

Hon. Mr. Larnach.

# Public Works Act 1876 Amendment.

## ANALYSIS.

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## A BILL INTITULED

### AN ACT to amend "The Public Works Act, 1876."

Title.

WHEREAS it is expedient to repeal certain provisions of "The Public Works Act, 1876," and to make other provisions in lieu thereof, and otherwise to amend the said Act:

Preamble.

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 Public Works Act 1876 Amendment Act, 1877."

Short Title.

2. The several expressions following have in this Act the several meanings herein assigned to each respectively unless anything in the subject or context is repugnant to such meaning, that is to say,—

Interpretation.

"The said Act" means "The Public Works Act, 1876."

"Municipal Council" means any Municipal Council constituted under any Act or Ordinance of the General Assembly or of any Provincial Legislature, and includes any Board of Commissioners or Trustees having the control and management of a city, town, or borough.

"Borough" means any city or borough constituted under "The Municipal Corporations Act, 1876," "The Otago Municipal Corporations Act, 1865," or any Act for the time being in force constituting Municipal Corporations.

Repeal and amendment of certain sections of "The Public Works Act, 1876."

3. The sections twenty-five, twenty-six, twenty-nine, thirty, thirty-one, thirty-two, ninety-three, ninety-four, ninety-five and two hundred and seven of the said Act are hereby repealed: Provided always that such repeal shall not affect anything done or commenced under the said repealed sections, and such thing may be continued, enforced, and completed under the provisions of the said Act and this Act. Section twenty-one of the said Act shall be read and construed as if when the said Act came into operation the words "or in some other convenient place near to the lands to be taken as the Minister, County Council, Municipal Council, or Board may determine" had been contained in the said section immediately after the word "are" on the ninth line of that section. 5 10

In section one hundred and three, subsection two, add the words "or printed" after the word "painted" in line two, and omit the words "not less than two inches in length on a white board." 15

In section ninety-seven, subsection five, after the word "matter," in the first line of that section, add the words "or any water, tailings, or sludge."

In section one hundred and forty-three of the said Act there shall be substituted "Minister" or "Engineer-in-Chief" for "Governor." 20

Mode of taking of land for public works.

4. If within the forty days mentioned in section twenty-two of the said Act no such objections are made, or if, after due consideration of all such objections, the Minister, or the County Council, Municipal Council, or Road Board, as the case may be, is of opinion that it is expedient that the proposed works should be executed, and that no private injury will be done thereby for which due compensation is not provided by the said Act, the land proposed to be taken shall be taken in the following manner:— 25

The Governor by Order in Council in the case of Government works, the County Council in the case of county works, 30 the Municipal Council in the case of municipal works, and the Board in the case of district works, by special order in the form in the *First* Schedule hereto, shall declare that the said lands are taken for the said public works, and, from and after a day to be named in the said Order in Council or special order, as the case may be, the lands so taken shall become absolutely vested in Her Majesty in the case of 35 Government works, in the body corporate of the county, borough, or Road Board, as the case may be, in the case of county works, municipal works, or district works, in fee-simple at law and equity, discharged from all mortgages, charges, claims, estates, or interests of what kind soever. The provisions of "The Counties Act, 1876," and "The Municipal Corporations Act, 1876," respecting special orders, shall apply to any special orders made under this 45 Act. In cases of Road Boards such provisions shall be read and construed with such alterations as are necessary to give effect thereto.

Land may be taken for any public works after such public work has been completed.

5. If any public work shall have been or shall be executed, and after the execution thereof it shall be found that any person has any estate or interest in any land acquired or taken therefor, or that any land required therefor has not been taken in the manner required by law, or that the provisions relating to the taking of such land have not been fulfilled, or if it shall be found desirable for the use convenience or enjoyment of any such public work to acquire other land, such land, or the estate or interest of any person therein, may be taken in the manner provided by the said Act and this Act; and all the provisions of the said Act and this Act relating to the taking of land and to compensation therefor shall apply, except that in such 55 60

cases section twenty-one of the said Act shall be read as if the words "generally the nature of the works proposed to be executed and" were omitted therefrom. Section twenty-two of the said Act shall be read as if the words "of the works proposed to be executed and," and the words "to the execution of such works or" were omitted therefrom. And section *four* of this Act shall be read as if the words "the proposed works should be executed" were omitted therefrom and the words "the land proposed to be taken should be taken" should be substituted therefor: Provided that if any person shall have received payment or been awarded compensation for the taking of such land, or by reason of his being injuriously affected by such public works, he shall not be entitled to any further payment or compensation.

6. If Crown lands are required to be taken for public works, and there is no person having any beneficial claim, estate, or interest therein, or in any part thereof, then it shall not be necessary to comply with sections twenty-one, twenty-two, twenty-three, and twenty-four of the said Act, and such lands may, if the Governor so think fit, be taken by the Governor by Order in Council, and, from and after a date to be named in such Order, such land shall cease to be Crown lands and be deemed land taken under this Act, and shall, in the case of Government works, remain vested in Her Majesty, and if the said Order in Council directs, in the case of county works, municipal works, or district works, shall vest in the body corporate of the county, borough, or district, for the use of the public works for which the same is taken, and shall be subject to and be dealt with under the provisions of the said Act and this Act in the same manner as other land taken under the provisions thereof.

How Crown lands may be taken.

7. If all persons having any estate or interest in any land required to be taken for public works consent in writing to such land being taken, then such Order in Council or special order as is mentioned in section *four* of this Act may be issued without depositing any plans, giving any notices, or waiting any periods whatever, anything in the twenty-first, twenty-second, twenty-third, and twenty-fourth sections of the said Act or this Act to the contrary. The provisions of the said Act as to compensation shall apply to any land so taken.

Where persons owning estate or interest in land consent to such land being taken, certain provisions need not be complied with.

8. Every Order in Council, or special order made under the foregoing provisions, shall be deposited without fee in the District Land Registry Office for the land registration district under the Land Transfer Act in which such land is, and when so deposited shall be conclusive evidence that the land therein referred to has been duly taken under the provisions of the said Act and this Act. No order in Council or special order shall be impeached or defeasible on the ground that the provisions of the said Act or this Act with respect to the taking of such land have not been complied with, nor otherwise, except on the ground of actual fraud.

Order in Council, &c. for taking of land to be deposited in District Land Registry Office.

9. Indorsed on or annexed thereto, or referred to therein, shall be a plan delineating the land taken, which plan shall show the extent, boundaries, and relative position thereof, and be certified to be accurate by the statutory declaration of some surveyor licensed to practise as a surveyor under "The Land Transfer Act, 1870," or by the Surveyor-General, or some other surveyor holding a certificate from the Surveyor-General certifying such surveyor to be a surveyor qualified to give such a certificate.

Certified plan of such land to be annexed to order.

(1.) If such land was not theretofore subject to "The Land Transfer Act, 1870," the District Land Registrar shall cause an entry of such order to be made under the proper head or title in the index-book of the Deeds Registry Office, and shall register in his register-book such order, and thereupon the land so taken shall become subject to the provisions of "The Land Transfer Act, 1870."

Land to become subject to Land Transfer Act.

(2) If the said land was theretofore subject to the provisions of "The Land Transfer Act, 1870,"—

Duties of District Land Registrar when land previously subject to Land Transfer Act.

(a.) The District Land Registrar shall register such order in his register-book, and shall cause a memorial thereof to be entered on every Crown grant, certificate of title, receipt, or other instrument evidencing the title to such land in his possession or under his control, and shall make out such certificates of title to Her Majesty, or the body corporate of a county, borough, or district, as may be necessary. 5 10

(b.) Any person in possession of the Crown grant, certificate of title, receipt, or other instrument evidencing the title to such land shall, upon receiving notice from the Minister, County Council, Municipal Council, Board, or District Land Registrar in that behalf, deliver up to such District Land Registrar such grant, certificate of title, receipt, or other instrument to be wholly or partially cancelled as the case may require; and any person refusing or neglecting to deliver up any such grant, certificate, receipt, or other instrument shall be liable to a penalty of not more than *fifty* pounds. 15 20

(c.) The District Land Registrar shall retain every such partially-cancelled grant, certificate of title, receipt, or other instrument, and shall issue, free of charge, to the registered proprietor of the land not taken, a certificate of title for such land, unless the same is not Crown-granted. 25 30

(3.) No person having in his possession or control such Crown grant, certificate of title, receipt, or other instrument shall be entitled to claim or receive any compensation under this Act until such Crown grant, certificate of title, receipt, or other instrument is delivered to such District Land Registrar to be wholly or partially cancelled as aforesaid. 35

Land taken for public work and not wanted may be sold, &c.

10. If it is found that any land taken under the said Act or this Act, or taken or acquired under "The Immigration and Public Works Act, 1870," or Acts amending the same, or under any Act of the General Assembly, or Act or Ordinance of any Provincial Council for public works, is not required for public use, the Governor in the case of Government works, the County Council in the case of county works, the Municipal Council in the case of municipal works, and the Board in the case of district works, may cause the same to be sold under the following conditions:— 40 45

(1.) A valuation shall be made of the land proposed to be sold by one or more valuers appointed by the Minister, County Council, Municipal Council, or the Board, as the case may be, and such land shall be offered at the price fixed by such valuation, first to the person then entitled to the land from which such land was originally severed, and if he do not accept it in writing within seven days next after such offer, or if he cannot be found, then to the owner of the adjacent lands, or if there be more than one such owner, then to each of such owners as the Minister, County Council, Municipal Council, or Board thinks fit; and, if no such owner accepts such offer within seven days next thereafter, may sell such land by public auction, or may exchange such lands for other lands, or may let such lands 50 55

upon such terms and conditions as he or they respectively thinks fit for any term not exceeding twenty-one years.

