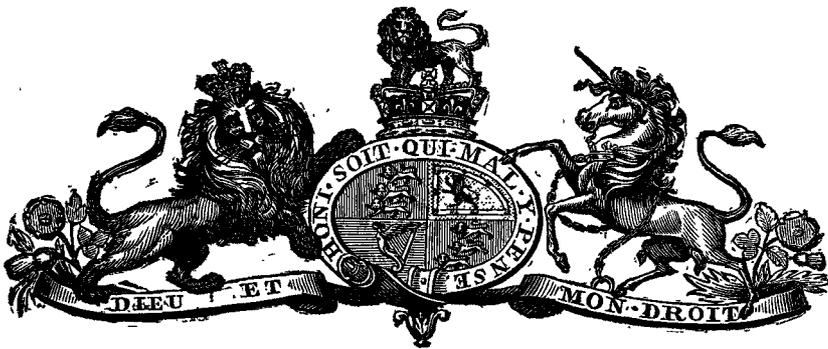


## NEW ZEALAND.



ANNO TRICESIMO SECUNDO

## VICTORIÆ REGINÆ.

No. XXI.

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## ANALYSIS.

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Title. AN ACT to make provision for the Management of certain Rivers in the Province of Canterbury.

[15th October 1868.]

Preamble.

WHEREAS it is expedient to make provision for the management of certain Rivers in the Province of Canterbury and to provide for the making repairing and maintaining of protective works to lessen the damage occasioned by the overflow of such Rivers

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

Short Title.

1. The Short Title of this Act shall be “The Canterbury Rivers Act 1868.”

Superintendent may proclaim districts.

2. It shall be lawful for the Superintendent by Proclamation in the *New Zealand Gazette* and also in the *Provincial Gazette* of the said Province so soon as the Provincial Council shall by resolution in this behalf approve to declare that this Act shall come into operation within such part or parts of the said Province as the Superintendent shall by such Proclamation define and to declare such part or parts to be a district or districts under this Act and such Proclamation shall also designate the name by which such district or districts shall be known Provided however that the Superintendent may without the approval of such Council declare by such Proclamation as aforesaid that this Act shall come into operation within any district proclaimed for the purpose of making repairing and maintaining protective works to prevent or lessen any damage which may be occasioned by the overflow or by the breaking of the banks of the River Waimakariri.

Superintendent may appoint Conservators.

3. As soon as such Proclamation shall have been published the Superintendent shall by warrant under his hand appoint not less than three nor more than five fit and proper persons to be Conservators of each such district and may from time to time remove the same or any of them and appoint other person or persons in his or their stead Provided that if any such district shall comprise one or more borough or boroughs or any part of such borough incorporated under the provisions of “The Municipal Corporations Act 1867” the Mayor and Mayors of such borough or boroughs shall be *ex officio* a Conservator or *ex officio* Conservators of such district in addition to the Conservators appointed by the Superintendent Provided also that it shall be lawful for the Governor from time to time to make regulations providing for the election of such Conservators for any district by persons liable to be rated within such district under this Act and for the removal from office of the persons appointed Conservators by the Superintendent and in office as Conservators by reason of their office as Mayor.

Conservators to appoint offices.

4. The Conservators shall have an office wherein to hold their meetings and transact business under this Act in some convenient place within their jurisdiction.

Chairman to be appointed.

5. The Conservators shall at their first meeting elect from among themselves a Chairman who shall if present preside at all meetings but in the event of his absence the Conservators present shall elect from among themselves a Chairman.

Minutes.

6. The Conservators shall cause proper minutes to be taken and kept of the proceedings of each meeting.

Rivers to be under jurisdiction of Conservators.

7. So far as shall be necessary for the purpose of providing for the making repairing and maintaining of protective works to prevent

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or lessen any damage which may be occasioned by the overflow or by the breaking of the banks of any river within any proclaimed district of the said Province whether such river shall or shall not in any part thereof be navigable or be altered by the flow or ebb of the tide such rivers and all streams sewers and watercourses which now do or hereafter shall or may directly or indirectly communicate with any such river and all walls banks culverts bridges dams floodgates and other works erected or to be erected in upon over or adjoining to any such rivers shall be from and after the time of the appointment of the Conservators to all intents constructions and purposes within and subject to the jurisdiction of the Conservators of the district within which the same may happen to be.

8. For the purpose of raising the funds necessary for the carrying out of the provisions of this Act it shall be lawful for the Conservators to order and make a general rate or assessment for such sum or sums of money as the Conservators shall deem necessary and for that purpose to assess and tax every road district borough town or other place within the limits of the jurisdiction of the Conservators rateably and equally according to a certain pound rate to be from time to time fixed and publicly declared by such Conservators of the full and fair annual value of the messuages lands tenements and hereditaments and other property rateable under any law for the time being in force in the said Province of Canterbury for Municipal or Road Board purposes and calculated according to the provisions of any such law such pound rate not to exceed in any one year the sum of one shilling in the pound on such annual value Provided that all rates payable under the provisions of this Act shall be paid by the occupier for the time being of the property so rated but in all cases where at the time appointed for the payment of such rates the term for which such occupier shall then be entitled to occupy shall be less than five years computed from the time so appointed the occupier shall notwithstanding any covenant or contract to the contrary as between himself and his immediate landlord be entitled to deduct and retain out of the rent payable by him or to recover from his landlord in case such rent shall not be sufficient for the purpose the amount of rate so paid by him as aforesaid Provided always that in all cases in which the occupier shall have any power or right to purchase the property rented the rates chargeable thereon shall be paid by the occupier.

Conservators may  
order general rate.

9. When it shall appear to the Conservators that any work or improvement which the Conservators are hereby authorized to do or execute is for the special benefit of any particular portion of the district within their respective jurisdiction the Conservators may for the purpose of defraying the expenses incurred in so doing or executing such work by special order or particularly defining such portion of the district make and levy a special rate in manner herein provided for making and levying a general rate equally upon all rateable property situated within such portion and the Conservators are hereby authorized to apply the moneys to be collected and received from each such portion respectively by virtue of any such special rate or rates to and for the expense of such work or improvement as aforesaid.

Special rate.

10. It shall be lawful for the Conservators or a majority of them present at any meeting and as often as they shall deem it expedient and they are hereby authorized and empowered to issue precepts signed by their Chairman to the Clerks or Collectors of Public Rates of or for the several and respective road districts boroughs towns and other places within their jurisdiction or to such and so many of them

May issue precepts to  
Clerks or Collectors  
in Road Districts.

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as the Conservators shall deem expedient requiring the said Clerks and Collectors respectively to make returns in writing to the Conservators of the total amount of the full and fair annual value calculated as aforesaid of the several rates and rateable property within the road district borough town or place to which they respectively belong charged assessed or rated for Municipal or Road Board purposes at the time of making such return or liable so to be.

