

- (b.) Leaves on the road any timber, stones, or other material so as to obstruct or endanger persons using the road ;
- (c.) Digs up, removes, or alters in any way the soil or surface or scarping of the road ;
- 5 (d.) Fills up, alters, or obstructs any ditch or drain, whether on the road or elsewhere, made by or under the control of the local authority to carry water off the road ;
- (e.) Allows any water, tailings, or sludge, or any filthy or noisome matter, to flow from any building or land in his occupation on to the road, or into any ditch or drain declared to be a public drain ;
- 10 (f.) Causes or allows any timber or other heavy material, not being wholly raised above the ground on wheels, to be dragged on the road,—

15 shall be liable to a fine not exceeding ten pounds for every day upon which such offence is committed or suffered to continue, and to a further sum equal to the cost incurred by the local authority in removing any such encroachment or obstruction, or in repairing any injury done to any road, ditch, or drain as aforesaid :

20 Provided that no fine shall be imposed unless the information or complaint is laid by authority of the local authority or the Chairman thereof.

146. In any case where trees or hedges growing on land within the district of a local authority overshadow any road or street in the district so as to be detrimental to the maintenance of such road or street, the local authority may, by notice in writing served on the occupier, or, if there is no occupier, or if the occupier is unknown or cannot be found, then on the owner of the land, require him to remove, lower, or trim such trees or hedges to the satisfaction of the local authority within two months after the service of the notice ; and with respect to such notice the following provisions shall apply :—

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Removal or lowering of trees overshadowing road.
1900, No. 47, sec. 15

(a.) Within ten days after the service of the notice such occupier or owner may, by complaint under “The Justices of the Peace Act, 1882” (the provisions whereof shall, *mutatis mutandis*, apply), require the local authority to appear before a Stipendiary Magistrate to show cause why the notice should not be set aside.

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(b.) On the hearing of the complaint the Magistrate, whose decision shall be final, shall decide whether the notice should or should not be set aside, and in the former case the notice shall be deemed to be void.

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(c.) In the case of a notice which is not set aside as aforesaid, if the occupier or owner fails to duly comply therewith within two months after the service thereof, or within two months after the Magistrate’s decision, whichever period is the later, he is liable to a fine not exceeding one pound for every day thereafter during which such failure continues ; and the local authority may cause the land to be entered upon and the work to be done at his cost and expense in all things.

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147. (1.) The local authority may order the occupier, or, in case there is no occupier, then the owner, of any land abutting upon any road under its control,—

Removal of gorse, &c., from roads.
1894, No. 42, sec. 135
1895, No. 47, sec. 2
1900, No. 50, sec. 433