5 (2.) The Governor may, if he think fit, exercise the powers of sale, exchange, or letting hereinbefore given without causing any valuation or offer to be made as aforesaid, or waiting any period whatsoever, anything in subsection one of this section to the contrary.

10 11. The purchase money, rents, and profits arising from any sale, exchange, or lease made under the authority of the said Act or this Act shall be paid into the Public Account, the County Fund, Municipal Fund, or District Fund, as the case may be, and shall form part of the fund appropriated to the execution of the works in respect of which the said lands were taken or acquired. Disposal of purchase money, &c.

15 12. No road shall be stopped except in the manner and upon the conditions following;— Mode of stopping a road.

(1.) The Board shall have a plan prepared of the road proposed to be stopped, and a survey made and plan prepared of the new road (if any) to be made, showing the lands through which they pass, and the owners and occupiers of such lands, so far as known.

20 (2.) The said plans shall lie open to public inspection at the office of the Board or other convenient place during twelve consecutive weeks.

25 (3.) The Board shall once in each three weeks during such twelve weeks give public notice of the proposed stoppage, and of the place where the plans are on view, and in such notice shall call upon all persons affected to set forth in writing any well-grounded objection to such stoppage within eighty-four days from the first publication of such notice to the Road Board.

30 (4.) A notice of the proposed stoppage shall be fixed in a conspicuous place at each end of the road to be stopped.

35 (5.) Within one week after the said twelve weeks the Board shall, by public notice, call a meeting of the Board of the district, for a day not less than ten days after such notice. The Road Board shall at such meeting consider the proposed stoppage, and any objection made thereto by any person likely to suffer injury thereby, and shall decide whether the road shall be stopped or not.

40 (6.) If the Board decides that the road be not stopped such decision shall be final; and no proceedings for stopping such road shall be taken by the Board for one year thereafter.

45 (7.) If the Board decides that the road may be stopped, the Board shall send the plans aforesaid with a full description of the proposed alterations and all objections thereto, and with their decision thereon, to the County Council.

50 (8.) The County Council shall, after giving not less than ten days' public notice thereof, hold a meeting at which they shall consider the proposed alterations, and any objection made thereto by any person likely to suffer injury thereby, and shall confirm or reverse the decision of the Board; and the decision of the County Council shall be final; and if the Council reverses the decision of the Board, no proceedings shall be entertained by the County Council for stopping such road for two years thereafter.

55 (9.) If the County Council confirms the decision of the Board, the Board may declare by public notice that the said road is stopped, and such road shall thereafter cease to be a public highway.

(10.) If the whole of "The Counties Act, 1876," is not in force in any county, then the powers, duties, and functions vested in the County Council by subsections *seven, eight, and nine* of this section shall vest in and be exercised and performed by the Resident Magistrate of the Resident Magistrate's Court in the district. If there is no such Court, or more than one in the district, the Governor shall appoint the Resident Magistrate or other person to exercise such powers, duties, and functions. 5

(11.) Roads lying in the outlying districts of a county may be stopped by the Council of such county by special order, and in such case the provisions of the foregoing subsections one, two, three, four, five, and six only shall apply to any road to be stopped, and all the powers, duties, and functions vested in the Road Board by those six sections shall vest in and be exercised and performed by such County Council. 15

When road stopped or land taken for public works, plan to be forwarded to Surveyor-General descriptive of such road or land.

13. When any road shall be stopped, or any land shall be taken or acquired for public works by a County Council, Municipal Council, or Road Board, such County Council, Municipal Council, or Road Board shall forward to the Surveyor-General a plan showing the extent, boundaries, and relative position of the road stopped, or the land taken, which plan shall be certified in the same manner as the plans required by section *nine* of this Act. 20

Governor may by Order in Council declare land when not wanted for public works, to form part of a county or district road, and may revoke such order.

14. Any land taken or acquired for General or Provincial Government works under "The Immigration and Public Works Act, 1870," or Acts amending the same, or under any Act of the General Assembly, or Act or Ordinance of any Provincial Council, or under the said Act or this Act, may, if the Governor so think fit. from time to time by Order in Council, publicly notified and gazetted, be declared to be or form part of a county or district road, and to be constructed and maintained by such County Council or Road Board or both, as in such order shall be specified, and thereupon the County Council or Road Board so named shall construct and maintain such road or part thereof. The Governor in Council may, in a similar manner, revoke such order; and, on such revocation, the road to which it refers, or part thereof, shall cease to be a county or district road. 30

Where land formerly a road and afterwards stopped and sold or exchanged Governor may perfect same.

15. Whenever it shall be made to appear to the satisfaction of the Governor that any road has been stopped under the authority of an Act of the General Assembly or Ordinance of a Provincial Council, and the same or any part thereof has heretofore been sold or exchanged, or agreed to be sold or exchanged, then it shall be lawful, for the purpose of completing and perfecting such agreement, sale, or exchange, for the Governor to issue such grants or execute such conveyances, transfers, and other assurances as he may deem advisable. 40

Sale, &c., of land formerly public road.

16. Whenever under the said Act or this Act, or any Act of the General Assembly or of any Provincial Council, any public road shall be or shall have been stopped, then, if the road stopped shall not be a county, borough, or district road, the Governor may sell, exchange, or let such land in the manner authorized by subsection *one* of section *ten* of this Act. 50

If the road stopped shall be a county, municipal, or district road, the County Council, Municipal Council, or Road Board, as the case may be, may sell, exchange, or let such land in the manner authorized by subsection *one* of section *ten* of this Act. 55

Conveyances and assurances may be executed of land sold exchanged or let.

17. The Governor, County Council, Municipal Council, or Road Board, as the case may be, may execute such conveyances or other assurances of any land sold, exchanged, or let, under the authority of the said Act or this Act, as may be necessary to give effect to such sale, exchange, or lease; and such conveyances or assurances, when 60

Effect thereof.

so executed, shall be conclusive evidence that the provisions of such subsection respecting any sale, exchange, or lease thereby made have been duly complied with; and no purchaser, lessee, or person taking by way of exchange shall be concerned to see or inquire whether such provisions have been complied with.

18. In cases of sale or exchange, if the land shall not have been theretofore alienated or contracted to be alienated in fee by the Crown, the Governor may issue a Crown grant to such purchaser or person taking by way of exchange.

In certain cases Crown Grant may issue.

19. Whenever Crown lands are required to be taken to make a Government, county, borough, or district road, the Governor may, by an Order in Council, declare that the land described in such order is taken for such road, and thereupon such land shall cease to be Crown land, and be deemed land dedicated for and held by Her Majesty as a Government, county, or district road, as the case may be.

When Crown land required for a road Governor in Council may declare land taken, and thereupon same dedicated as a road.

20. The provisions of sections one hundred and forty-two and one hundred and forty-three, and of sections one hundred and forty-five to one hundred and fifty, both inclusive, and sections one hundred and fifty-three to one hundred and sixty-two, both inclusive, of the said Act shall apply to the branch line of railway lately constructed by the Oamaru Harbour Board constituted by the Ordinance of the Province of Otago, intituled "The Oamaru Harbour Board Ordinance, 1874," between Macandrew's Wharf and the Railway Station, Oamaru.

Oamaru Harbour Board branch line.

All moneys received by way of rent, tolls, fares, freights, carriage, fines, or penalties, or otherwise accruing from such railway shall form part of the revenue of the said Oamaru Harbour Board and may be applied accordingly.

In applying the said provisions, there shall be substituted in those sections for "Governor," and "Governor in Council," "Oamaru Harbour Board;" for "Minister," "Chairman of the Oamaru Harbour Board."

21. Section two hundred of the said Act shall read as if the words "being within a proclaimed gold field" were omitted therefrom.

Amendment of section two hundred of the said Act.

The Governor may, by Proclamation, finally determine the exact limits of the land required for any water-race heretofore or hereafter to be constructed, under the powers given by Part III. of "The Immigration and Public Works Act, 1870," or by Part VIII. of the said Act, and the streams taken for supplying the same; and after the issue of such last-mentioned Proclamation the land within the limits so determined, and the streams so specified, and none other, shall be the water-race and the streams for supplying the same, and such land and all buildings, machinery, dams, sluices, reservoirs, and other waterworks on such land shall become, upon the issue of such Proclamation, vested in Her Majesty in fee-simple at law and in equity, freed and discharged from all mortgages, charges, claims, estates, and interests whatsoever theretofore affecting the same. All land outside the limits defined by such last-mentioned Proclamation, and which was comprised in any Proclamation made under the powers conferred by Part III. of "The Immigration and Public Works Act, 1870," or under Part VIII. of the said Act, and was at the time of being so comprised Crown land, shall, on the issue of a Proclamation under the foregoing provision, again become Crown land, and if within a proclaimed gold field or mining district shall be portion of such gold field or district. A duplicate of such Proclamation, together with a map showing such limits, shall be deposited in the Warden's Court of the district.

How and when limits of land for water-race and streams taken therefor shall be determined.

22. The Governor may from time to time, on behalf of Her Majesty, do any of the following things:—

Powers given to Governor.

