

A BILL INTITULED

AN ACT to amend "The Court of Appeal Act 1862." Title.

WHEREAS doubts have been entertained whether the Court of Appeal constituted under "The Court of Appeal Act 1862" has power to award costs in certain cases And whereas it is expedient to remove such doubts

5 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 Court of Appeal Act Amendment Act 1868." Short Title.

10 2. The Court of Appeal shall have power in all cases within the jurisdiction of the Court to adjudge payment of costs. Power to award costs in all cases.

15 3. Where any case stated by way of appeal for the decision of the Supreme Court under the provisions of the said Act shall be discharged by the Court of Appeal on the ground that the Court of Appeal has no jurisdiction over the questions raised by such case or any of them the respondent shall be entitled to recover as part of his costs in the Supreme Court in the action giving rise to such appeal all costs and expenses necessarily incurred by him in preparing for and attending the hearing of such case in the Court of Appeal such costs to be taxed by the taxing officer of the Supreme Court in like manner as other costs in the action giving rise to such appeal. Costs in cases where no jurisdiction on appeal.

20 4. Where any proceedings in error upon any judgment of the Supreme Court under the provisions of the said Act shall be discharged by the Court of Appeal on the ground that the said Court of Appeal has no jurisdiction therein the defendant in error shall be entitled to recover as part of his costs in the Supreme Court under the judgment therein which is impeached by such proceedings in error all costs and expenses necessarily incurred by him in defending such proceedings in error such costs to be taxed by the taxing officer of the Supreme Court in like manner as other costs recoverable under the judgment giving rise to such proceedings in error. Costs in cases where no jurisdiction in error.

COUNTY OF WESTLAND BILL.

ARRANGEMENT OF CLAUSES.

- Title.
Preamble.
- Short Title.
 - Commencement of Act.
 - Recital of "The County of Westland Act 1867." Proviso.
- COUNTY AND ROAD DISTRICTS.
- County of Westland defined. First Schedule.
 - Operation within the county of laws and ordinances of the Province of Canterbury.
 - Superintendent's powers to vest in the chairman of the county council.
- COUNTY INCORPORATED.
- Incorporation of county council and inhabitants of Westland.
- ROAD DISTRICTS.
- Existing road districts to be road districts under this Act.
 - Incorporation of district board and ratepayers.
 - Any part of a road district proclaimed a borough shall cease to form part of road district.
- COUNTY COUNCIL AND ROAD BOARDS.
- Number of Members of Council and Boards.*
- Number of members of county council.
 - District boards.
 - Members of road boards &c. to continue in office.
- Capacity &c. of Members of County Council and Road Board.*
- Qualifications of members of council and board.
 - Incapacity for being member of county council or road board.
 - Incapacity of contractors.
 - Penalty on persons incapacitated acting as members of county council or road boards. Acts nevertheless to be valid.
 - Retirement of members of council.
 - Retirement of members of board in rotation.
 - Extraordinary vacancies.
 - Members capable of re-election.
- QUALIFICATION OF VOTERS.
- Qualification of voters for members of council.
 - Qualification of voters for members of road board.
 - Renewal of miners' right or business license proof of right or license having been held for two months preceding election.
- VOTERS' ROLL.
- Secretary of council to form voters' roll for electoral districts.
 - Clerk of board to form voters' roll for road district.
 - Copies of roll to be printed. And delivered to chairman. Copies.
 - Roll signed and delivered to be voters' roll for district.
 - Copy of roll to be evidence.
 - Substitute for secretary of council or clerk of board in case of vacancy in such office or in case of the secretary or clerk being incapable or refusing to act.
 - Willful offence of commission or omission by clerk &c.
 - First and annual elections of members of county council.
 - Annual ordinary elections of members of road board.
 - Deficiency (if any) of members in proclaimed district to be supplied at first annual election.
 - Governor to appoint returning officers for electoral districts. Who shall preside at road board elections.
- Notice of election. Declaration of election when untested.
 - Show of hands to be taken.
- Polling &c.*
- Polling places in districts.
 - Contested election. Notice and time and place of poll.
 - Candidate may retire within certain time. Fifth Schedule.
 - Polling booths &c.
 - Deputies of returning officer.
 - Power of returning officer and deputies.
 - Copy of voters' roll to be given to each deputy returning officer and poll clerk.
 - Persons who may be present in polling booths. Sixth Schedule.
 - State of the poll not to be declared until close.
 - Mode of conducting elections.
 - Questions to be put to voter at all other elections.
 - Miners' rights &c. to be presented at elections and marked.
 - Questions to be put to voter qualified as holder of a miners' right or business license.
 - False answer polling twice and personation.
 - Declaration of polling and casting vote.
 - Adjournment of election by reason of riot &c.
 - Adjournment where from some other cause no election on day appointed.
 - Vacancies not filled up at any election to be deemed extraordinary vacancies occurring on day of election.
- Extraordinary Vacancies.*
- Extraordinary vacancies by whom filled up.
 - Extraordinary vacancies how filled.
- Miscellaneous Matters in Elections.*
- Election not to be questioned for want of title in person presiding *de facto*.
 - Misfeasance &c. of officers &c.
 - Expenses of election. Provisions applicable to election of members both of council and road boards.
- AUDITORS.
- Governor to nominate an auditor or auditors.
- ELECTION AND PRIVILEGES OF CHAIRMAN OF COUNCIL AND ROAD BOARDS.
- Election of chairman. Vacancy in office of chairman.
- PROCEEDINGS OF THE COUNCIL AND BOARD.
- First meeting of the board.
 - General meetings. Council and board may make by-laws regulating proceedings. Penalties which may be imposed. Penalties to allow of mitigation.
 - Casting vote. Quorum.
 - Member voting where interested.
 - Proceedings in estates of bankrupts &c. Proceedings in petty sessions &c.
 - Vacancy in number of members not to invalidate proceedings.
 - Nor want of capacity &c. of any person to be member.
- CONTRACTS.
- Mode in which council or board may enter into contracts and effect thereof.
- OFFICERS.
- Appointment removal &c. and salaries of officers. Secretary clerk or treasurer who shall not be.
 - Officers to deliver accounts and vouchers and make payments. Officer failing to render accounts &c. or to

