillor may however require the enforcement of any standing order of the council by directing the mayor's or chairman's attention to the infraction thereof.

16. A councillor moving a motion shall be held to have spoken thereon but a councillor merely seconding a motion shall not be held to have spoken upon it.

17. The councillors in meeting of council shall designate each other by their official titles namely that of mayor chairman or councillor as the case may require.

18. If two or more councillors rise to speak at the same time the mayor or chairman shall decide which is entitled to priority.

19. The mayor or chairman shall rise in addressing the council to discuss any question and shall not leave the chair on such occasions.

20. No councillor shall speak a second time on the same question unless entitled to reply or in explanation when he has been misrepresented or misunderstood.

21. The mayor or chairman when called upon to decide on points of order or practice shall state the provision rule or practice which he deems applicable to the case without discussing or commenting on the same and his decision as to order or explanation in each case shall be final.

22. No councillor shall digress from the subject-matter of the question under discussion or comment upon the words used by any other councillor in a previous debate and all imputations of improper motives and all personal reflections on councillors shall be deemed highly disorderly.

23. Whenever any councillor shall make use of any expression disorderly or capable of being applied offensively to any other councillor the councillor so offending shall be required by the mayor or chairman to withdraw his expression and to make satisfactory apology to the council.

24. A councillor called to order shall sit down unless permitted to explain.

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25. Any councillor using offensive or disorderly language and having been twice called to order or to withdraw or apologise for such conduct and refusing so to do shall be guilty of an offence.

26. Any person not being a councillor who shall having been admitted to any meeting of the council be guilty thereof of any improper or disorderly conduct or who shall not leave when lawfully requested by the mayor or chairman so to do may be forthwith removed by him and shall be deemed guilty of an offence.

27. Any councillor not attending in compliance with an order for a call of the whole council without reasonable excuse to the satisfaction of the majority thereof shall be guilty of an offence.

28. Any councillor may of right demand the production of any of the documents of the council applying to the question under discussion.

29. The council shall vote by show of hands and any councillor present and not voting not being disabled by law from so doing shall be guilty of an offence.

30. The mayor or chairman shall in taking the sense of the council put the question first in the affirmative then in the negative and the result thereof shall be recorded in the minutes.

31. At every meeting of the council all motions whether original motions or amendments shall be reduced into writing signed by the mover and delivered to the chairman immediately on their being moved and seconded.

32. No second or subsequent amendment whether upon an original proposition or on an amendment shall be taken into consideration until the previous amendment is disposed of.

33. If an amendment be carried the question or amendment as amended shall become itself the question or amendment whereupon any further amendment upon any portion of the question or amendment coming after such first-mentioned amendment may be moved.

34. If an amendment be negatived then a second may be moved to the question to which the first-mentioned amendment was moved but only one amendment shall be submitted to the council for discussion at a time.

35. The mover of every original proposition but not of any amendment shall have a right to reply immediately after which the question shall be put from the chair but no councillor shall be allowed to speak more than once on the same question unless permission be given to explain or the attention of the chair be called to a point of order.

36. No discussion shall be allowed on any motion for adjournment of the council but if on the question being put the motion be negatived the subject then under consideration or the next on the notice paper shall be discussed or any other that may be allowed precedence before any subsequent motion for adjournment be made.

37. Any councillor may protest against any resolution of the council and notice of intention to protest shall in every case be given forthwith on the adoption of the resolution protested against and the protest shall specify the reasons for protesting and shall be entered three days at least before the next ordinary meeting of the council by the protesting councillor in a book to be kept for that purpose in the town clerk's office and signed by such councillor and shall be also entered in the minutes of the meeting at which notice of the intention to protest shall have been given previously to the confirmation thereof but such protest may be expunged from the minutes if declared by a majority of the council to be not in accordance with truth or in its terms disrespectful to the council.

38. If a debate on any motion moved and seconded be interrupted by the number of the councillors present becoming insufficient for the transaction of business such debate may be resumed at the point where it was so interrupted on motion upon notice. Lapsed questions.