(1.) May lease from any corporation, company, or person any

railway or branch railway, and the rolling-stock and other appurtenances thereto belonging: Provided that the terms and conditions of such lease shall be laid before the General Assembly not less than sixty days before the same shall be accepted by the Governor. 5

- (2.) May agree with any corporation, company, or person, upon such terms and conditions as he and they may agree upon, providing that any trains or rolling-stock the property of Her Majesty or the General Government, whether carrying or conveying passengers, animals, and goods or not, may be run upon any railway or branch railway of such corporation, company, or person, for the purpose of receiving, conveying, storing, and delivering animals or goods, and that any trains or rolling-stock the property of such corporation, company, or person may be run upon any line or lines of railway the property of Her Majesty or the General Government. In any such agreement provision may be made as to stoppage at the terminal and other stations on any line of railway or branch railway as may be specified in such agreement. 10
- (3.) May agree with any corporation, company, or person, upon such terms and conditions as he and they may agree upon, providing that any corporation, company, or person may use any works, buildings, wharves, and jetties constructed and used in connection with a railway made under the authority of the said Act, and that Her Majesty or the General Government may use any works, buildings, wharves, and jetties constructed and used in connection with a branch railway. 15
- (4.) May agree with any Harbour Board, or other body having the control of wharves, quays, or docks, for the laying down any tramway or railway in or upon any wharf, quay, or dock, or upon any land vested in such Harbour Board or body, for the conveyance of goods and passengers, or one or other of such purposes, to and from a railway or branch railway. 20
- (5.) May agree with any corporation, company, person, or Harbour Board, or other body as aforesaid, for the use of cranes, hoists, weighing and other machines, weights and measures, conveniences or appliances belonging to such corporation, company, person, Board, or body. 25
- (6.) May agree with any Harbour Board to collect the dues, tolls, and charges payable to such Harbour Board.
- (7.) May make special arrangements with any corporation, company, or person for the conveying wholly or partly, or booking through to their destination on a railway, the passengers or luggage carried or conveyed by the steamers, coaches, and other conveyances of such corporation, company, or person, and may make and allow to such corporation, company, or person such rebates or other allowances as may be agreed upon. 30
- (8.) May agree with any corporation, company, or person to collect the fares and charges payable to such corporation, company, or person.
- (9.) May repay to any Harbour Board, corporation, company, or person with whom any agreement shall have been made the dues, tolls, charges, and fares, or any part thereof, collected on behalf of such Harbour Board, corporation, company, or person as aforesaid. 35
- (10.) In any such agreement as aforesaid provision may be made 40



as to the payment to be made the one to the other of such rates and charges as may be fixed in that behalf, and as to the time and mode of payment of such charges, and the keeping of accounts between the Governor, the corporation, company, person, or Harbour Board in respect thereto.

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(11.) Generally may enter into any other agreement in any manner incidental to any of the above matters, and agree upon such terms and conditions as may be necessary to give effect to the foregoing provisions.

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**23.** Whenever the Governor in exercise of the powers aforesaid shall accept a lease or make any agreement as aforesaid, then during the term of such lease or agreement the provisions contained in sections one hundred and forty-two to one hundred and sixty-three of the said Act, both inclusive, and of any by-laws, rules, and regulations then in force made thereunder, shall, so far as the circumstances of each case will admit, be deemed to apply to the railway or branch railway leased, or the property affected by such agreement: Provided always that the Governor and the parties to such lease or agreement may expressly agree and declare that none, or part only, of such provisions shall apply; and thereupon such provisions shall not apply, or part thereof only shall apply, as may be so agreed and declared.

Application and restricted application of sections 142 to 163 of the said Act respecting leases, &c., made by Governor under last-mentioned powers.

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All agreements heretofore made relating to any of the subjects mentioned in section *twenty-two* of this Act, and which would have been valid if at the time of making such agreement the provisions hereinbefore contained had been in force, are hereby ratified and confirmed.

Ratification of certain agreements, &c.

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**24.** The Minister may cause to be delivered at places outside the limits of a railway goods carried on a railway, and for such purpose may do, execute, enter into, and perform all acts, deeds, matters, contracts, and things necessary thereto; and may by notice gazetted fix and define the limits within which such delivery will be made, and also the rates and charges to be paid therefor; and such rates and charges shall be payable notwithstanding that the person to whom such goods are deliverable shall himself take delivery of the goods at any place within the limits of a railway. Such rates and charges shall be recoverable in the same manner as is provided by section one hundred and forty-six of the said Act in the case of fares and charges under any by-law or regulation.

Delivery outside the limits of a railway of goods carried thereon.

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**25.** If the owner or occupier of any land on which any well (artesian or otherwise), pond, place for water, or other structure for retaining water exists, allows the water from such well, pond, place, or structure to escape therefrom, and any nuisance, injury, or damage is thereby occasioned, such owner or occupier shall be respectively liable to a penalty of not exceeding fifty pounds.

Penalty for allowing water to escape from well, pond, &c., causing nuisance.

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**26.** For the purposes of this section and sections *twenty-seven* and *twenty-eight* of this Act, "River" means any river, whether navigable or not, and any stream or watercourse, and includes the bed or banks thereof, and "Board" means any Board of Conservators or other Board or persons appointed or elected under any Act or Ordinance providing for the preservation or management of rivers.

River Boards may make by-laws regulating and restricting the removal of gravel, &c., from river, and may provide penalty.

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Any Board may from time to time make by-laws for regulating, restricting, or prohibiting the taking away of any ballast, rock, stone, slate, shingle, gravel, sand, earth, cinders, rubbish, or other substance or thing from any river within the district over which such Board has jurisdiction, where such taking away may tend to the overflow of such river, or to the breaking the banks thereof, or to the diversion of the course of such river, or to the injury of any right belonging to or enjoyed by the public; and in any by-law may provide a penalty for every breach thereof of an amount which shall be in the discretion of the Court inflicting the same, and shall in no case exceed fifty pounds.

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An act shall be deemed to tend to injury within the meaning of this section in any case where a series of like acts has produced or would produce such injury.

Trees felled to be removed from rivers &c.

27. If any tree is felled by the owner or occupier of any land, or by any person employed or authorized by him, on the bank of any river, so that any part thereof is in or over such river, and the same is not removed within two days after having been so felled, such owner or occupier shall forfeit a penalty not exceeding forty shillings, and a further penalty of twenty shillings for each day beyond the two days aforesaid during which any such tree so felled as aforesaid continues in or on the bank of such river; and if any tree is so felled by any unauthorized person, such unauthorized person shall for every such tree so felled forfeit a penalty not exceeding five pounds, together with the cost of removing the same. This provision shall only apply to such rivers as the Board may from time to time by a by-law declare it shall apply to. 5 10 15

Saving powers independent of this Act.

28. Nothing in this Act shall be deemed to take away, supersede, or abridge any jurisdiction, right, power, or remedy existing independently of this Act, for the abatement of, or the imposition of punishment for, any nuisance affecting any river.

Provisions of sections 25, 26, and 27 to be in addition to any other remedy.

29. The provisions of this Act respecting anything in the *twenty-fifth*, *twenty-sixth*, and *twenty-seventh* sections mentioned, shall be deemed to be in addition to, and not in substitution for, or in restraint of any other enactment, regulation, jurisdiction, right, power, or remedy for the like object; and all enactments, regulations, jurisdictions, rights, and remedies in this section mentioned or referred to shall remain operative and be as far as may be as if this Act had not been passed, but so nevertheless that nothing herein shall be deemed to authorize that any person be sued or prosecuted twice in respect of the same matter. 20 25

Exchange of land in Second and Third Schedules.

30. The Governor may exchange the land described in the *Third* Schedule hereto for the land described in the *Second* Schedule hereto, and for such purpose may issue such Crown grants or execute such assurances as may be necessary. 30

Upon the issue of any grant or the execution of any assurance under the provisions of this section, the land granted or assured shall vest in the person to whom the same shall be so granted or assured in fee-simple, freed and discharged from all uses and trusts theretofore affecting such land, or any part thereof. 35

The piece of land described in the *Second* Schedule shall, when conveyed or otherwise vested in Her Majesty, be deemed to be land taken for the construction of the line of railway from Moeraki to Waitaki, and to be subject to the provisions of the said Act and this Act in all respects (except as to compensation) as if such land had been taken under such provisions. 40

Crown grants legal estate.

31. When any Crown grant shall be issued under the authority of this Act the legal estate shall be antevested to the date on which such land was originally purchased or exchanged, and such grant shall to all intents and purposes be deemed a Crown grant issued under "The Crown Grants Act, 1866," and Acts amending the same, and shall be subject to the provisions of that Act and Acts amending the same. 45 50

Bridge, ferry, or ford, situate partly in borough and county, which to have control.

32. If a bridge, ferry, or ford crosses a river, where one bank is situate in a borough and the other in a county, the Minister may direct which shall have the control thereof; but the cost of constructing or maintaining such bridge, ferry, or ford, may be recovered in equal moieties by the county or borough having the control of such bridge, ferry, or ford from the other county or borough, as the case may be. 55

1105.

5 **33.** The Governor may from time to time, by Order in Council, make, alter, and revoke regulations for the construction, maintenance, and use of a water-race made or to be made under the authority of the said Act, and may affix a penalty of not exceeding one hundred  
 10 pounds to the breach of any of such regulations, and may in like manner declare that all or any of the laws and regulations affecting water-races, aqueducts, dams, or reservoirs for the time being in force on the gold field in which a water-race made, or to be made, under  
 15 the authority of the said Act is, shall apply to construction, maintenance, and use of such water-race, and may in like manner alter or revoke such order.

Governor may make regulations for water-races, and apply laws or regulations on a gold field affecting water-races to a water-race constructed under "The Public Works Act, 1876."

**34.** Any work authorized, or anything commenced under the authority of any of the Acts or Ordinances repealed by the said Act, may, notwithstanding such repeal, be continued, executed, carried out,  
 15 enforced and completed under the authority of the Acts or Ordinances repealed, or may, if the Minister consents thereto, be continued, carried out, enforced, and completed under the provisions of the said Act as amended by this Act.

