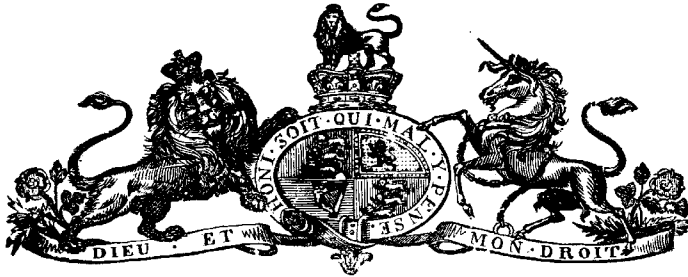


[The erased matter in this Bill is shown by a line on the margin; the new matter by italics]

1049

NEW ZEALAND.

[As amended by the Legislative Council.]



TRICESIMO

VICTORIÆ REGINÆ.

[Local and Personal.]

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ANALYSIS.

- |  |  |
|--|--|
| <p>Title.<br/>Preamble.<br/>1. Short Title.<br/>2. Corporation may give notice to owners of land to keep same free from water.</p> | <p>3. Owner failing to comply with notice Corporation may occupy and fill in land.<br/>4. Owner failing to fill in and reclaim land shall be liable to pay the actual cost of filling in and reclaiming.</p> |
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A BILL INTITULED

**AN ACT to enable the Corporation of the Town of Napier to abate a Nuisance caused by the flooding of certain lands with stagnant water within the Borough of Napier.**

**WHEREAS** some years since the parcels of land situated in the Town and Borough of Napier in the Province of Hawke's Bay as described in the Schedule to this Act were purchased from the Crown: And whereas by reason of the said parcels of land being flooded by stagnant water a nuisance dangerous to the health of the community hath been created and still subsists: And whereas it is expedient that power should be given to the Corporation of the said Borough of Napier to cause the said nuisance to be abated:

**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 Napier Swamp Nuisance Act 1875."

2. It shall be lawful for the said Corporation to give to any owner or owners of one or more of the parcels of land specified in the Schedule of this Act notice in writing signed by the Mayor for the time being of the said Borough of Napier requiring such owner or owners to keep the land so owned by him or them free from stagnant water and to fill in and reclaim such land and such notice shall be served upon such owner or owners personally or sent through the ordinary course of post addressed to his or their last known place

*It shall be lawful for the said Corporation at any time within two years after the passing of this Act, to enter upon any of the parcels of land specified in the Schedule of this Act for the purpose of filling in and reclaiming the same, provided always that before entering upon the said parcels of land notice in writing shall be served upon the owner or owners of the said lands personally, or through the ordinary course of post, addressed to his or their last known place or places of residence in the Colony of New Zealand or in the event of his or their absence from the said Colony shall be so served upon or posted addressed to his or their authorised agent or agents: Provided always that if such owner or owners cannot be ascertained or in case such owner or owners shall be absent from the Colony without having left any authorised agent it shall be sufficient if such notice be published twice in the Government Gazette of the said Province of Hawkes Bay and twice in one newspaper published in the Town of Napier.*

Owner failing to comply with notice Corporation may occupy and fill in land.

3. In the event of any owner or owners failing to comply with such notice as aforesaid to keep the land so owned by him or them as aforesaid free from stagnant water and to fill in and reclaim the same it shall be lawful for the said Corporation at the expiration of *three* calendar months from the date of such notice having been so served or posted or published as aforesaid to enter into and upon and to fill in and reclaim the land so owned by any person so failing or neglecting to fill in and reclaim the same.

Owner failing to fill in and reclaim land shall be liable to pay the actual cost of filling in and reclaiming.

4. Any such owner or owners so failing or neglecting to fill in and reclaim the land so owned by him or them as aforesaid in accordance with such notice as aforesaid shall be liable to pay to the said Corporation the actual cost of filling in and reclaiming his or their said land, and such actual cost shall in each and every case be recoverable by the said Corporation from such owner or owners in any Court of competent jurisdiction.

3. *The said Corporation shall be entitled to recover the actual cost of filling in and reclaiming his or their said land, together with interest thereon, after the rate of six pounds per centum per annum, and such actual cost and interest, after deducting the expense of filling in and reclaiming the streets, marked on the official plan of the town of Napier, as intersecting the several parcels of land described in Schedule I. to this Act, shall, in each and every case, be recoverable by sale of the same land, after notice of such sale shall have been given six months previously in the New Zealand Gazette, and in one newspaper published in the town of Napier. The amount of such cost shall be ascertained and certified in each case by the Resident Magistrate and Collector of Customs at Napier, and their certificate in favour of the said Corporation may be registered as a charge upon the land mentioned therein. The amount to be paid by each of the owners of the said lands shall be in proportion to the quantity of material used in filling in their respective parcels of land.*

4. *For the purpose of registration, the Memorial may be in the form in the second Schedule hereto.*

## SCHEDULE I.

## SCHEDULE OF SECTIONS IN THE NAPIER TOWN SWAMP.

No. of Section.	Area.			No. of Section.	Area.			No. of Section.	Area.			No. of Section.	Area.		
	A.	R.	P.		A.	R.	P.		A.	R.	P.		A.	R.	P.
174	0	1	0	220	0	2	0	352	0	2	0	369	1	0	0
175	0	1	0	221	0	2	0	353	0	2	0	370	1	0	0
176	0	1	0	222	0	2	0	354	0	1	0	371	0	3	7
177	0	1	0	223	0	2	0	355	0	1	0	372	1	0	0
178	0	1	0	224	0	2	0	356	0	1	0	373	1	0	0
179	0	1	0	225	0	2	0	357	1	0	0	374	0	3	10
180	0	1	0	253	0	1	0	Reserve	1	2	0	375	1	0	0
181	0	1	0	254	0	1	0	358	1	0	0	376	2	0	0
182	0	2	0	255	0	1	0	359	1	0	0	377	1	0	0
183	0	2	0	256	0	1	0	360	1	0	0	378	1	0	0
184	0	2	0	258	0	1	0	361	1	0	0	379	1	0	0
185	0	2	0	259	0	1	0	362	1	0	0	380	1	0	0
186	0	2	0	260	0	1	0	363	1	0	0	381	1	0	0
187	0	2	0	346	0	3	7	364	1	1	18	382	1	0	0
216	0	2	0	348	0	2	17	365	1	0	0	383	1	0	0
217	0	2	0	349	0	2	38	366	1	0	0	384	0	2	28
218	0	2	0	350	0	1	28	367	1	0	0	385	1	2	30
219	0	2	0	351	0	2	0	368	0	3	37				

## SCHEDULE II.

By virtue of the "Napier Swamp Nuisance Act, 1875," we hereby certify that the owner of the land described in the Schedule to this Memorial became liable to pay the sum of \_\_\_\_\_ pounds, which is unpaid; whereupon this Memorial is made and subscribed by us, the Resident Magistrate and Collector of Customs at Napier, for the purpose of charging the land with such amount.

Dated, &c.

Describe the land, specifying all the particulars requisite to identify the same.