39. If a debate on any order of the day be interrupted by such insufficiency of number as aforesaid happening such order may be restored to the notice book for a future day on motion upon notice and then such debate shall be resumed at the point where it was so interrupted.

40. Minutes of all proceedings of committees as well as of their reports numbered in consecutive order shall be entered in the committees' minute book and being signed by the chairman of the committee shall be presented to the council and the town clerk when practicable shall attend all meetings of committees. Committees.

41. The town clerk shall convene every committee within ten days of its first appointment or at any other time thereafter by order of the council or on the written order of the chairman of the committee or of any two members of the committee.

42. No petition shall be presented after the council shall have proceeded to the orders of the day. Petitions.

43. It shall be incumbent on every councillor presenting a petition to acquaint himself with the contents thereof and to ascertain that it does not contain language disrespectful to the council and that the contents do not violate any bye-law or any provision hereof.

44. Every councillor presenting a petition to the council shall write his name at the beginning thereof.

45. Every petition shall be in writing and not printed or lithographed and shall contain the prayer of the petitioners at the end thereof and be signed by at least one person on every skin or sheet on which it is written.

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46. Every petition shall be signed by the persons whose names are appended thereto by their names or marks and by no one else except in cases of incapacity by sickness.

47. No letters affidavits or other documents shall be attached to any petition.

48. Every councillor presenting a petition to the council shall confine himself to a statement of the persons from whom it comes of the number of signatures attached to it, and of the material allegations contained in it and to the reading of the prayer thereof.

Appointments &c of officers.

49. No appointment to any permanent office at the disposal of the council shall take place until seven clear days' public notice shall have been given by advertisement in one or more newspapers circulating in the borough inviting applications from qualified candidates for the same.

50. The salary or allowance attached to all offices and places at the disposal of the council shall in all cases be fixed before they proceed to appoint any person to fill the same before the advertisement inviting applications as aforesaid and shall be specified in such advertisement.

51. No councillor or officer of the council and no assessor or auditor of the borough shall be received as a surety for any officer appointed by the council or for any work to be done for the council,

52. In all cases of security being given for the faithful performance of any duty or contract the expense of preparing such security shall be borne by the person providing the same.

Miscellaneous.

53. All the plans and specifications for any public work shall be laid before the council at least six days prior to the same being considered and ordered upon and be open for inspection by any ratepayer during that time.

54. It shall be lawful for the treasurer of the borough from time to time on the written order of the town clerk to disburse such moneys as shall have been appropriated by the council for the purposes of this clause and as shall be required for any necessary occasion not exceeding in the whole in any interval between two ordinary meetings of the council the sum of five pounds.

55. The common seal of the borough shall be kept in a box having two locks of one of which locks the mayor and each councillor shall have a key and of the other of which locks the key shall be kept by the town clerk and the corporate seal shall not be affixed to any document unless the mayor and one other member of the council or in the absence of the mayor or unless two councillors be present.

56. Any one or more of the rules or regulations contained in this subdivision may be suspended for a special purpose on motion upon notice duly given and shall not otherwise be suspended except by a unanimous vote of the council.

57. If any person shall be guilty of any wilful offence or misfeasance or wilful or negligent act of commission or omission contrary to any provision contained in this subdivision he shall forfeit a sum not exceeding five pounds.

FOURTEENTH SCHEDULE.

FORMS OF BYE-LAWS AND REGULATIONS.

(1.) *Bye-law or Regulation.*

Bye-law [*or Regulation*] of the council of the borough of _____ made under
In pursuance of _____ of _____
Act 1867 "the council of the borough of _____
the following regulation] (that is to say)— "The Municipal Corporations
ordain as follows [*or make*

(i.) The _____ subdivision [*or subdivisions*] of the _____ th part of
the _____ th Schedule to the said Act [*or such and such provisions of &c.*]
is [*or are*] hereby adopted in and for the said borough.