Works authorized or anything commenced under Acts or Ordinances repealed by "The Public Works Act, 1876," may be completed under those Acts or Ordinances, or with consent of Minister may be completed under that Act. Sections 173, 174, and 175 of "The Public Works Act, 1876," not in force until Governor declares same by Order in Council.

20 **35.** The provisions of sections one hundred and seventy-three, one hundred and seventy-four, and one hundred and seventy-five of the said Act shall only be deemed to be in force in such counties as the Governor may from time to time by Order in Council direct.

**36.** No water-race shall be vested in the Corporation of a county as provided by section two hundred and seventeen of the said Act, unless with the consent of the Council of such Corporation.

Water-races not to be vested in county without its consent.

25 **37.** The Minister may at any time after this Act coming into operation—

Minister may enter lands required for public works.

(1.) Enter upon, take possession of, use, and hold, or cause to be taken possession of, used, and held, any land required for public works.

30 (2.) If, after notice sent by the Minister to the owner or occupier of such land, such owner or occupier or any other person refuses to give up possession thereof, or hinders the Minister or any person appointed by him from entering or taking possession of any such land, he may issue his warrant to the Sheriff of the Sheriff's District within which the  
 35 land is to deliver possession of the same to the person appointed in the warrant to receive the same, and upon the receipt of the warrant the Sheriff shall deliver possession of any such lands accordingly. The Sheriff shall have all such powers and authorities under such warrant as he would have under a writ of possession issued out of the Supreme Court.

And if possession refused, Sheriff to give possession.

40 (3.) The costs accruing by reason of the issuing and execution of such warrant to be settled by the Sheriff, shall be paid by the person refusing to give possession, and the amount of such costs shall be deducted and retained from the compensation, if any, payable to such party, or if no such compensation be payable to such party, or if the same be less than  
 45 the amount of such costs, then such costs, or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress; and upon application by any person appointed in that behalf by the Minister to any Justice for that purpose he shall issue his warrant accordingly.

Costs.

55 (4.) May at any time after giving twenty-one days' notice to the occupier of any land required to be temporarily occupied and used for any public work enter upon such land,

Minister may enter lands required temporarily for public works.

and do all things thereon which he is by this Act empowered to do for the construction of any public work, without being deemed to commit a trespass.

- (5.) With respect to railways and water-races, such powers and authorities shall and may be exercised by the Minister over any land upon, over, or under which any railway or water-race was by "The Immigration and Public Works Act, 1870," or any Acts amending the same, or is by the said Act authorized to be constructed, and all such provisions shall apply accordingly. 5 10

Recovery of possession of land from persons in possession without right, title, or license.

38. If any person shall without right, title, or license be in possession of any land over, upon, or under which any railway, water-race, or public work is authorized by the said Act to be constructed, or of any land required to be temporarily used for a railway, water-race, or public work, or of any land taken, acquired, or reserved for a railway, water-race, or public work, the Minister, County Council, or Road Board, as the case may be, or any person appointed by him or them, may enter a plaint in the Resident Magistrate's Court of the district in which the land lies to recover possession thereof. 15

Hearing, and subsequent proceedings.

39. If upon the hearing of such plaint the defendant shall not appear, or shall appear but shall fail to establish in himself an absolute right and title to the possession of such land, the Court may order that possession thereof be given by the defendant to the plaintiff, either forthwith or on or before such day as the Court thinks fits to name, and that the defendant do pay the costs. If delivery of the land be not made in pursuance of such order, the Court, or the Resident Magistrate of the district, or any Justice of the Peace, may issue his warrant authorizing and requiring the Bailiff of the Court or any constable to give possession of such land to the plaintiff. The provisions of sections ninety-one to ninety-five, both inclusive, of "The Resident Magistrates Act, 1867," shall apply to any proceedings under this and the last-preceding section. 20 25 30

Penalty for trespass.

40. If any person shall, without right, title, or license, allow any cattle, horses, or any other animals to trespass on such land, or shall fell or remove or sell any of the timber growing or being thereon, or otherwise unlawfully trespass on the same, every such person shall, on conviction of any of the acts hereinbefore mentioned, and for every such offence, forfeit and pay any sum not exceeding fifty pounds, to be recovered in a summary way: Provided that no person shall be convicted of any of the offences aforesaid except on the information of the Minister, County Council, or Road Board, as the case may be, or any person appointed in writing by him or them. 35 40

Governor may order County Council or Road Board to make, &c., public work.

41. The Governor may from time to time order any County Council or Road Board to make, maintain, and keep in repair any road, bridge, ferry, or other public work within the county or road district. If the whole of "The Counties Act, 1876," is not in force in such County, or if the County Council or Road Board refuses, fails, or neglects to make, maintain, or repair such road, bridge, ferry, or public work within the period specified in any such order, the Governor may cause the same to be made, maintained, or repaired, and the expenses thereof shall be paid by the Colonial Treasurer out of the Consolidated Fund, and he shall deduct the amount thereof from any subsidies payable under any Act or Ordinance to such county or road district. In carrying out this provision, the Governor, and every person authorized by him, shall have all the powers and authorities which under any law are or may be vested in or could be exercised by the County Council or Road Board. 45 50 55

## SCHEDULES.

Schedules.

## FIRST SCHEDULE.

In the matter of "The Public Works Act, 1876," and "The Public Works Act 1876 Amendment Act, 1877."

On the            day of           , 187 .

By virtue of the powers and authorities vested in [the Governor in Council, or the County Council, Municipal Council, or Board of           , as the case may be], by the section of "The Public Works Act 1876 Amendment Act, 1877," [His Excellency (A.B.), Governor of the Colony, by and with the advice and consent of the Executive Council thereof, or the County Council, Municipal Council, or Board of as the case may be], doth hereby order and declare that all that piece of land [*Here describe land*], and particularly delineated on the plan [*Here refer to a plan either deposited in the Land Transfer Office, or annexed or indorsed on the Order in Council or Special Order*], shall, from and after the            day of           , 187 , become absolutely vested in            in fee-simple, freed and discharged from all mortgages, charges, claims, estates, and interests whatsoever.

Signature of Governor, or seal of County, Borough or Road Board, and signatures of Chairman, Mayor, or two members of the Council or Board.

## SECOND SCHEDULE.

ALL that piece or parcel of land in the Provincial District of Otago, in the Colony of New Zealand, containing by admeasurement 26 perches, more or less, situate in the Town of Oamaru, and being a portion of Sections Nos. 1, 2, 3, and 4, Block ninety-five (XCV.), on the map of the town aforesaid; commencing from a point 135 links north of Itchen Street, said point being 807 links westward from the south-east corner of said block, on junction of Thames Street with Itchen Street. Boundaries of said parcel of land are as follows:—Easterly 200 links; Northerly 80 links; Westerly 200 links; and Southerly 80 links, to the point of commencement.

## THIRD SCHEDULE.

ALL that piece or parcel of land in the Provincial District of Otago, in the Colony of New Zealand, containing by admeasurement 32 perches, more or less, situate in the Town of Oamaru, and being a portion of Block ninety-five (XCV.), on the map of the town aforesaid; commencing 285 links northwards of the north-east corner of the last described parcel of land; thence westerly 200 links; thence northerly 100 links; thence easterly 200 links; thence southerly 100 links, fronting right-of-way, to the point of commencement.

All that piece or parcel of land in the Provincial District of Otago, in the Colony of New Zealand, containing by admeasurement 1 rood and 25 perches, more or less, situate in the Town of Oamaru, and being a portion of Block ninety-five (XCV.), on the map of the town aforesaid; commencing at the south-east corner of the parcel of land last described; thence southerly 272 links; thence easterly 200 links; thence north-easterly 76 links; thence north-westerly 103 links, 117 links, and 64 links respectively; thence westerly 52 links, fronting right-of-way to point of commencement.

Hon. Mr. Larnach.