May require  
production of  
assessments &c.

**11.** The said Conservators may from time to time as often as they may deem it necessary by their order in writing signed as aforesaid require the said Clerks and Collectors and any other persons whomsoever to appear before them when and where and as often as the said Conservators may deem expedient and to produce all rates assessments valuations apportionments and other documents in their custody or power relating to the value of or assessments on all or any of the property within the several places aforesaid which may be liable to be assessed towards the rate and to be examined on oath and answer such questions as the said Conservators may put to them respectively touching the said rates assessments valuations or apportionments or the value of the property aforesaid and the said Conservators shall be authorized and empowered to administer such oath and to examine the parties upon oath as aforesaid.

Penalties on refusing  
to make return.

**12.** Every person so required to make returns or to appear as aforesaid who shall without any reasonable excuse neglect to make such returns in writing as aforesaid or wilfully make any false return and every person who shall neglect or refuse to appear when required so to do as aforesaid or to be sworn or examined or to produce such documents as hereinbefore provided shall forfeit a sum not exceeding twenty pounds to be prosecuted and recovered by order of the said Conservators before any two Justices of the Peace.

Conservators may  
order valuation of  
road district or  
borough.

**13.** The said Conservators may from time to time and as often as they may think fit by their order in writing to be signed as aforesaid direct that the whole or any part of any road district borough town or place within their respective jurisdiction shall be valued and may appoint one or more person or persons to make such valuation and the person or persons so appointed may at all reasonable times and with or without assistants enter upon view examine survey and measure all and any lands houses or other property within such road district borough town or place liable to be assessed towards the rate in order to ascertain the value at which the same ought respectively to be charged.

Expenses to be  
charged on district or  
borough of ascertain-  
ing value in case of  
false returns.

**14.** If any Clerk Collector or other person shall neglect to make any such return in writing as aforesaid or wilfully make any false return or statement of the amount of the full and fair annual value of the property within the road district borough town or place liable to be assessed towards the rate the said Conservators may order that the whole of the expenses incurred by them in ascertaining the amount of the full and fair annual value of the same shall be charged upon the road district borough town or place of which the Clerk or Collector shall have been guilty of such neglect or misconduct as aforesaid in addition to the proportion of the rate to be paid by such road district borough town or place and such expenses shall be raised levied and collected and shall be paid therewith due distinction being made in the case of every such additional assessment between the sum or sums charged for any such expenses and the sum or sums assessed for the rate.

Rate roll to be  
deposited at  
Resident Magistrate's  
Court.

**15.** When any proposed rate has been finally corrected and approved of by the said Conservators they shall deposit the same at the nearest Resident Magistrate's Court and the Clerk of such Court

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shall thereupon cause public notice to be given in one or more of the newspapers usually circulated within the jurisdiction of the Conservators that such rate will be taken into consideration on a day to be fixed by such notice not being less than fourteen days nor more than twenty-eight days from the date of such notice and at the time so appointed the Court shall proceed to take the same into consideration and to alter and amend the same as to it may seem proper and if the Court shall think fit to allow and confirm the said rate or instead of making any such alteration in the said rate or allowing and confirming the same to refer back the said rate for amendment to the said Conservators and to adjourn the consideration thereof to some future day and in such last-mentioned case the said Conservators shall have the same powers and authorities for requiring returns and ascertaining the value of property liable to be assessed toward the rate in order to the revising or amending of the said rate as are hereinbefore given to them for preparing the same and all the clauses and provisions hereinbefore contained for preparing any rate shall be applicable in every respect to the revision or amendment of the same and any amendment or alteration of such rate by the said Conservators shall be reported and taken into consideration on the day to which the consideration thereof was adjourned but before any alteration or amendment of the said rate made by the said Conservators be allowed or confirmed by the Court the said Conservators shall send at least fourteen days' previous notice thereof by post or otherwise to the Clerk of every road district borough town or place with respect to which such alteration or amendment is made.

16. When the Court shall have so allowed and confirmed any rate the same shall be taken to be made and shall be valid legal and effectual to all intents and purposes notwithstanding any irregularity may have arisen in the making thereof and notwithstanding the officers of any road district borough town or place may have omitted to make the returns hereinbefore mentioned subject nevertheless at all times to appeals against the same as hereinafter provided and the Conservators shall cause a copy of such rate to be delivered to the person charged with the collection thereof and the Conservators shall order precepts in the form shown in the Schedule annexed to this Act marked A. or as near thereto as may be to be issued to the Chairman Mayor or Clerk of each road district borough town or place within the jurisdiction of the Conservators stating the sum to be assessed and charged for such rate to each such road district borough town or place requiring the said road boards boroughs towns or places within such jurisdiction respectively within such time as may be limited in such precepts to cause the aggregate of the said several sums so stated to be paid by them out of the moneys paid to or received or held by them on behalf of such road district borough town or place to the Clerk of the Conservators and may cause such precepts to be sent by post or otherwise to such Chairman Mayor or Clerk and such road boards boroughs towns or places shall raise the moneys required by such precepts to be paid and shall collect and apply the rate imposed upon the owners and occupiers of rateable property within the limits of such road districts boroughs towns and other places respectively in satisfaction of the amount paid by them by virtue of such precepts.

17. If at any time after the said rate has been made as aforesaid any person charged with the collection and levy of the rate in any road district borough town or place or other inhabitant or inhabitants thereof have reason to think that such road district borough town or place is aggrieved by any such rate whether it be on account of some one or more of them being without sufficient cause omitted altogether

Rate when allowed  
by the Court to be  
valid.

Appeal to Resident  
Magistrate's Court.

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from the rate or on account of such road district borough town or place being rated on a sum beyond the full and fair annual value of the property therein liable to be assessed towards the rate or on account of some other road district borough town or place being rated on a sum less than the full and fair annual value of the property therein liable to be assessed towards the rate such person or inhabitant or inhabitants may appeal to the Resident Magistrate's Court at which such rate was allowed and confirmed against such part of the rate only as may affect the road district borough town or place which appear to be over-rated or under-rated or omitted altogether from the rate as aforesaid (subject to the provisions hereinafter contained) and if in any case where any person as aforesaid of one road district borough town or place appeals against the rate on any other road district borough town or place on account of the same being altogether omitted from such rate or on account of the same being rated at less than the full and fair annual value thereof as aforesaid such person shall give twenty-one days' previous notice in writing of the intention to appeal and of the cause and matter thereof to the person charged with the collection and levy of the rate in such other road district borough town or place and if in any case where any such person appeals against the rate on the ground that any road district borough town or place is rated on a sum beyond the full and fair annual value of the rateable property therein such person shall give twenty-one days' notice thereof in writing with the cause and matter thereof to the Clerk of the said Court and the said Court shall be empowered to hear and determine such appeal in manner by this Act directed and either to confirm such parts of the rate as have been appealed against or to correct such inequalities or omissions as shall be proved to exist therein in such manner as to the said Court may appear fair just and equitable but no such rate shall upon any appeal be quashed or destroyed in regard to any other road district borough town or place unless in cases where the said Court deem it necessary to proceed to the making of an entire new rate and where they proceed therein according to the provisions of this Act.