pay balance or to deliver over property of council or board. Such proceedings not to bar remedy against sureties.

ACCOUNTS.

73. Books of accounts and inspection by persons interested. Accounts to be balanced half-yearly. Annual statements of receipts and expenditure and inspection thereof.

ROAD BOARD FUNDS.

74. Of what the ordinary revenues of the body corporate shall consist.

COUNTY REVENUES.

75. Colonial Treasurer to pay salaries of certain officers out of land fund and to pay over residues to County Treasurer.
76. Public moneys payable before the said Act &c.
77. Moneys paid to council to what purposes applicable.
78. County Treasurer to pay such moneys as he shall be directed by resolution of the council.

RATES.

79. What shall be rateable property.
80. Board may make and levy rates.
81. General rates.
82. Special rates.
83. Board to decide what general and what special works.
84. Neither general nor special rate to exceed one shilling in the pound.
85. Estimate to be prepared and notice.
86. Assessors to be appointed.
87. Sanction of chairman of county council to rate to be obtained.
88. Sanction of one-half of the number of persons liable to be rated to special rate to be obtained.
89. Form of rate. Seventh Schedule.
90. Appeal.
91. Manner of hearing appeals.
92. Rate-book when to be signed.
93. Collector.
94. On what persons rates may be made and levied.
95. Rates to be made for particular periods.
96. Rates may be made retrospectively.
97. Rate may be amended by board.
98. Valuer empowered to make inquiries.

99. Rights of owner under leases made before this Act.

100. Owner where name not known to be rated as owner only.
101. Recovery of rates before justice or by action.
102. Rate-books to be evidence.
103. Remedy against person quitting before payment of rates.
104. Rates to be apportioned on the holder &c. quitting.
105. Owner to pay rates in default of occupier.
106. Rates due from owner may be recovered from occupier.
107. Occupier not to be required to pay more than the amount of rent owing by him.

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

109. Occupier refusing to give name of owner liable to penalty.

POWERS AND DUTIES OF COUNCIL AND BOARDS.

110. Main roads and certain other works to be managed by council.
111. Main road towards Christchurch to be kept in repair by the council or in their default under direction of the Governor.
112. Roads &c. not managed by council to be under control of district road boards.
113. Temporary roads.
114. Entry on land to construct drains.
115. Right to procure materials for roads.
116. Place from which materials are taken shall be fenced &c.
117. Drains &c. near road.
118. Compensation for damage by temporary occupation &c.
119. Trees obstructing or injuring road.
120. Power to impound.
121. Section preceding to apply to council and road boards.
122. Toll-houses &c.
123. Tolls may be directed to be paid.
124. Payment of tolls and powers of collector.
125. Exemptions from toll.
126. Fraudulent claim of exemption.
127. Punts &c. not to ply near ferries established hereunder.
128. Evading tolls or forcibly passing &c.
129. Main road toll fund.

MISCELLANEOUS.

130. Rates already due and penalty incurred.
131. Provisions for Sundays and holidays.
132. Justices Judges &c. to hear and determine though liable to be rated &c.
133. Recovery of penalties.
134. Governor may make regulations and orders.