# Public Works Act 1876 Amendment.

## ANALYSIS.

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| <p>Title.<br/>Preamble.<br/>1. Short Title.<br/>2. Interpretation.<br/>3. Repeal and amendment of certain sections of "The Public Works Act, 1876."<br/>4. Mode of taking of land for public works.<br/>5. Land may be taken for any public work after such public work has been completed.<br/>6. How Crown lands may be taken.<br/>7. Where persons owning estate or interest in land consent to such land being taken, certain provisions need not be complied with.<br/>8. Order in Council, &amp;c., for taking of land, to be deposited in District Land Registry Office.<br/>9. Certified plan of such land to be annexed to order. Land to become subject to Land Transfer Act. Duties of District Land Registrar when land previously subject to Land Transfer Act.<br/>10. Land taken for public work, and not wanted, may be sold, &amp;c.<br/>11. Disposal of purchase money, &amp;c.<br/>12. Mode of stopping a road.<br/>13. When road stopped or land taken for public works, plan to be forwarded to Surveyor-General descriptive of such road or land.<br/>14. Governor may, by Order in Council, declare land when not wanted for public works to form part of county or district road, and may revoke such order.<br/>15. Where land formerly a road, and afterwards stopped, and sold or exchanged, Governor may perfect same.<br/>16. Sale, &amp;c. of land formerly public road.<br/>17. Conveyances and assurances may be executed of land sold, exchanged, or let. Effect thereof.<br/>18. In certain cases Crown Grant may issue.<br/>19. When Crown land required for a road, Governor in Council may declare land taken, and thereupon same dedicated as a road.<br/>20. Oamaru Harbour Board branch line.<br/>21. Amendment of section 200 of the said Act. How and when limits of land for water-race and streams taken therefor shall be determined.<br/>22. Powers given to Governor.</p> | <p>23. Application and restricted application of sections 142 to 163 of the said Act respecting leases, &amp;c., made by Governor under last-mentioned powers. Ratification of certain agreements, &amp;c.<br/>24. Delivery outside the limits of a railway of goods carried thereon.<br/>25. Penalty for allowing water to escape from well, pond, &amp;c., causing nuisance.<br/>26. River Boards may make by-laws regulating and restricting the removal of gravel, &amp;c., from river, and may provide penalty.<br/>27. Trees felled to be removed from rivers, &amp;c.<br/>28. Saving powers independent of this Act.<br/>29. Provisions of sections 25, 26, and 27 to be in addition to any other remedy.<br/>30. Exchange of land in Second and Third Schedules.<br/>31. Crown grants legal estate.<br/>32. Bridge, ferry, or ford, situate partly in borough and county, which to have control.<br/>33. Governor may make regulations for water-races, and apply laws or regulations on a gold field affecting water-races to a water-race constructed under "The Public Works Act, 1876."<br/>34. Works authorized, or anything commenced under Acts or Ordinances repealed by "The Public Works Act, 1876," may be completed under those Acts or Ordinances, or with the consent of Minister, may be completed under that Act.<br/>35. Sections 173, 174, and 175 of "Public Works Act, 1876," only in force until Governor declares same by Order in Council.<br/>36. Water-races not to be vested in county without its consent.<br/>37. Minister may enter lands required for public works. And if possession refused, Sheriff to give possession. Costs. Minister may enter lands required temporarily for public works.<br/>38. Recovery of possession of land from persons in possession without right, title, or license.<br/>39. Hearing and subsequent proceedings.<br/>40. Penalty for trespass.<br/>41. Governor may order County Council or Road Board to make, &amp;c., public work. Schedules.</p> |
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## A BILL INTITULED

### AN ACT to amend "The Public Works Act, 1876."

Title.

WHEREAS it is expedient to repeal certain provisions of "The Public Works Act, 1876," and to make other provisions in lieu thereof, and otherwise to amend the said Act :

Preamble.

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 Public Works Act 1876 Amendment Act, 1877."

Short Title.

2. The several expressions following have in this Act the several meanings herein assigned to each respectively unless anything in the subject or context is repugnant to such meaning, that is to say,—

Interpretation.

"The said Act" means "The Public Works Act, 1876."

"Municipal Council" means any Municipal Council constituted under any Act or Ordinance of the General Assembly or of any Provincial Legislature, and includes any Board of Commissioners or Trustees having the control and management of a city, town, or borough.

"Borough" means any city or borough constituted under "The Municipal Corporations Act, 1876," "The Otago Municipal Corporations Act, 1865," or any Act for the time being in force constituting Municipal Corporations.

Repeal and amendment of certain sections of "The Public Works Act, 1876."

3. The sections twenty-five, twenty-six, twenty-nine, thirty, thirty-one, thirty-two, ninety-three, ninety-four, ninety-five and two hundred and seven of the said Act are hereby repealed: Provided always that such repeal shall not affect anything done or commenced under the said repealed sections, and such thing may be continued, enforced, and completed under the provisions of the said Act and this Act. Section twenty-one of the said Act shall be read and construed as if when the said Act came into operation the words "or in some other convenient place near to the lands to be taken as the Minister, County Council, Municipal Council, or Board may determine" had been contained in the said section immediately after the word "are" on the ninth line of that section.

In section one hundred and three, subsection two, add the words "or printed" after the word "painted" in line two, and omit the words "not less than two inches in length on a white board."

In section ninety-seven, subsection five, after the word "matter," in the first line of that section, add the words "or any water, tailings, or sludge."

In section one hundred and forty-three of the said Act there shall be substituted "Minister" or "Engineer-in-Chief" for "Governor."

Mode of taking of land for public works.

4. If within the forty days mentioned in section twenty-two of the said Act no such objections are made, or if, after due consideration of all such objections, the Minister, or the County Council, Municipal Council, or Road Board, as the case may be, is of opinion that it is expedient that the proposed works should be executed, and that no private injury will be done thereby for which due compensation is not provided by the said Act, the land proposed to be taken shall be taken in the following manner:—

The Governor by Order in Council in the case of Government works, the County Council in the case of county works, the Municipal Council in the case of municipal works, and the Board in the case of district works, by special order in the form in the *First* Schedule hereto, shall declare that the said lands are taken for the said public works, and, from and after a day to be named in the said Order in Council or special order, as the case may be, the lands so taken shall become absolutely vested in Her Majesty in the case of Government works, in the body corporate of the county, borough, or Road Board, as the case may be, in the case of county works, municipal works, or district works, in fee-simple at law and equity, discharged from all mortgages, charges, claims, estates, or interests of what kind soever. The provisions of "The Counties Act, 1876," and "The Municipal Corporations Act, 1876," respecting special orders, shall apply to any special orders made under this Act. In cases of Road Boards such provisions shall be read and construed with such alterations as are necessary to give effect thereto.

Land may be taken for any public works after such public work has been completed.

5. If any public work shall have been or shall be executed, and after the execution thereof it shall be found that any person has any estate or interest in any land acquired or taken therefor, or that any land required therefor has not been taken in the manner required by law, or that the provisions relating to the taking of such land have not been fulfilled, or if it shall be found desirable for the use convenience or enjoyment of any such public work to acquire other land, such land, or the estate or interest of any person therein, may be taken in the manner provided by the said Act and this Act; and all the provisions of the said Act and this Act relating to the taking of land and to compensation therefor shall apply, except that in such

cases section twenty-one of the said Act shall be read as if the words "generally the nature of the works proposed to be executed and" were omitted therefrom. Section twenty-two of the said Act shall be read as if the words "of the works proposed to be executed and," and the words "to the execution of such works or" were omitted therefrom. And section *four* of this Act shall be read as if the words "the proposed works should be executed" were omitted therefrom and the words "the land proposed to be taken should be taken" should be substituted therefor: Provided that if any person shall have received payment or been awarded compensation for the taking of such land, or by reason of his being injuriously affected by such public works, he shall not be entitled to any further payment or compensation.

6. If Crown lands are required to be taken for public works, and there is no person having any beneficial claim, estate, or interest therein, or in any part thereof, then it shall not be necessary to comply with sections twenty-one, twenty-two, twenty-three, and twenty-four of the said Act, and such lands may, if the Governor so think fit, be taken by the Governor by Order in Council, and, from and after a date to be named in such Order, such land shall cease to be Crown lands and be deemed land taken under this Act, and shall, in the case of Government works, remain vested in Her Majesty, and if the said Order in Council directs, in the case of county works, municipal works, or district works, shall vest in the body corporate of the county, borough, or district, for the use of the public works for which the same is taken, and shall be subject to and be dealt with under the provisions of the said Act and this Act in the same manner as other land taken under the provisions thereof.

How Crown lands may be taken.

7. If all persons having any estate or interest in any land required to be taken for public works consent in writing to such land being taken, then such Order in Council or special order as is mentioned in section *four* of this Act may be issued without depositing any plans, giving any notices, or waiting any periods whatever, anything in the twenty-first, twenty-second, twenty-third, and twenty-fourth sections of the said Act or this Act to the contrary. The provisions of the said Act as to compensation shall apply to any land so taken.

Where persons owning estate or interest in land consent to such land being taken, certain provisions need not be complied with.

8. Every Order in Council, or special order made under the foregoing provisions, shall be deposited without fee in the District Land Registry Office for the land registration district under the Land Transfer Act in which such land is, and when so deposited shall be conclusive evidence that the land therein referred to has been duly taken under the provisions of the said Act and this Act. No order in Council or special order shall be impeached or defeasible on the ground that the provisions of the said Act or this Act with respect to the taking of such land have not been complied with, nor otherwise, except on the ground of actual fraud.

Order in Council, &c. for taking of land to be deposited in District Land Registry Office.

9. Indorsed on or annexed thereto, or referred to therein, shall be a plan delineating the land taken, which plan shall show the extent, boundaries, and relative position thereof, and be certified to be accurate by the statutory declaration of some surveyor licensed to practise as a surveyor under "The Land Transfer Act, 1870," or by the Surveyor-General, or some other surveyor holding a certificate from the Surveyor-General certifying such surveyor to be a surveyor qualified to give such a certificate.

Certified plan of such land to be annexed to order.

(1.) If such land was not theretofore subject to "The Land Transfer Act, 1870," the District Land Registrar shall cause an entry of such order to be made under the proper head or title in the index-book of the Deeds Registry Office, and shall register in his register-book such order, and thereupon the land so taken shall become subject to the provisions of "The Land Transfer Act, 1870."

Land to become subject to Land Transfer Act.