Court may order survey and valuation and fix day for hearing appeal.

18. It shall be lawful for the Court upon any such appeal instead of hearing the said appeal to order upon the application of the appellant or respondent in such appeal a survey and valuation of their respective road districts boroughs towns or places and shall fix a day for receiving such survey and valuation and for hearing and determining the said appeal and such Court shall also thereupon appoint a proper person or persons to make such survey and valuation and the person or persons so appointed shall for that purpose have full power with or without assistance to enter upon view and examine survey measure and value all and any lands houses and property liable to be assessed toward the rate within the places mentioned in such order and such survey and valuation shall be reported to such Court on the day fixed as aforesaid for receiving the same and the Court then and there assembled shall hear and determine the said appeal in the manner hereinbefore set forth.

Penalty for obstruction.

19. Every person who in any manner wilfully resists or obstructs any Collector Surveyor or other person in the execution of his or their duty under this Act shall forfeit and pay any sum not exceeding five pounds to be prosecuted and recovered before any two or more Justices of the Peace.

Expenses of survey or valuation to be deemed as costs.

20. The charges and expenses of and attending any survey and valuation ordered to be made by any Court on such appeal as aforesaid shall be deemed costs in such appeal and abide the event thereof and the Court before which any such appeal is heard and determined may order the costs in and about such appeal to be paid by either party

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appellant or respondent as they in their discretion may think fit but where any appeal is made on the ground that any place is rated on a sum beyond the full and fair annual value of the property therein if the Court before which such appeal is heard determine in favour of the appellants such Court shall ascertain the costs and charges incurred by such appellants in and about such appeal and shall order the Conservators to pay the same to such appellants out of the moneys in their hands by virtue of this Act.

**21.** In any case where any Conservators appointed as aforesaid have directed the whole or any part of any road district borough town or place to be valued and where in the rates afterwards allowed and confirmed by any Court upon the report of such Conservators such road district borough town or place is rated on a sum greater than the sum set forth in the returns made to such Conservators by the Clerk Collector or person required to make such return if there be no appeal against the rate on such road district borough town or place within twenty-one days next after such confirmation or allowance thereof any Resident Magistrate shall upon the application of the Conservators order the Clerk Collector or other person as aforesaid to pay the amount of the expenses incurred in making such valuation and in any such case as aforesaid if there be an appeal against the rate on the ground that such road district borough town or place is rated on a sum beyond the fair annual value of the property therein and if on such appeal such rate is confirmed as to such road district borough town or place or if it be not reduced to or below the sums set forth in the returns made to such Conservators as aforesaid the Court before which such appeal is heard shall order the Clerk Collector or other person as aforesaid to pay the amount of the expenses incurred in making the valuation under the direction of the Conservators and such expenses shall be raised levied and collected by such and the same ways and means as any rate hereby authorized to be made can or may be raised levied and collected and shall be paid therewith due distinction being made in the case of every such additional assessment between the sums charged for on account of any such expenses and the sum or sums assessed as and for the rate.

How expenses to be charged.

**22.** The Conservators shall and may at their discretion by and out of the taxes and rates to be raised under and by virtue of this Act and any other moneys which may come to their hands as such Conservators decree order and appoint pay and allow to clerks and other persons employed by the Conservators such recompense sum and sums of money from time to time for their several salaries expenses and loss of time as to the said Conservators shall seem just and also all such costs charges and expenses as shall be incurred in surveying measuring planning and valuing the lands and hereditaments or otherwise preparatory to or in or about the making collecting and expending such taxes and rates as aforesaid or the hearing of objections to such taxes and rates or in or about the carrying on of any litigation or controversy arising out of the duties imposed on the Conservators by virtue of this Act and for the payment of all other necessary allowances charges and expenses of putting this Act into execution and the contingent expense of working this Act in the several districts in which this Act shall be in operation.

Conservators may order payment of salaries of clerks or other expenses.

**23.** For the purpose of better collecting and recovering the rates duly assessed under the provisions of this Act it shall be lawful for any two Justices upon complaint of any Collector of Rates made under this Act that any person duly rated and assessed in one or more such rate or rates hath not paid the sum thereby charged on such person but hath refused or neglected so to do and upon proof upon oath before

If rates be not paid two Justices may issue warrant to levy by distress.

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such two Justices of the making of the said rate and that application in writing was made to such person either personally or by leaving the same at his usual or last known place of abode or upon the land in respect of which such person shall be rated and of the refusal or neglect of such person to pay the same respectively after the expiration of fourteen days from the time of the making or leaving of such application as the case may be to issue their warrant to levy the said sum or sums and also the costs and expenses of obtaining such warrant to be specified therein and in executing the same by distress and sale of the goods and chattels of such person and the overplus if any arising from the sale of such goods and chattels after satisfying such sums of money and costs and the expenses of the distress and sale shall be returned on demand to the party whose goods shall have been distrained and such warrant may be in the form marked F. in the Schedule hereto.

One warrant may be issued against any number of persons.

24. For the saving of expense in the levying of any sum or sums as aforesaid it shall be lawful to make and issue one warrant of distress against any number of persons refusing to pay the same That the warrant aforesaid may be directed to the Collector of the said rate or to any constable or other person as by the Justices granting the same shall be deemed fit.

Rate to be paid in proportion to time of occupation.

25. Where any person shall come into or occupy any lands tenements or hereditaments out of or from which any other person assessed to any rate under this Act shall have removed and also when any lands tenements or hereditaments shall at the time of making such rate be empty or unoccupied then every person so rated or assessed and removed from and every person so coming into or occupying the same shall be liable to pay such rate in proportion to the time that such persons respectively occupied the same lands tenements or hereditaments in the same manner and under the like penalty of distress as if such person so removing had not removed or such person so coming in or occupying had been originally rated and assessed in such rate and which said proportion in case of dispute between the parties shall be ascertained and settled by the Conservators.

Conservators may order certain works.

26. It shall and may be lawful for the Conservators to decree and ordain any works aids and defences or any alteration in the gauge dimension course direction or situation of any old or existing works aids and defences to be constructed made and done for the more effectually defending and securing any lands tenements hereditaments and premises within the jurisdiction of such Conservators against the irruption or overflowing of any rivers or for draining and carrying off the superfluous fresh waters according to the discretion of such Conservators and also in like manner and at their discretion to decree and ordain any former works aids or defences against any rivers streams sewers or watercourses within their jurisdiction to be abandoned and given up and new works aids and defences to be made and continued in lieu thereof.

