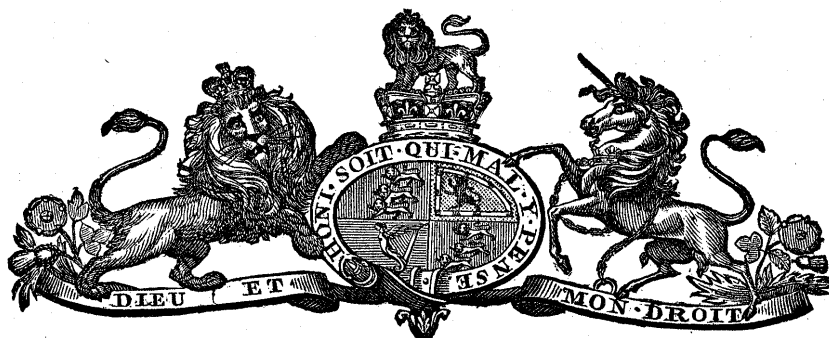


NEW ZEALAND.



QUADRAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. 13.

ANALYSIS.

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Preamble.
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AN ACT to amend "The Municipal Corporations Act, 1876."
[14th November, 1877.]

WHEREAS it is expedient to amend in certain particulars "The Municipal Corporations Act, 1876" (hereinafter called "the said Act"):

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

1. The Short Title of this Act shall be "The Municipal Corporations Act 1876 Amendment Act, 1877."

2. In the case of the sickness or unavoidable absence of the Mayor from any cause, any Councillor may make and sign the declaration required of him previous to his acting as Councillor, before the Town Clerk.

3. Every Council shall continue in office until their successors are elected and take office; and the expression "Council" shall include any Municipal Council constituted under "The Otago Municipal Corporations Ordinance, 1865," which may have become a borough under the said Act.

This provision shall be deemed to have come into operation on the same day as "The Municipal Corporations Act, 1876," came into operation; and any Council which shall have gone out of office

Municipal Corporations Act 1876 Amendment.

at any time previous to the passing of this Act, and to whom no successors have been elected, shall be deemed to have continued in office, and may exercise all the powers, duties, and functions of such Council until their successors shall take office, in the same manner as if it had not gone out of office.

Duration of office.

4. Every Councillor shall come into office on the day of his election, and shall cease to hold office on the day his successor comes into office.

Special roll.

5. After any notice shall have been published by any Council of its intention to raise a special loan, and before the poll shall be taken thereon, a special roll shall be made up by the Town Clerk by combining the rolls of the several wards of a divided borough into one roll, and setting opposite the name of each burgess on such roll the number of votes to which he is entitled, according to the scale set forth in section thirty-nine of the said Act, in respect of his rateable property within the entire borough, and in the case of an undivided borough, the Town Clerk shall set opposite the name of each burgess on the roll of such borough the number of votes he is entitled to according to the scale above mentioned. Such special roll shall be signed by the Mayor and two Councillors.

Whenever a poll shall be taken on the proposal to raise a special loan, there shall be only one polling booth at some central part of the borough; and every burgess shall be entitled to vote at any such poll taken in the borough in any part of which he is enrolled, according to the scale set opposite his name on the special roll for such borough.

Provided always that in no case shall any burgess have the right to exercise more than five votes in the whole at any such poll as aforesaid.

Repeal.

6. Subsections (3) and (4) of section two hundred and ten of the said Act are hereby repealed, and the following substituted in lieu thereof:—

Where, after notice given, repair or drainage is not carried out in a private street, Council may repair and charge expenses to owners of land in such private street.

Where the Council shall have given notice in writing for the repair or drainage of any private street, in manner provided by subsection two of section two hundred and ten of the said Act, if at the expiration of the time mentioned in the aforesaid notice the roadway or footways, including the edging or kerbing thereto, or the drainage of any private street or of any part of any private street in any borough, whether heretofore made or hereafter to be made, shall not have been or be constructed or repaired to the satisfaction of the Council of such borough, such Council may cause the same to be constructed or repaired to their satisfaction, and the expenses which shall be incurred by the Council in effecting the same shall be charged upon the owners of land abutting on such private street, or upon such part of a private street, as the case may be, as shall have been so constructed or repaired, in the proportion which the frontage to such street, or part of such street, as the case may be, of the land owned by each of them bears to the whole frontage of the land chargeable hereunder.

Such expenses may be recoverable in a Court of law.

The proportion charged upon each such owner shall be paid by him to the Council within one calendar month after an advertisement requiring payment of the same shall have been published in some newspaper circulating within the borough, and if not so paid shall be recoverable by the Council from such owner in any Court of competent jurisdiction; and the production by or on the part of the Council of a copy of the newspaper containing such advertisement shall be deemed to be conclusive evidence, in any action brought for the recovery of such expenses, of the liability of the owner mentioned therein to the payment of the moneys sought to be recovered; and it is hereby

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declared that it shall be sufficient in any such advertisement, and in any action brought as aforesaid, in case the name of any such owner shall not be known to the Council, to describe such owner as "the owner of the parcel of land forming or being part of section [*naming it by its number on some public record map*] in the Borough of [*naming the borough*], abutting upon Street."

7. The Council of every borough may purchase or take under the provisions of "The Public Works Act, 1876," any lands outside of as well as within the borough for any purpose connected with the drainage of the borough, the maintenance and repair of the roads, streets, and public places thereof, or the public health, protection, and safety of its inhabitants, or for any other purpose for which the Council is authorized to take land within the borough.

Council may purchase lands outside the borough for repair of roads and other purposes.

8. All the powers granted by the said Act in respect of the construction of waterworks and gasworks shall be deemed to include the power of extending or enlarging any such waterworks or gasworks respectively, and the said powers of constructing or extending or enlarging any such works aforesaid shall be deemed also to apply in respect of any waterworks or gasworks acquired under any Act at any time previous to the passing of the said Act.

Powers in respect of waterworks and gasworks.

WELLINGTON, NEW ZEALAND:

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