(2) If the said land was theretofore subject to the provisions of "The Land Transfer Act, 1870,"—

- (a.) The District Land Registrar shall register such order in his register-book, and shall cause a memorial thereof to be entered on every Crown grant, certificate of title, receipt, or other instrument evidencing the title to such land in his possession or under his control, and shall make out such certificates of title to Her Majesty, or the body corporate of a county, borough, or district, as may be necessary. 5 10
- (b.) Any person in possession of the Crown grant, certificate of title, receipt, or other instrument evidencing the title to such land shall, upon receiving notice from the Minister, County Council, Municipal Council, Board, or District Land Registrar in that behalf, deliver up to such District Land Registrar such grant, certificate of title, receipt, or other instrument to be wholly or partially cancelled as the case may require; and any person refusing or neglecting to deliver up any such grant, certificate, receipt, or other instrument shall be liable to a penalty of not more than *fifty* pounds. 20
- (c.) The District Land Registrar shall retain every such partially-cancelled grant, certificate of title, receipt, or other instrument, and shall issue, free of charge, to the registered proprietor of the land not taken, a certificate of title for such land, unless the same is not Crown-granted. 25 30

(3.) No person having in his possession or control such Crown grant, certificate of title, receipt, or other instrument shall be entitled to claim or receive any compensation under this Act until such Crown grant, certificate of title, receipt, or other instrument is delivered to such District Land Registrar to be wholly or partially cancelled as aforesaid. 35

10. If it is found that any land taken under the said Act or this Act, or taken or acquired under "The Immigration and Public Works Act, 1870," or Acts amending the same, or under any Act of the General Assembly, or Act or Ordinance of any Provincial Council for public works, is not required for public use, the Governor in the case of Government works, the County Council in the case of county works, the Municipal Council in the case of municipal works, and the Board in the case of district works, may cause the same to be sold under the following conditions:— 40 45

- (1.) A valuation shall be made of the land proposed to be sold by one or more valuers appointed by the Minister, County Council, Municipal Council, or the Board, as the case may be, and such land shall be offered at the price fixed by such valuation, first to the person then entitled to the land from which such land was originally severed, and if he do not accept it in writing within seven days next after such offer, or if he cannot be found, then to the owner of the adjacent lands, or if there be more than one such owner, then to each of such owners as the Minister, County Council, Municipal Council, or Board thinks fit; and, if no such owner accepts such offer within seven days next thereafter, may sell such land by public auction, or may exchange such lands for other lands, or may let such lands 50 55

Duties of District Land Registrar when land previously subject to Land Transfer Act.

Land taken for public work and not wanted may be sold, &c.

upon such terms and conditions as he or they respectively thinks fit for any term not exceeding twenty-one years.

- (2.) The Governor may, if he think fit, exercise the powers of sale, exchange, or letting hereinbefore given without causing any valuation or offer to be made as aforesaid, or waiting any period whatsoever, anything in subsection one of this section to the contrary.

5

**11.** The purchase money, rents, and profits arising from any sale, exchange, or lease made under the authority of the said Act or this Act shall be paid into the Public Account, the County Fund, Municipal Fund, or District Fund, as the case may be, and shall form part of the fund appropriated to the execution of the works in respect of which the said lands were taken or acquired.

Disposal of purchase money, &c.

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**12.** No road shall be stopped except in the manner and upon the conditions following;—

Mode of stopping a road.

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- (1.) The Board shall have a plan prepared of the road proposed to be stopped, and a survey made and plan prepared of the new road (if any) to be made, showing the lands through which they pass, and the owners and occupiers of such lands, so far as known.

20

- (2.) The said plans shall lie open to public inspection at the office of the Board or other convenient place during twelve consecutive weeks.

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- (3.) The Board shall once in each three weeks during such twelve weeks give public notice of the proposed stoppage, and of the place where the plans are on view, and in such notice shall call upon all persons affected to set forth in writing any well-grounded objection to such stoppage within eighty-four days from the first publication of such notice to the Road Board.

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- (4.) A notice of the proposed stoppage shall be fixed in a conspicuous place at each end of the road to be stopped.

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- (5.) Within one week after the said twelve weeks the Board shall, by public notice, call a meeting of the Board of the district, for a day not less than ten days after such notice. The Road Board shall at such meeting consider the proposed stoppage, and any objection made thereto by any person likely to suffer injury thereby, and shall decide whether the road shall be stopped or not.

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- (6.) If the Board decides that the road be not stopped such decision shall be final; and no proceedings for stopping such road shall be taken by the Board for one year thereafter.

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- (7.) If the Board decides that the road may be stopped, the Board shall send the plans aforesaid with a full description of the proposed alterations and all objections thereto, and with their decision thereon, to the County Council.

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- (8.) The County Council shall, after giving not less than ten days' public notice thereof, hold a meeting at which they shall consider the proposed alterations, and any objection made thereto by any person likely to suffer injury thereby, and shall confirm or reverse the decision of the Board; and the decision of the County Council shall be final; and if the Council reverses the decision of the Board, no proceedings shall be entertained by the County Council for stopping such road for two years thereafter.

55

- (9.) If the County Council confirms the decision of the Board, the Board may declare by public notice that the said road is stopped, and such road shall thereafter cease to be a public highway.

(10.) If the whole of "The Counties Act, 1876," is not in force in any county, then the powers, duties, and functions vested in the County Council by subsections *seven*, *eight*, and *nine* of this section shall vest in and be exercised and performed by the Resident Magistrate of the Resident Magistrate's Court in the district. If there is no such Court, or more than one in the district, the Governor shall appoint the Resident Magistrate or other person to exercise such powers, duties, and functions. 5

(11.) Roads lying in the outlying districts of a county may be stopped by the Council of such county by special order, and in such case the provisions of the foregoing subsections one, two, three, four, five, and six only shall apply to any road to be stopped, and all the powers, duties, and functions vested in the Road Board by those six sections shall vest in and be exercised and performed by such County Council. 10 15

When road stopped or land taken for public works, plan to be forwarded to Surveyor-General descriptive of such road or land.

13. When any road shall be stopped, or any land shall be taken or acquired for public works by a County Council, Municipal Council, or Road Board, such County Council, Municipal Council, or Road Board shall forward to the Surveyor-General a plan showing the extent, boundaries, and relative position of the road stopped, or the land taken, which plan shall be certified in the same manner as the plans required by section *nine* of this Act. 20

Governor may by Order in Council declare land when not wanted for public works, to form part of a county or district road, and may revoke such order.

14. Any land taken or acquired for General or Provincial Government works under "The Immigration and Public Works Act, 1870," or Acts amending the same, or under any Act of the General Assembly, or Act or Ordinance of any Provincial Council, or under the said Act or this Act, may, if the Governor so think fit, from time to time by Order in Council, publicly notified and gazetted, be declared to be or form part of a county or district road, and to be constructed and maintained by such County Council or Road Board or both, as in such order shall be specified, and thereupon the County Council or Road Board so named shall construct and maintain such road or part thereof. The Governor in Council may, in a similar manner, revoke such order; and, on such revocation, the road to which it refers, or part thereof, shall cease to be a county or district road. 25 30 35

Where land formerly a road and afterwards stopped and sold or exchanged Governor may perfect same.

15. Whenever it shall be made to appear to the satisfaction of the Governor that any road has been stopped under the authority of an Act of the General Assembly or Ordinance of a Provincial Council, and the same or any part thereof has heretofore been sold or exchanged, or agreed to be sold or exchanged, then it shall be lawful, for the purpose of completing and perfecting such agreement, sale, or exchange, for the Governor to issue such grants or execute such conveyances, transfers, and other assurances as he may deem advisable. 40 45

Sale, &c., of land formerly public road.

16. Whenever under the said Act or this Act, or any Act of the General Assembly or of any Provincial Council, any public road shall be or shall have been stopped, then, if the road stopped shall not be a county, borough, or district road, the Governor may sell, exchange, or let such land in the manner authorized by subsection *one* of section *ten* of this Act. 50

If the road stopped shall be a county, municipal, or district road, the County Council, Municipal Council, or Road Board, as the case may be, may sell, exchange, or let such land in the manner authorized by subsection *one* of section *ten* of this Act. 55

Conveyances and assurances may be executed of land sold exchanged or let.

17. The Governor, County Council, Municipal Council, or Road Board, as the case may be, may execute such conveyances or other assurances of any land sold, exchanged, or let, under the authority of the said Act or this Act, as may be necessary to give effect to such sale, exchange, or lease; and such conveyances or assurances, when 60

Effect thereof.

so executed, shall be conclusive evidence that the provisions of such subsection respecting any sale, exchange, or lease thereby made have been duly complied with; and no purchaser, lessee, or person taking by way of exchange shall be concerned to see or inquire whether such provisions have been complied with.

5

18. In cases of sale or exchange, if the land shall not have been theretofore alienated or contracted to be alienated in fee by the Crown, the Governor may issue a Crown grant to such purchaser or person taking by way of exchange.

In certain cases Crown Grant may issue.

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19. Whenever Crown lands are required to be taken to make a Government, county, borough, or district road, the Governor may, by an Order in Council, declare that the land described in such order is taken for such road, and thereupon such land shall cease to be Crown land, and be deemed land dedicated for and held by Her Majesty as a Government, county, or district road, as the case may be.

When Crown land required for a road Governor in Council may declare land taken, and thereupon same dedicated as a road.

15

20. The provisions of sections one hundred and forty-two and one hundred and forty-three, and of sections one hundred and forty-five to one hundred and fifty, both inclusive, and sections one hundred and fifty-three to one hundred and sixty-two, both inclusive, of the said Act shall apply to the branch line of railway lately constructed by the Oamaru Harbour Board constituted by the Ordinance of the Province of Otago, intituled "The Oamaru Harbour Board Ordinance, 1874," between Macandrew's Wharf and the Railway Station, Oamaru.

Oamaru Harbour Board branch line.

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All moneys received by way of rent, tolls, fares, freights, carriage, fines, or penalties, or otherwise accruing from such railway shall form part of the revenue of the said Oamaru Harbour Board and may be applied accordingly.

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In applying the said provisions, there shall be substituted in those sections for "Governor," and "Governor in Council," "Oamaru Harbour Board;" for "Minister," "Chairman of the Oamaru Harbour Board."

35

21. Section two hundred of the said Act shall read as if the words "being within a proclaimed gold field" were omitted therefrom.

Amendment of section two hundred of the said Act.