Occupier may appropriate gravel &c. deposited on banks of a river or require Conservators to remove.

27. It shall be lawful for the occupier for the time being of land lying next and adjoining to any river sewer or watercourse within and subject to the jurisdiction of the Conservators at any time within one calendar month from and after any gravel soil mud or earth shall have been cast or deposited upon the banks of such river sewer or watercourse by the order of any surveyor bailiff or other officer of the Conservators at any time within one week from and after any rushes flags or other weeds shall have been cast or deposited upon such banks as aforesaid to take and remove for his own use such gravel soil mud and earth and such rushes flags and weeds respectively Provided always that such gravel soil mud and earth and such rushes flags and weeds respectively shall be removed at least ten feet from the land side of

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the banks of such river sewer or watercourse That if any such occupier shall neglect to remove such gravel soil mud or earth as aforesaid within one calendar month as aforesaid or such rushes flags or other weeds as aforesaid within one week as aforesaid for his own use then and from thenceforth respectively it shall be lawful for any such surveyor bailiff or other officer of the Conservators with workmen horses carts carriages barrows and other necessary tools and implements at any time or times in the day-time to enter upon the land of such occupier and to take away and remove therefrom such gravel soil mud and earth and such rushes flags and weeds respectively and also for such purposes to pass and repass at any time or times in the day-time through and over any other lands lying between the nearest highway and the banks of such river sewer or watercourse Provided always that if the owner or occupier of the land upon which any such gravel soil mud earth rushes flags or weeds shall have been deposited shall require the Conservators to remove the same such Conservators shall within one calendar month after such requisition as aforesaid cause the same to be removed from and off the said land.

28. It shall be lawful for the Conservators to treat contract and agree with the owners of and persons interested in any messuages lands tenements hereditaments and premises with their appurtenances for the purchase thereof for the purpose of widening deepening strengthening maintaining repairing and amending any rivers streams watercourses walls banks and other works aids and defences within their jurisdiction and for the loss or damage which such owners or persons may sustain thereby respectively and it shall be lawful for all bodies politic corporations aggregate or sole tenants for life or in tail husbands guardians trustees executors administrators and all other persons whomsoever and not only for or on behalf of themselves their heirs and successors but also for or on behalf of the person entitled in reversion remainder or expectancy after them and for or on behalf of the *cestui que* trusts whether *femes covert* infants or issue unborn lunatics idiots or other persons whomsoever and to and for all *femes covert* who are or shall be seised of or interested in their own rights and to and for every person whomsoever who is or shall be possessed of or interested in any such lands tenements hereditaments or premises or who shall sustain any damage as aforesaid to contract with the said Conservators for the sale thereof respectively or for the satisfaction to be made for the same or for such damage as aforesaid and by conveyance to convey unto the said Conservators all or any of such messuages lands tenements hereditaments or premises or any part thereof for the purposes aforesaid in manner hereinafter mentioned and all contracts sales and conveyances which shall be so made shall be good valid and effectual to all intents and purposes and shall be a complete bar to all estates tail and other estates rights titles trusts and interests whatsoever any law statute or other matter to the contrary notwithstanding and all such bodies politic corporations aggregate or sole tenants for life or in tail husbands guardians trustees committees executors administrators and all other persons shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

Conservators may contract for purchase.

29. All such conveyances of any lands tenements or hereditaments to be purchased by the said Conservators shall be in the form given in the Schedule B. hereto or as near thereto as circumstances will admit.

Form of conveyance.

30. If no agreement be come to between the Conservators and the owners of or parties by this Act enabled to sell and convey or release any lands or any interest in such lands taken or required for or injuriously affected by the execution of the works authorized by this

Compensation to be settled by two Justices.

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Act as to the value of such lands or of any interest therein or as to the compensation to be made in respect thereof the same shall be settled by two Justices subject to the provisions hereinafter contained as to cases where the compensation offered or claimed exceeds the sum of fifty pounds.

Arbitration where claim exceeds £50.

**31.** If the compensation claimed or offered in any such case shall exceed fifty pounds and if the party claiming compensation desire to have the same settled by arbitration and signify such desire by notice in writing to the Conservators stating in such notice the nature of the interest in respect of which such party claims compensation and the amount of the compensation so claimed the same shall be so settled accordingly Provided such notice be given before the expiration of seven days after such compensation shall have been claimed or offered as the case may be.

A Justice may summon either party to appear.

**32.** It shall be lawful for any Justice upon the application of either party with respect to any question of disputed compensation by this Act authorized to be settled by two Justices to summon the other party to appear before two Justices at a time and place to be named in the summons and upon the appearance of such parties or in the absence of any of them upon proof of due service of the summons it shall be lawful for such Justices to hear and determine such question and for that purpose to examine such parties or any of them and their witnesses upon oath and the costs of every such inquiry shall be in the discretion of such Justices and they shall settle the amount thereof.

Appointment of Arbitrator when questions are to be determined by arbitration.

**33.** When any question of disputed compensation by this Act authorized to be settled by arbitration shall have arisen then unless both parties shall concur in the appointment of a single Arbitrator each party on the request of the other party shall nominate and appoint an Arbitrator to whom such dispute shall be referred and every appointment of an Arbitrator shall be made on the part of the Conservators under the hand of their Chairman and on the part of any other party under the hand of such party or if such party be a corporation aggregate under the common seal of such corporation and such appointment shall be delivered to the arbitrator and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other nor shall the death of either party operate as a revocation and if for the space of fourteen days after any such dispute shall have arisen and after a request in writing in which shall be stated the matter so required to be referred to arbitration shall have been served by the one party on the other party to appoint an Arbitrator such last-mentioned party fail to appoint such Arbitrator then upon such failure the party making the request and having himself appointed an Arbitrator may appoint such Arbitrator to act on behalf of both parties and such Arbitrator may proceed to hear and determine the matters which shall be in dispute and in such case the award or determination of any such single Arbitrator shall be final.

Vacancy of Arbitrator to be supplied.

**34.** If before the matter so referred shall be determined any Arbitrator appointed by either party die or become incapable the party by whom such Arbitrator was appointed may nominate and appoint in writing some other person to act in his place and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so the remaining or other Arbitrator may proceed *ex parte* and every Arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former Arbitrator at the time of such his death or disability as aforesaid.

Appointment of Umpire.