(ii.) The following bye-laws heretofore existing are repealed (that is to say)—

The bye-law numbered _____ intituled &c.
So much of the bye-law numbered _____ and intituled _____ as &c.
[*or as the case may be*].

(iii.) [*Or in the case of a regulation*]. The fees payable &c. shall be &c.
Passed by the said Council this _____ day of _____

A.D. 186 _____

(L.S.)

(2.) *Joint Regulation.*

Joint regulation of the councils of the boroughs of _____ and
_____ and _____ made under
In pursuance of _____ of _____
Act 1867 "the councils of the several boroughs of _____
"The Municipal Corporations
and _____

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and make the following joint regulation (that is to say)—

- (I.) The fees payable for the license for a borough stage carriage within &c. shall be &c.
 (II.) The number of passengers to be carried by &c. shall be &c.
 (III.) The joint regulation numbered _____ and intituled _____ is hereby repealed
 [or as the case may be].

Passed by the council of _____ the _____ day
 of _____ A.D. 186 .

Passed by the council of _____ the _____ day
 of _____ A.D. 186 . (L.S.)

Passed by the council of _____ the _____ day
 of _____ A.D. 186 . (L.S.)

FIFTEENTH SCHEDULE.

FORM OF RATE.

An assessment to the borough rate [or if the case be so a special borough rate] made this _____ day of _____ in the year of our Lord 18 _____ after the rate of _____ pence in the pound by virtue of "The Municipal Corporations Act 1867."

No. on the rate.	Surname of person rated.	Christian names of persons rated.	Trade or occupation.	Name of owner of rateable property.	Description and situation of rateable property.	Ward of borough (where borough divided into wards.)	Division for separate rating by reason of special benefit.	Annual value.	Rate at d. in the pound.

Signed by us this _____ day of _____ in the year of our Lord 18 _____
 A.B. _____
 C.D. _____ Members of the council of the borough of _____
 E.F. _____

SIXTEENTH SCHEDULE.

FORM OF VALUATION AND RETURN.

Borough of _____
 Valuation by me _____ a valuer for the borough of the undermentioned rateable properties therein situated.

Surname of occupier.	Christian name of occupier.	Occupiers trade and occupation.	Owner.				Description and situation of rateable property.	If let for what term or in what manner	Annual value.
			Surname	Christian name.	Residence.	Trade or occupation.			

Returned this _____ day of _____ A.D. 18 .
 (Signed) _____ A.B. Valuer

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SEVENTEENTH SCHEDULE.

FORM OF SPECIAL RATE.

An assessment to the special rate made by special order dated the
 day of _____ in the year of our Lord 18____ after the rate of
 pence in the pound by virtue of "The Municipal Corporations Act 1867."

No. on the rate.	Surname of person rated.	Christian name of person rated.	Trade or occu- pation.	Name of owner of rateable property.	Description and situation of rateable property.	Ward of bo- rough (<i>where borough divided into wards.</i>)	Elec- toral district and divi- sion.	Annual value.	Rate at d. in the pound.

EIGHTEENTH SCHEDULE.

FORM OF DEBENTURE.

Transferable by delivery.

"Municipal Corporations Act 1867."

Borough of _____

N.B.—*The holder of this debenture has no claim with respect thereof upon the Government of New Zealand or the Ordinary or Public Revenue thereof.*

THIS DEBENTURE entitles the bearer to _____ pounds sterling which
 with interest thereon at the rate of _____ pounds per centum per annum is hereby
 secured upon a special rate made the _____ day of _____ A.D. 18____ by the
 council of the above borough [*and further describing the special rate*] such interest being
 payable half-yearly on the first day of April and the first day of October in every year
 (dividend coupons for which are annexed) at _____ and such principal money
 being payable on the _____ day of _____ A.D. 18____ at _____

Dated this _____

day of _____

18____

(Signed)

{ A.B. Chairman.
 C.D. }
 { E.F. } Councillors.

G.H.

Treasurer.

WELLINGTON, NEW ZEALAND:

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