

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Friday, the 15th day of June, 1888.

COUNTIES ACT AMENDMENT BILL (No. 1).

Hon. Mr. G. F. RICHARDSON, in Committee, to move the following amendments:—
After clause 1E on Supplementary Order Paper No. 7, of 31st May, 1888,—

Notice of action
and ground
thereof, &c., to
be given.

a. All actions and prosecutions to be commenced against any person acting in the execution of the said Act or any Act repealed by such Act for anything done in pursuance thereof respectively shall be commenced within three months after the fact committed, and not otherwise; and notice in writing of such action, and the cause thereof, shall be given to the defendant one month at least before the commencement of the action.

In any such action the defendant may plead a general denial, and give the said Act or any such repealed Act, or both of them, and the special matter in evidence at any trial to be had thereupon.

No plaintiff shall recover in any such action if tender of sufficient amends is made before such action, or if a sufficient sum of money is paid into Court after such action brought, by or on behalf of the defendant.

If a verdict passes for the defendant, or the plaintiff becomes nonsuited or discontinues any such action after issue joined, or if otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between solicitor and client, and have the like remedy therefor as any defendant hath in law in other cases.

Section three hundred and six of the said Act is hereby repealed, and the following substituted in lieu thereof:—

Evidence of
by-laws.

b. A copy of any by-law made by the Council under the said Act, or under any other existing Act, or under any former or future general or local Act of the General Assembly, if sealed with the common seal of the Corporation, shall, until the contrary is proved, be sufficient evidence of the due making and existence of the by-law.

Power of Council
with regard to
wharves, jetties,
&c.

c. Section two hundred and forty-three of the said Act is hereby repealed, and the following substituted in lieu thereof:—

Where any part of a county is bounded on any side by the sea, or any harbour, arm, or creek thereof, or by any lake or river, or where a County includes within its boundaries any lake or river, or any part of any lake or river, the Council may do the following things:—

- (1.) May erect and maintain wharves and jetties upon the foreshore, or to such distance beyond low-water mark as the Council thinks fit:
- (2.) May erect protective works to prevent the encroachment of the sea or of such river:
- (3.) May by any by-laws in that behalf regulate the use of any such wharves or jetties:
- (4.) May by any by-laws in that behalf fix tolls to be paid in respect of all persons, goods, and animals using any such wharf or jetty.

Where any wharf or jetty has been constructed, purchased, or leased by the Council, or is otherwise under the control of the Council, such regulations and tolls may be made to apply to any part of the foreshore within or on the boundary of the county.

d. All wharves, jetties, or other works constructed under the authority herein contained shall be the property of the Corporation.

e. For the purpose of constructing any such wharves or jetties, the Council may borrow moneys by way of special loan in the manner provided by the said Act.

Wharves, &c.,
to be property
of County.
Council may
raise special
loan for con-
structing
wharves or
jetties.

A separate account shall be kept of all moneys received and expended on account of such loan, and it shall not be lawful to expend any such moneys in the maintenance or repair of such wharves or jetties, or for any purpose other than in the construction thereof.

Limitation of powers.

f. Nothing herein contained shall authorise the Council to construct such wharves or other works, or to levy any tolls, upon any land the property of any private person or company, without the leave of such person or company; or in any place where the foreshore is under the control of a Harbour Board or other lawful authority, without the leave of such Board or authority; or upon any land the property of the Crown, or vested in the Governor, without the leave of the Governor; or to vest in the Corporation any part of the foreshore or other land not otherwise the property of such Corporation.

Saving of all Acts relating to harbours, public reserves, and public domains.

g. Nothing in this Act contained shall be deemed to supersede or to repeal or alter any of the provisions of—

- (1.) "The Harbours Act, 1878," nor of any special Act relating to a harbour or any Harbour Board;
- (2.) "The Public Reserves Act, 1881," "The Public Domains Act, 1881," nor of any Acts or enactments for the time being in force relating to the administration of public reserves or relating to the management of public domains respectively;

nor to affect anything done or to be done under any of the said Acts or enactments respectively.

h. Within counties wherein the said Act is suspended, any Road Board may within the limits of its jurisdiction exercise the powers conferred by the *five last-preceding* sections on County Councils.

JUSTICES OF THE PEACE ACT AMENDMENT BILL.

Hon. Mr. FERGUS, in Committee, to move the following amendment:—

After clause 1,—

The Governor, from time to time as he shall see fit, may, by notification in the *Gazette*, remove any person from the office of Justice of the Peace who, *ex officio*, holds such office, and notwithstanding that the name of such person is not on the Commission of the Peace for the time being in force; and thereupon all power and authority of such person as a Justice of the Peace shall cease on and after a day to be named in such notification.

RIVER BOARDS ACT AMENDMENT BILL.

Hon. Mr. G. F. RICHARDSON, in Committee, to move the following additional clause to the Bill:—

5. Whereas the Otautau River Board omitted to hold the election of members of the said Board, which, under the said Act, should have been held on the second Tuesday in January of the present year; and, having obtained an extension of time from the Governor in Council for the holding such election on the twenty-sixth day of March last past, were unable at that time to hold the said election by reason of the said authority not having been received by the Board in time sufficient to give the required notices previous to such election:

And whereas, by reason of the foregoing matters, there is no Board now existing for the Otautau River District, and none can be elected save by special authority of law:

Be it therefore further enacted as follows:—

The Governor, at any time after the passing of this Act, may, by Order in Council, appoint a time for the election of members of the Otautau River Board, and do all things necessary or required for the purpose of the said election being duly carried on and completed.

The members elected at such election shall come into office on their election, and shall hold office until the period of the next triennial election under the said Act; and the said election shall for all purposes be deemed to be of the same effect as if it had been held at the proper time appointed for holding the same under the said Act.