**35.** Where more than one Arbitrator shall have been appointed

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such Arbitrators shall before they enter upon the matters referred to them nominate and appoint by writing under their hands an Umpire to decide on any such matters on which they shall differ or which shall be referred to him under the provisions of this Act and if such Umpire shall die or become incapable to act they shall forthwith after such death or incapacity appoint another Umpire in his place and the decision of every such Umpire on the matters so referred to him shall be final.

36. If in either of the cases aforesaid the said arbitrators shall refuse or shall for seven days after request of either party to such arbitration neglect to appoint an Umpire any two Justices shall on the application of either party to such arbitration appoint an Umpire and the decision of such Umpire on the matters on which the Arbitrators shall differ or which shall be referred to him under this Act shall be final.

Two Justices empowered to appoint Umpire in certain cases.

37. If when a single Arbitrator shall have been appointed such Arbitrator shall die or become incapable to act before he shall have made his award the matters referred to him shall be determined by arbitration under the provisions of this Act in the same manner as if such Arbitrator had not been appointed.

In case of death of single Arbitrator the matter to begin *de novo*.

38. If where more than one Arbitrator shall have been appointed either of the Arbitrators refuse or for seven days neglect to act the other Arbitrator may proceed *ex parte* and the decision of such other Arbitrator shall be as effectual as if he had been the single Arbitrator appointed by both parties.

If either Arbitrator refuse to act the other to proceed *ex parte*.

39. If where more than one Arbitrator shall have been appointed and where neither of them shall refuse or neglect to act as aforesaid such Arbitrators shall fail to make their award within twenty-one days after the day on which the last of such Arbitrators shall have been appointed or within such extended time if any as shall have been appointed for that purpose by both such Arbitrators under their hands the matters referred to them shall be determined by the Umpire to be appointed as aforesaid.

If Arbitrators fail to make their award within twenty-one days the matter to go to the Umpire.

40. The said Arbitrators or their Umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute and may examine the parties or their witnesses on oath and administer the oaths necessary for that purpose.

Power of Arbitrators to call for books &c.

41. Before any Arbitrator or Umpire shall enter into the consideration of any matters referred to him he shall in the presence of a Justice make and subscribe the following declaration that is to say—

Arbitrator or Umpire to make a declaration.

“ I A.B. do solemnly and sincerely declare that I will faithfully and honestly and to the best of my skill and ability hear and determine the matters referred to me under the provisions of ‘The Canterbury Rivers Act 1868.’

“ A.B.

“ Made and subscribed in the presence of .”

And such declaration shall be annexed to the award when made and if any Arbitrator or Umpire having made such declaration shall wilfully act contrary thereto he shall be guilty of a misdemeanor.

42. All the costs of any such arbitration and incident thereto to be settled by the Arbitrators shall be borne by the Conservators unless the Arbitrators shall award the same or a less sum than shall have been offered by the Conservators in which case each party shall bear his own costs incident to the Arbitration and the costs of the arbitrators shall be borne by the parties in equal proportions.

Cost of arbitration how to be borne.

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Award to be delivered to Conservators.

43. The Arbitrators shall deliver their award in writing to the Conservators and the said Conservators shall retain the same and shall forthwith on demand at their own expense furnish a copy thereof to the other party to the arbitration and shall at all times on demand produce the said award and allow the same to be inspected or examined by such party or any person appointed by him for that purpose.

Submission to be made a rule of Court.

44. The submission to any such arbitration may be made a rule of the Supreme Court of New Zealand on the application of either of the parties.

Award not void through error of form.

45. No award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form.

When compensation paid lands to vest in Conservators.

46. Every sum of money and recompense to be agreed for or assessed as aforesaid shall be paid out of any moneys in the hands of the said Conservators which may be applicable for the purposes of this Act and upon payment to such parties or persons or their agents or left at their respective usual places of abode or with the tenant in possession of such lands tenements hereditaments and premises or into the bank in manner directed by this Act as the case may be then such lands tenements hereditaments and premises respectively shall be vested in such Conservators and shall and may be taken and used for straightening widening deepening repairing and amending such rivers streams ditches gutters sewers and watercourses or for making and maintaining any new walls banks sewers guts gotes calcies sluices floodgates cuts and other works aids and defences or for any other purposes within the scope of this Act and all parties and persons whomsoever shall be divested of all right and title to such lands tenements and hereditaments.

In case of lands held in trust money to be paid to account of Registrar of the Supreme Court when more than £200.

47. If any money shall be agreed or assessed to be paid for the purchase of any lands tenements or hereditaments purchased taken or used by virtue of the powers of this Act by any Conservators which shall belong to any trustee executor administrator husband guardian committee or other trustee or for or on behalf of any infant lunatic idiot *feme covert cestui que* trust or to any other person whose lands tenements or hereditaments are or may be limited in strict or other settlement or to any person under any other disability or incapacity whatsoever such money shall in case the same shall amount to or exceed the sum of two hundred pounds with all convenient speed be paid into the said Bank to be placed to the account there of the Registrar of the Supreme Court at Christchurch *ex parte* the Conservators of the district within which any such lands may be situate (describing the Conservators by their proper names) in the matter of "The Canterbury Rivers Act 1868" to the intent that such money shall be applied under the direction and with the approbation of the Supreme Court of New Zealand to be signified by an order made upon a petition to be preferred in a summary way by the person who would have been entitled to the rents and profits of the said lands tenements and other hereditaments in the discharge of any debt or debts or other incumbrances or part thereof as the said Court shall authorize to be paid affecting the same lands tenements or hereditaments or affecting other lands tenements or hereditaments standing settled therewith to the same or the like uses trusts intents or purposes or where such money shall not be so applied then the same shall be laid out and invested under the like direction and approbation of the said Court in the purchase of other lands tenements or hereditaments which shall be conveyed and settled to for and upon such and the like uses trusts intents and purposes and in the same manner as the lands tenements or hereditaments which shall be so purchased taken or used as afore-

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said stood settled or limited or such of them as at the time of making such conveyance or settlement shall be existing undetermined and capable of taking effect and in the meantime and until such purchase shall be made the said purchase money shall by order of the said Court upon application thereto be invested by the said Registrar in the purchase of Government Securities and in the meantime and until the said securities shall be ordered by the said Court to be sold for the purposes aforesaid the dividends and annual produce of the said securities shall from time to time be paid by the order of the said Court to the person who would for the time being have been entitled to the said rents and profits of the lands tenements or hereditaments to be purchased as aforesaid in case such settlement or purchase were made.