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The Governor may, by Proclamation, finally determine the exact limits of the land required for any water-race heretofore or hereafter to be constructed, under the powers given by Part III. of "The Immigration and Public Works Act, 1870," or by Part VIII. of the said Act, and the streams taken for supplying the same; and after the issue of such last-mentioned Proclamation the land within the limits so determined, and the streams so specified, and none other, shall be the water-race and the streams for supplying the same, and such land and all buildings, machinery, dams, sluices, reservoirs, and other waterworks on such land shall become, upon the issue of such Proclamation, vested in Her Majesty in fee-simple at law and in equity, freed and discharged from all mortgages, charges, claims, estates, and interests whatsoever theretofore affecting the same. All land outside the limits defined by such last-mentioned Proclamation, and which was comprised in any Proclamation made under the powers conferred by Part III. of "The Immigration and Public Works Act, 1870," or under Part VIII. of the said Act, and was at the time of being so comprised Crown land, shall, on the issue of a Proclamation under the foregoing provision, again become Crown land, and if within a proclaimed gold field or mining district shall be portion of such gold field or district. A duplicate of such Proclamation, together with a map showing such limits, shall be deposited in the Warden's Court of the district.

How and when limits of land for water-races and streams taken therefor shall be determined.

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22. The Governor may from time to time, on behalf of Her Majesty, do any of the following things:—

Powers given to Governor.

(1.) May lease from any corporation, company, or person any

- railway or branch railway, and the rolling-stock and other appurtenances thereto belonging: Provided that the terms and conditions of such lease shall be laid before the General Assembly not less than sixty days before the same shall be accepted by the Governor. 5
- (2.) May agree with any corporation, company, or person, upon such terms and conditions as he and they may agree upon, providing that any trains or rolling-stock the property of Her Majesty or the General Government, whether carrying or conveying passengers, animals, and goods or not, may be run upon any railway or branch railway of such corporation, company, or person, for the purpose of receiving, conveying, storing, and delivering animals or goods, and that any trains or rolling-stock the property of such corporation, company, or person may be run upon any line or lines of railway the property of Her Majesty or the General Government. In any such agreement provision may be made as to stoppage at the terminal and other stations on any line of railway or branch railway as may be specified in such agreement. 10 15 20
- (3.) May agree with any corporation, company, or person, upon such terms and conditions as he and they may agree upon, providing that any corporation, company, or person may use any works, buildings, wharves, and jetties constructed and used in connection with a railway made under the authority of the said Act, and that Her Majesty or the General Government may use any works, buildings, wharves, and jetties constructed and used in connection with a branch railway. 25
- (4.) May agree with any Harbour Board, or other body having the control of wharves, quays, or docks, for the laying down any tramway or railway in or upon any wharf, quay, or dock, or upon any land vested in such Harbour Board or body, for the conveyance of goods and passengers, or one or other of such purposes, to and from a railway or branch railway. 30 35
- (5.) May agree with any corporation, company, person, or Harbour Board, or other body as aforesaid, for the use of cranes, hoists, weighing and other machines, weights and measures, conveniencies or appliances belonging to such corporation, company, person, Board, or body. 40
- (6.) May agree with any Harbour Board to collect the dues, tolls, and charges payable to such Harbour Board.
- (7.) May make special arrangements with any corporation, company, or person for the conveying wholly or partly, or booking through to their destination on a railway, the passengers or luggage carried or conveyed by the steamers, coaches, and other conveyances of such corporation, company, or person, and may make and allow to such corporation, company, or person such rebates or other allowances as may be agreed upon. 45 50
- (8.) May agree with any corporation, company, or person to collect the fares and charges payable to such corporation, company, or person.
- (9.) May repay to any Harbour Board, corporation, company, or person with whom any agreement shall have been made the dues, tolls, charges, and fares, or any part thereof, collected on behalf of such Harbour Board, corporation, company, or person as aforesaid. 55
- (10.) In any such agreement as aforesaid provision may be made 60

as to the payment to be made the one to the other of such rates and charges as may be fixed in that behalf, and as to the time and mode of payment of such charges, and the keeping of accounts between the Governor, the corporation, company, person, or Harbour Board in respect thereto.

(11.) Generally may enter into any other agreement in any manner incidental to any of the above matters, and agree upon such terms and conditions as may be necessary to give effect to the foregoing provisions.

23. Whenever the Governor in exercise of the powers aforesaid shall accept a lease or make any agreement as aforesaid, then during the term of such lease or agreement the provisions contained in sections one hundred and forty-two to one hundred and sixty-three of the said Act, both inclusive, and of any by-laws, rules, and regulations then in force made thereunder, shall, so far as the circumstances of each case will admit, be deemed to apply to the railway or branch railway leased, or the property affected by such agreement: Provided always that the Governor and the parties to such lease or agreement may expressly agree and declare that none, or part only, of such provisions shall apply; and thereupon such provisions shall not apply, or part thereof only shall apply, as may be so agreed and declared.

All agreements heretofore made relating to any of the subjects mentioned in section *twenty-two* of this Act, and which would have been valid if at the time of making such agreement the provisions hereinbefore contained had been in force, are hereby ratified and confirmed.

24. The Minister may cause to be delivered at places outside the limits of a railway goods carried on a railway, and for such purpose may do, execute, enter into, and perform all acts, deeds, matters, contracts, and things necessary thereto; and may by notice gazetted fix and define the limits within which such delivery will be made, and also the rates and charges to be paid therefor; and such rates and charges shall be payable notwithstanding that the person to whom such goods are deliverable shall himself take delivery of the goods at any place within the limits of a railway. Such rates and charges shall be recoverable in the same manner as is provided by section one hundred and forty-six of the said Act in the case of fares and charges under any by-law or regulation.

25. If the owner or occupier of any land on which any well (artesian or otherwise), pond, place for water, or other structure for retaining water exists, allows the water from such well, pond, place, or structure to escape therefrom, and any nuisance, injury, or damage is thereby occasioned, such owner or occupier shall be respectively liable to a penalty of not exceeding fifty pounds.

26. For the purposes of this section and sections *twenty-seven* and *twenty-eight* of this Act, "River" means any river, whether navigable or not, and any stream or watercourse, and includes the bed or banks thereof, and "Board" means any Board of Conservators or other Board or persons appointed or elected under any Act or Ordinance providing for the preservation or management of rivers.

Any Board may from time to time make by-laws for regulating, restricting, or prohibiting the taking away of any ballast, rock, stone, slate, shingle, gravel, sand, earth, cinders, rubbish, or other substance or thing from any river within the district over which such Board has jurisdiction, where such taking away may tend to the overflow of such river, or to the breaking the banks thereof, or to the diversion of the course of such river, or to the injury of any right belonging to or enjoyed by the public; and in any by-law may provide a penalty for every breach thereof of an amount which shall be in the discretion of the Court inflicting the same, and shall in no case exceed fifty pounds.

Application and restricted application of sections 142 to 163 of the said Act respecting leases, &c., made by Governor under last-mentioned powers.

Ratification of certain agreements, &c.

Delivery outside the limits of a railway of goods carried thereon.

Penalty for allowing water to escape from well, pond, &c., causing nuisance.

River Boards may make by-laws regulating and restricting the removal of gravel, &c., from river, and may provide penalty.

An act shall be deemed to tend to injury within the meaning of this section in any case where a series of like acts has produced or would produce such injury.

Trees felled to be removed from rivers &c.

27. If any tree is felled by the owner or occupier of any land, or by any person employed or authorized by him, on the bank of any river, so that any part thereof is in or over such river, and the same is not removed within two days after having been so felled, such owner or occupier shall forfeit a penalty not exceeding forty shillings, and a further penalty of twenty shillings for each day beyond the two days aforesaid during which any such tree so felled as aforesaid so continues in or on the bank of such river; and if any tree is so felled by any unauthorized person, such unauthorized person shall for every such tree so felled forfeit a penalty not exceeding five pounds, together with the cost of removing the same. This provision shall only apply to such rivers as the Board may from time to time by a by-law declare it shall apply to. 5 10 15

Saving powers independent of this Act.

28. Nothing in this Act shall be deemed to take away, supersede, or abridge any jurisdiction, right, power, or remedy existing independently of this Act, for the abatement of, or the imposition of punishment for, any nuisance affecting any river.

Provisions of sections 25, 26, and 27 to be in addition to any other remedy.

29. The provisions of this Act respecting anything in the *twenty-fifth*, *twenty-sixth*, and *twenty-seventh* sections mentioned, shall be deemed to be in addition to, and not in substitution for, or in restraint of any other enactment, regulation, jurisdiction, right, power, or remedy for the like object; and all enactments, regulations, jurisdictions, rights, and remedies in this section mentioned or referred to shall remain operative and be as far as may be as if this Act had not been passed, but so nevertheless that nothing herein shall be deemed to authorize that any person be sued or prosecuted twice in respect of the same matter. 20 25

Exchange of land in Second and Third Schedules.

30. The Governor may exchange the land described in the *Third* Schedule hereto for the land described in the *Second* Schedule hereto, and for such purpose may issue such Crown grants or execute such assurances as may be necessary. 30

Upon the issue of any grant or the execution of any assurance under the provisions of this section, the land granted or assured shall vest in the person to whom the same shall be so granted or assured in fee-simple, freed and discharged from all uses and trusts theretofore affecting such land, or any part thereof. 35

The piece of land described in the *Second* Schedule shall, when conveyed or otherwise vested in Her Majesty, be deemed to be land taken for the construction of the line of railway from Moeraki to Waitaki, and to be subject to the provisions of the said Act and this Act in all respects (except as to compensation) as if such land had been taken under such provisions. 40

Crown grants legal estate.