48. Provided always that if any money so agreed or assessed to be paid for any lands tenements or hereditaments purchased taken or used for the purpose aforesaid belonging to any person under any disability or incapacity as aforesaid shall be less than the sum of two hundred pounds and shall amount to or exceed the sum of twenty pounds then and in all such cases the same shall at the option of the person for the time being entitled to the rents and profits of the lands tenements or hereditaments so purchased taken or used or of his guardian or committee in cases of infancy idiocy or lunacy to be signified in writing under their respective hands be paid into the said bank in the name and with the privity of the said Registrar and be placed to his account as aforesaid in order to be applied in manner hereinbefore directed or otherwise the same shall be paid at the like option to two or more trustees to be nominated by the person making such option and approved by two or more of the Conservators taking such lands tenements or hereditaments such nomination and approbation to be signified in writing under the hands of the nominating and approving parties in order that such principal money and the dividends and interest arising therefrom may be applied in manner hereinbefore directed so far as the case be applicable without obtaining or being required to obtain the direction or approbation of the said Court.

Provision when less than £200.

49. Provided also that when such money so agreed or assessed to be paid as before mentioned shall be less than the sum of twenty pounds then and in every such case the same shall be applied to the use of the person who would for the time being have been entitled to the rents and profits of the lands tenements or hereditaments so purchased taken or used as aforesaid in such manner as the said Conservators or any two or more of them shall think fit or in case of lunacy idiocy or infancy then to his guardian or committee to and for the use and benefit of such person so entitled.

Further provision when less than £20.

50. Where any question shall arise touching the title of any person to any money to be paid into the said bank in the name and with the privity of the said Registrar in pursuance of this Act for the purchase of any lands tenements or hereditaments to be purchased in pursuance of this Act or to any Government Securities to be purchased with any such money or to the dividends or interest of any such Government Securities the person who shall have been in possession of any such lands tenements or hereditaments at the time of such purchase and all persons claiming under such person or under the possession of such person shall be deemed and taken to have been lawfully entitled to such lands tenements or hereditaments according to such possession until the contrary shall be shown to the satisfaction of the said Court and the dividends or interest of the Government Securities to be purchased with such money and also the capital of such Government Securities shall be applied and disposed of accordingly

Possessor to be considered the person entitled till proved to the contrary.

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unless it shall be made to appear to the said Court that such possession was a wrongful possession and that some other person was lawfully entitled to such lands tenements or hereditaments or to some estate or interest therein.

When parties refuse to convey or do not show title or cannot be found the purchase money to be deposited.

**51.** In case the person to whom any sum or sums of money shall be assessed or agreed for the purchase of any lands tenements or hereditaments to be purchased by virtue of this Act shall refuse to accept the same or shall not be able to make a good title to the premises to the satisfaction of the said Conservators or any two or more of them or in case such person to whom such sum or sums of money shall be so assessed or agreed to be paid as aforesaid cannot be found or if the person entitled to such lands tenements or hereditaments be not known or discovered then and in every such case it shall and may be lawful to and for the said Conservators or any two or more of them to order the said sum or sums of money so assessed or agreed to be paid as aforesaid to be paid into the said bank in the name and with the privity of the said Registrar to be placed to his account to the credit of the parties interested in the said lands tenements or hereditaments (describing them) subject to the order control and disposition of the said Court which said Court on the application of any person making claim to such sum or sums of money or any part thereof by motion or petition shall be and is hereby empowered in a summary way of proceeding or otherwise as to the said Court shall seem meet to order the same to be laid out and invested in Government Securities and to order distribution thereof or payment of the dividends thereof according to the estate title or interest of the person making claim thereunto and to make such other order on the premises as to the said Court shall seem just and reasonable and the cashier of the bank who shall receive such sum or sums of money is hereby required to give a receipt for the same (mentioning and specifying for what and for whose use the same is received) to such person as shall pay any sum or sums of money into the bank as aforesaid.

Supreme Court may order expenses of purchaser in certain cases.

**52.** Provided always that where by reason of any disability or incapacity of the person or corporation entitled to any lands tenements or hereditaments to be purchased under the authority of this Act the purchase money for the same shall be required to be paid into the Supreme Court and to be applied in the purchase of other lands tenements or hereditaments to be settled to the like uses in pursuance of this Act it shall and may be lawful to and for the said Court to order the expenses of purchases from time to time to be made in pursuance of this Act or so much of the expenses as the said Court shall deem reasonable together with the necessary costs and expenses of obtaining such order to be paid by the said Conservators who shall from time to time pay such sum or sums of money for such purposes as the said Court shall direct and the said Conservators shall and may reimburse themselves all such payments as shall be so made by them as aforesaid in the manner directed out of the rates to be raised levied and collected for such purposes respectively under the powers and provisions of this Act.

Conservators may not interfere with houses or pleasure-grounds without written consent of owners.

**53.** It shall not be lawful for any Conservators in making any new walls banks sewers cuts gotes calcies sluices floodgates tumbling bays and other works reparations amendments aids and defences authorized to be made and executed by this Act to take down remove or make use of any house or building or any garden yard or paddock or any park planted walk or avenue to a house or any enclosed ground planted as an ornament or shelter to a house or planted or set apart as a nursery for trees or any part thereof respectively without the consent in writing of the owner or proprietor thereof respectively or of the

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person or corporation hereby authorized to sell and convey as aforesaid first had and obtained.

**54.** Upon payment or legal tender of such sum or sums of money as shall have been contracted or agreed for between the parties or assessed in manner aforesaid for the purchase of any such messuages lands tenements hereditaments and premises or as a compensation for losses or damages as herein mentioned to the proprietor or proprietors of such messuages lands tenements hereditaments and premises or to such other person or persons bodies politic or corporations who shall be interested therein or entitled to receive such money or compensation respectively within thirty days next after the same shall be so agreed for or assessed or upon payment of such sum or sums of money within the said thirty days into the bank in manner herein directed and required for the use of the persons entitled thereto it shall be lawful for the said Conservators and their agents servants and workmen to enter upon such messuages lands tenements hereditaments and premises respectively and thenceforth such messuages lands tenements hereditaments and premises together with the yearly profits thereof and all the estate use trust and interest of any person or corporation therein shall become and be vested in the said Conservators for ever and such payment or tender shall not only bar all right title claim interest and demand of the person or corporation to whom the same shall or ought to have been made but also shall extend to and be deemed and construed to bar the dower of the wife of every such person and all estates tail and all other estates in reversion and remainder of his or their issue and of every other person or corporation whomsoever therein.

Upon payment or legal tender within thirty days Conservators may enter.

**55.** It shall and may be lawful for the Conservators in whom any lands and hereditaments shall be vested by virtue of this Act to sell and dispose of the same or any part thereof either together or in parcels as they shall find most convenient and advantageous to such person as shall be willing to contract for and purchase the same and the money to arise and be produced by the sale or sales which may be made by the said Conservators of any lands or hereditaments as aforesaid shall be applied to the purposes of this Act.

Conservators may sell roads vested in them.

**56.** Provided always that such land shall be first offered for sale to the adjoining owners and the Conservators shall not sell such lands to any other person for a lower price than the same shall have been offered at to an adjoining owner and refused.

Adjoining owners to have refusal.

**57.** All such conveyances of any lands tenements or hereditaments to be sold and disposed of by the said Conservators shall be in the form marked C. in the Schedule hereto or as near thereto as the circumstances of the case may permit.

Form of conveyance.

**58.** It shall and may be lawful for the Conservators from time to time as occasion shall require to borrow and take up at interest any sum or sums of money on the security of the rates and other moneys to be raised by the Conservators by virtue of this Act for the purchase of messuages lands tenements or hereditaments or for defraying the costs charges and expenses of any work or works required to be done within the respective limits of their jurisdiction or for making repairing and maintaining any sea bank wall or other defence or defences against any violent eruption or encroachment or apprehended encroachment of the sea or rivers or for the making and maintaining any new cut or for the more effectual and better draining and carrying off the floods and superfluous fresh waters or for the building constructing repairing amending renewing and maintaining any floodgates sluices bridges dams or other necessary works or for any other construction work matter or thing which the Conservators shall judge necessary or expedient for the more effectual defence security and improvement of

Conservators may borrow on security of rates.

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the lands grounds tenements and hereditaments within the jurisdiction of the Conservators and the repayment of such sum and sums of money with interest may be secured to the party lending the same upon or by debentures in the form marked D. in the Schedule hereto under the hands of the Conservators or any two of them (which debentures they are hereby authorized to issue) Provided that the sum or sums of money so borrowed and taken up as aforesaid shall be repaid within a time to be named in such debentures not being for a longer period than fourteen years from the making thereof by equal annual or shorter instalments together with interest on the sum or sums so borrowed or taken up or on such part thereof as shall from time to time remain due and unpaid.

Debentures may be transferred.

**59.** Every person or corporation who shall be entitled to the money thereby secured and his her or their executors administrators and successors may from time to time personally or by attorney thereunto lawfully authorized assign or transfer his or their right title interest or benefit to the said principal and interest money thereby secured to any person whatsoever by an endorsement on the back of such security in the form marked E. in the Schedule hereto or to the like effect which transfer shall be produced and notified to the Clerk for the time being of the said Conservators before the party holding the same transfer shall be entitled to receive any principal or interest due or owing as aforesaid and every such Clerk shall make an entry amongst the records of the said Conservators of the particulars of every such transfer and endorse a minute of such entry upon the back of every such transfer signed by such Clerk and for which entry and minute he shall be entitled to a fee of five shillings and no more.

Property to vest in Conservators.

**60.** The property of and in all lands tenements and hereditaments which shall have been or which shall hereafter be purchased and of and in all buildings erections works and other things which shall have been or shall hereafter be purchased obtained erected constructed and made by or by the order or which are or shall be within or under the view cognizance or management of any Conservators with the several conveniences and appurtenances thereunto respectively belonging and also all and singular the goods tools utensils materials and things whatsoever had and to be had bought procured or provided by or by the order of or which are or shall be within or under the view cognizance or management of such Conservators and all rates and other moneys raised or levied by virtue of this Act shall be and the same are hereby vested in the Conservators who are hereby empowered to bring or cause to be brought any action or actions or to prefer or order the preferring of any bill or bills of indictment against any person who shall dig up break or pull down damage destroy injure spoil steal take or carry away or wilfully and wrongfully buy or receive any such lands tenements hereditaments buildings erections works goods tools utensils materials moneys and things whatsoever as aforesaid or any part thereof and in every such action and indictment the said lands tenements hereditaments buildings erections works goods tools utensils materials money and things shall be laid or described to be the property of the said Conservators without stating or specifying the name or names of all or any of such Conservators.

Proceedings in case of refusal by officer to give up possession.

**61.** If any officer or servant of the Conservators who shall be discharged from his office shall be in possession of any houses buildings lands floodgates sluices dams works materials tools implements moneys or things so belonging to or vested in any such Conservators as aforesaid and shall refuse to deliver up the possession thereof within two days after notice of his being discharged and of his being required to deliver up the same shall be given to him or left at his last or most

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usual place of abode or if the wife widow family or representatives of any such officer or servant who shall happen to die shall after like notice given to her them any or either of them refuse to deliver up possession of the same within the like time after she they or either of them shall be required so to do then and in either of the said cases it shall and may be lawful for the Conservators by warrant under the hands and seals of such Conservators to order a constable or other peace-officer with such assistance as shall be deemed necessary to enter any such houses buildings lands floodgates sluices dams or other works so refused to be delivered up in the day-time and to remove the persons who shall be found therein together with their goods out of such premises and also to take possession of the same and of all such other property matters and things belonging to or vested in the said Conservators as shall be so refused to be delivered up as aforesaid and to put the said Conservators or their officer or servant in possession thereof.

**62.** It shall be lawful for the Conservators to take such security from every Treasurer Receiver Collector and other ministers and officers as to such Conservators shall seem meet for the just and faithful execution of such office or trust and such security shall be given by bond or bonds to the Clerk for the time being to the Conservators and in case of forfeiture it shall be lawful for the Conservators to sue upon such bond or bonds in the name of the Clerk to the said Conservators for the time being and to carry on such suit at the costs and charges and for the use and benefit of the fund for the security of which such bond or bonds shall have been taken fully indemnifying and saving harmless such Clerk from all costs and charges in respect of such suit from and out of such fund and no action or suit to be brought or commenced in the name of the Clerk in the manner aforesaid shall abate or be discontinued by the death resignation or removal of such Clerk or by the death resignation or removal of any Conservators under which the said Clerk may act as aforesaid.

Conservators to take bonds from Treasurers and other officers.

**63.** The Provincial Auditor for the time being shall be Auditor of the accounts of the Treasurer under this Act and shall report upon the same from time to time to the Superintendent and Speaker of the Provincial Council.

Accounts to be audited.

**64.** All and every sum and sums of money which shall or may be raised or levied or paid to the Conservators under the provisions of this Act shall be paid into some bank to be appointed by the Conservators and shall not be paid applied and disposed of except by cheque drawn on the bank wherein such money shall have been deposited and such cheques shall be signed by at least two Conservators and shall be countersigned by their Clerk.

Moneys to be paid into bank and drawn by Conservators.

**65.** The Conservators may sue and be sued at law or in equity for or concerning any matter or thing whatever or for or relating to the lands and hereditaments or other property vested or to become so vested in them as aforesaid or to any river stream sewer wall bank or other work or matter within or under the view cognizance management or jurisdiction of such Conservators in the name of any one Conservator or in the name of their Clerk for the time being and no action or suit to be brought or commenced by or against the said Conservators or the said Clerk in manner aforesaid shall abate or be discontinued by the death resignation or removal of such Conservators or of such Clerk Provided that no execution shall issue or be had in any such action or suit against such Conservators or Clerk until six months shall have elapsed after final judgment in such action or suit shall have been obtained.