31. When any Crown grant shall be issued under the authority of this Act the legal estate shall be antevested to the date on which such land was originally purchased or exchanged, and such grant shall to all intents and purposes be deemed a Crown grant issued under "The Crown Grants Act, 1866," and Acts amending the same, and shall be subject to the provisions of that Act and Acts amending the same. 45 50

Bridge, ferry, or ford, situate partly in borough and county, which to have control.

32. If a bridge, ferry, or ford crosses a river, where one bank is situate in a borough and the other in a county, the Minister may direct which shall have the control thereof; but the cost of constructing or maintaining such bridge, ferry, or ford, may be recovered in equal moieties by the county or borough having the control of such bridge, ferry, or ford from the other county or borough, as the case may be. 55

33. The Governor may from time to time, by Order in Council, make, alter, and revoke regulations for the construction, maintenance, and use of a water-race made or to be made under the authority of the said Act, and may affix a penalty of not exceeding one hundred pounds to the breach of any of such regulations, and may in like manner declare that all or any of the laws and regulations affecting water-races, aqueducts, dams, or reservoirs for the time being in force on the gold field in which a water-race made, or to be made, under the authority of the said Act is, shall apply to construction, maintenance, and use of such water-race, and may in like manner alter or revoke such order.

Governor may make regulations for water-races, and apply laws or regulations on a gold field affecting water-races to a water-race constructed under "The Public Works Act, 1876."

34. Any work authorized, or anything commenced under the authority of any of the Acts or Ordinances repealed by the said Act, may, notwithstanding such repeal, be continued, executed, carried out, enforced and completed under the authority of the Acts or Ordinances repealed, or may, if the Minister consents thereto, be continued, carried out, enforced, and completed under the provisions of the said Act as amended by this Act.

Works authorized or anything commenced under Acts or Ordinances repealed by "The Public Works Act, 1876," may be completed under those Acts or Ordinances, or with consent of Minister may be completed under that Act. Sections 173, 174, and 175 of "The Public Works Act, 1876," not in force until Governor declares same by Order in Council.

35. The provisions of sections one hundred and seventy-three, one hundred and seventy-four, and one hundred and seventy-five of the said Act shall only be deemed to be in force in such counties as the Governor may from time to time by Order in Council direct.

Water-races not to be vested in county without its consent.

36. No water-race shall be vested in the Corporation of a county as provided by section two hundred and seventeen of the said Act, unless with the consent of the Council of such Corporation.

Water-races not to be vested in county without its consent.

37. The Minister may at any time after this Act coming into operation—

Minister may enter lands required for public works.

(1.) Enter upon, take possession of, use, and hold, or cause to be taken possession of, used, and held, any land required for public works.

(2.) If, after notice sent by the Minister to the owner or occupier of such land, such owner or occupier or any other person refuses to give up possession thereof, or hinders the Minister or any person appointed by him from entering or taking possession of any such land, he may issue his warrant to the Sheriff of the Sheriff's District within which the land is to deliver possession of the same to the person appointed in the warrant to receive the same, and upon the receipt of the warrant the Sheriff shall deliver possession of any such lands accordingly. The Sheriff shall have all such powers and authorities under such warrant as he would have under a writ of possession issued out of the Supreme Court.

And if possession refused, Sheriff to give possession.

(3.) The costs accruing by reason of the issuing and execution of such warrant to be settled by the Sheriff, shall be paid by the person refusing to give possession, and the amount of such costs shall be deducted and retained from the compensation, if any, payable to such party, or if no such compensation be payable to such party, or if the same be less than the amount of such costs, then such costs, or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress; and upon application by any person appointed in that behalf by the Minister to any Justice for that purpose he shall issue his warrant accordingly.

Costs.

(4.) May at any time after giving twenty-one days' notice to the occupier of any land required to be temporarily occupied and used for any public work enter upon such land,

Minister may enter lands required temporarily for public works.



and do all things thereon which he is by this Act empowered to do for the construction of any public work, without being deemed to commit a trespass.

- (5.) With respect to railways and water-races, such powers and authorities shall and may be exercised by the Minister over any land upon, over, or under which any railway or water-race was by "The Immigration and Public Works Act, 1870," or any Acts amending the same, or is by the said Act authorized to be constructed, and all such provisions shall apply accordingly. 5 10

Recovery of possession of land from persons in possession without right, title, or license.

**38.** If any person shall without right, title, or license be in possession of any land over, upon, or under which any railway, water-race, or public work is authorized by the said Act to be constructed, or of any land required to be temporarily used for a railway, water-race, or public work, or of any land taken, acquired, or reserved for a railway, water-race, or public work, the Minister, County Council, or Road Board, as the case may be, or any person appointed by him or them, may enter a plaint in the Resident Magistrate's Court of the district in which the land lies to recover possession thereof. 15

Hearing, and subsequent proceedings.

**39.** If upon the hearing of such plaint the defendant shall not appear, or shall appear but shall fail to establish in himself an absolute right and title to the possession of such land, the Court may order that possession thereof be given by the defendant to the plaintiff, either forthwith or on or before such day as the Court thinks fits to name, and that the defendant do pay the costs. If delivery of the land be not made in pursuance of such order, the Court, or the Resident Magistrate of the district, or any Justice of the Peace, may issue his warrant authorizing and requiring the Bailiff of the Court or any constable to give possession of such land to the plaintiff. The provisions of sections ninety-one to ninety-five, both inclusive, of "The Resident Magistrates Act, 1867," shall apply to any proceedings under this and the last-previous section. 20 25 30

Penalty for trespass.

**40.** If any person shall, without right, title, or license, allow any cattle, horses, or any other animals to trespass on such land, or shall fell or remove or sell any of the timber growing or being thereon, or otherwise unlawfully trespass on the same, every such person shall, on conviction of any of the acts hereinbefore mentioned, and for every such offence, forfeit and pay any sum not exceeding fifty pounds, to be recovered in a summary way: Provided that no person shall be convicted of any of the offences aforesaid except on the information of the Minister, County Council, or Road Board, as the case may be, or any person appointed in writing by him or them. 35 40

Governor may order County Council or Road Board to make, &c., public work.

**41.** The Governor may from time to time order any County Council or Road Board to make, maintain, and keep in repair any road, bridge, ferry, or other public work within the county or road district. If the whole of "The Counties Act, 1876," is not in force in such County, or if the County Council or Road Board refuses, fails, or neglects to make, maintain, or repair such road, bridge, ferry, or public work within the period specified in any such order, the Governor may cause the same to be made, maintained, or repaired, and the expenses thereof shall be paid by the Colonial Treasurer out of the Consolidated Fund, and he shall deduct the amount thereof from any subsidies payable under any Act or Ordinance to such county or road district. In carrying out this provision, the Governor, and every person authorized by him, shall have all the powers and authorities which under any law are or may be vested in or could be exercised by the County Council or Road Board. 45 50 55

## SCHEDULES.

Schedules.

## FIRST SCHEDULE.

In the matter of "The Public Works Act, 1876," and "The Public Works Act 1876 Amendment Act, 1877."

On the            day of           , 187 .

By virtue of the powers and authorities vested in [the Governor in Council, or the County Council, Municipal Council, or Board of           , as the case may be], by the section of "The Public Works Act 1876 Amendment Act, 1877," [His Excellency (A.B.), Governor of the Colony, by and with the advice and consent of the Executive Council thereof, or the County Council, Municipal Council, or Board of            as the case may be], doth hereby order and declare that all that piece of land [*Here describe land*], and particularly delineated on the plan [*Here refer to a plan either deposited in the Land Transfer Office, or annexed or indorsed on the Order in Council or Special Order*], shall, from and after the            day of           , 187 , become absolutely vested in            in fee-simple, freed and discharged from all mortgages, charges, claims, estates, and interests whatsoever.

Signature of Governor, or seal of County, Borough or Road Board, and signatures of Chairman, Mayor, or two members of the Council or Board.

## SECOND SCHEDULE.

ALL that piece or parcel of land in the Provincial District of Otago, in the Colony of New Zealand, containing by admeasurement 26 perches, more or less, situate in the Town of Oamaru, and being a portion of Sections Nos. 1, 2, 3, and 4, Block ninety-five (XCV.), on the map of the town aforesaid; commencing from a point 135 links north of Itchen Street, said point being 807 links westward from the south-east corner of said block, on junction of Thames Street with Itchen Street. Boundaries of said parcel of land are as follows:—Easterly 200 links; Northerly 80 links; Westerly 200 links; and Southerly 80 links, to the point of commencement.

## THIRD SCHEDULE.

ALL that piece or parcel of land in the Provincial District of Otago, in the Colony of New Zealand, containing by admeasurement 32 perches, more or less, situate in the Town of Oamaru, and being a portion of Block ninety-five (XCV.), on the map of the town aforesaid; commencing 285 links northwards of the north-east corner of the last described parcel of land; thence westerly 200 links; thence northerly 100 links; thence easterly 200 links; thence southerly 100 links, fronting right-of-way, to the point of commencement.

All that piece or parcel of land in the Provincial District of Otago, in the Colony of New Zealand, containing by admeasurement 1 rood and 25 perches, more or less, situate in the Town of Oamaru, and being a portion of Block ninety-five (XCV.), on the map of the town aforesaid; commencing at the south-east corner of the parcel of land last described; thence southerly 272 links; thence easterly 200 links; thence north-easterly 76 links; thence north-westerly 103 links, 117 links, and 64 links respectively; thence westerly 52 links, fronting right-of-way to point of commencement.

By Authority: GEORGE DIBSBURY, Government Printer, Wellington.—1877.