Conservators may sue and be sued.

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But not be personally liable.

**66.** Provided always that every such Clerk in whose name any such action or suit shall be brought commenced or sued and every such Conservator whose name shall be used in any information prosecution or indictment in pursuance of this Act and every such Conservator in whose name the said Conservators shall so sue or be sued as aforesaid shall be fully reimbursed and paid all such costs charges damages and expenses or by the event or in consequence of any such action suit information indictment or prosecution he shall pay sustain or be put unto or become chargeable with or liable to by reason of his being plaintiff or defendant as aforesaid or his name being used as aforesaid by and out of the moneys that shall be in or come to the hands of the Conservators by virtue of this Act.

Moneys advanced by Provincial Government to be repaid.

**67.** The Conservators shall out of the moneys coming to their hands by virtue of this Act repay to the Provincial Treasurer of the said Province if demanded all such sums of money as may have been expended by the authority of the Government of the said Province in the execution of any works for similar purposes to those contemplated by this Act within any district which may be proclaimed under the authority of this Act between the first day of September one thousand eight hundred and sixty-eight and the commencement of this Act.

Conservators to be remunerated as determined by Provincial Council.

**68.** The Conservators shall be entitled to be paid such sum or sums of money as a remuneration for their services as the Provincial Council of the said Province may from time to time by resolution determine.

Interpretation.

**69.** For the purposes of this Act the following words and expressions shall have the several meanings hereby assigned to them unless there shall be something in the subject matter or context repugnant to such construction that is to say—

The word "Conservators" shall mean the Conservators for the time being of each several district proclaimed under the authority of this Act The words "Justice" and "Justice of the Peace" shall mean a Justice of the Peace for the Colony of New Zealand The word "bank" shall mean any bank appointed by the Conservators for the time being.

The word "Superintendent" in this Act shall mean the Superintendent of the Province of Canterbury and every Act which the said Superintendent is hereby authorized or required to do shall be done only with the advice and consent of the Executive Council of the said Province.

Provision of this Act not to interfere with local Acts or powers of boroughs.

**70.** Nothing in this Act contained shall extend or be construed to extend to affect alter abridge or interfere with any local or private Act or Ordinance or with the powers vested in district Road Boards Boroughs or Corporations under any law now in force.

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SCHEDULES.

Schedules.

SCHEDULE A.

FORM OF PRECEPT.

To the [Chairman Mayor or Clerk as the case may be] of the Road District of  
 Town of                      Borough of                      as the case may be.  
 THESE are to require you [Chairman Mayor or Clerk as the case may be] from and  
 out of the moneys paid to your Clerk Treasurer or other officer for the purpose of the  
 [Road District of                      Town or Borough of                      naming them] to pay or  
 cause to be paid into the Bank of                      to the credit of the Conservators of the  
 District of                      the sum of                      being the amount of the respective  
 sums of money set down and expressed opposite to the names of the several Road Dis-  
 tricts Boroughs Towns and other places comprised in the said district the said several  
 sums being respectively charged and assessed thereon as the proportion of the several  
 Road Districts Boroughs Towns and other places towards a general rate at  
 in the pound made and confirmed by the Resident Magistrate's Court at  
 on the                      day of                      18                      for the said district.  
 Signature of the Chairman and Conservators.

Names of Road Districts Boroughs Towns or other Places.	General Rate at the Pound. in

SCHEDULE B.

FORM OF CONVEYANCE TO CONSERVATORS.

I                      of                      in consideration of the sum of                      to be paid by the  
 Conservators of the District of                      under the provisions of "The Canterbury Rivers  
 Act 1868" do hereby convey and assure unto the Conservators for the said District of  
 all that parcel of land (*describing the premises to be conveyed*) and all my right  
 title and interest in and to the same and every part thereof To hold to the said Conser-  
 vators their successors and assigns for ever by virtue of the said Act In witness  
 whereof I have hereunto set my hand this                      day of                      18

SCHEDULE C.

FORM OF CONVEYANCE BY CONSERVATORS.

WE                      the Conservators for the District of                      acting under the provisions  
 of "The Canterbury Rivers Act 1868" in consideration of the sum of                      to  
 us paid by                      of                      do hereby convey and assure unto the said                      All  
 (*describing the premises to be conveyed*) and all the right title and interest of us as such  
 Conservators in and to the same and every part thereof To hold unto the said  
 his heirs and assigns for ever In witness whereof we have hereunto set our hands  
 this                      day of                      18

SCHEDULE D.

FORM OF DEBENTURE.

By virtue of "The Canterbury Rivers Act 1868" we the undersigned being  
 of the Conservators for the District of                      in consideration of the sum of  
 to us lent and paid by                      of                      do hereby certify that the several general

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rates to be made and levied within the said district under and by virtue of the said Act are become charged with the repayment of the said sum in instalments of one part on the            day of            in every year together with interest on such part of the said principal money as shall remain unpaid from time to time at and after the rate of            per centum per annum until the whole thereof shall be repaid which sum so lent and advanced as aforesaid is part of a capital sum of            which at a meeting of the said Conservators holden on the            day of            was decreed and ordered to be taken up and borrowed In witness whereof we have hereunto set our hands the day of

## SCHEDULE E.

## FORM OF TRANSFER.

I            of            in consideration of the sum of            paid to me by            do hereby transfer the within certificate of charge with all my right and title to the            principal money thereby secured and now remaining due thereon and to all the interest money now due or hereafter to become due unto the said executors administrators successors and assigns [*as the case may be*] As witness my hand this            day of

## SCHEDULE F.

## FORM OF WARRANT OF DISTRESS.

To  
WHEREAS complaint hath been made to the undersigned being two of Her Majesty's Justices of the Peace for the Colony of New Zealand for that            of            hath been duly rated and assessed by the Conservators of the            District under and by virtue of "The Canterbury Rivers Act 1868" to a general rate of            in the pound and that the said            is liable to pay the sum of            under such rate and that the said            hath refused or neglected to pay such sum and it having been proved by oath to our satisfaction that the said rate was duly made and that all things required by the said Act to be proved before us have been done and that the said            hath refused or neglected to pay such rate within the time limited by the said Act These are therefore to command you or any or either of you to levy the said sum of            by distress and sale of the goods and chattels of the said            together with the sum of            for the costs and expenses of obtaining this warrant and together also with the costs and charges of such distress and sale rendering the overplus if any to the said

Given under our hands and seals the            day of            in the year of  
our Lord

WELLINGTON, NEW ZEALAND:

Printed under the authority of the New Zealand Government by GEORGE DIDSBUXY, Government Printer.