

New Zealand.

ANALYSIS.

- | | |
|---|---|
| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Tramway district. 3. Governor may incorporate other boroughs, &c., with district. 4. Tramway Board. 5. Power to deal with land. <p style="text-align: center;">ELECTION OF BOARD.</p> <ol style="list-style-type: none"> 6. Election of Board. 7. Electoral roll. 8. General election. 9. Governor shall appoint Returning Officer. 10. Christchurch Town Clerk to prepare first electoral roll. 11. Members of Board to retire at expiration of three years. 12. Vacancy in Board. 13. Retiring members of Board may be re-elected. 14. Persons incapable of being members of Board. 15. Disqualified persons. 16. Chairman of Board. 17. Salary of Chairman. 18. Members' remuneration. <p style="text-align: center;">COMMITTEES, AND PROCEEDINGS OF BOARD AND COMMITTEES.</p> <ol style="list-style-type: none"> 19. Committees, &c. <p style="text-align: center;">OFFICERS.</p> <ol style="list-style-type: none"> 20. Appointment of officers. <p style="text-align: center;">BY-LAWS.</p> <ol style="list-style-type: none"> 21. Board may make by-laws. 22. By-laws made by the Board to supersede those made by local authority. 23. Manner in which by-laws shall be made. 24. Penalty for breach of by-laws. <p style="text-align: center;">VALUATION-ROLL AND RATING.</p> <ol style="list-style-type: none"> 25. Valuation-roll. 26. Collection of rate may be delegated. 27. Provision on delegation. <p style="text-align: center;">CONTRACTS AND WORKS.</p> <ol style="list-style-type: none"> 28. Contracts and works. | <p style="text-align: center;">POWERS OF THE BOARD.</p> <ol style="list-style-type: none"> 29. Power to work tramways, &c. 30. Tramways to vest in Board. Proviso. 31. All rights and duties of any award made by Sir James Prendergast to vest in Board. 32. Powers of local authority relating to tramways to vest in Board. 33. Power to acquire land. 34. Cost of preparation of Act, &c., and of printing rolls. <p style="text-align: center;">GENERAL RATES.</p> <ol style="list-style-type: none"> 35. General rate. 36. Annual estimates. 37. Power to Board when using electricity as a motive power. 38. Power to Board to renew agreements or contracts on tramways held by local authorities. Proviso. <p style="text-align: center;">BORROWING.</p> <ol style="list-style-type: none"> 39. Power to borrow for purposes of this Act. 40. Power to borrow additional £100,000. 41. Provision relating to loan. 42. Power to levy special rate. 43. Sinking fund. 44. Judge not deemed interested on account of liability for rates. 45. Objection to rate struck not allowed as a defence. 46. Overdraft. Limitation. 47. Provision where interest may be paid out of loan-money. <p style="text-align: center;">ACCOUNTS AND AUDIT.</p> <ol style="list-style-type: none"> 48. Accounts and audit. <p style="text-align: center;">BOARD'S FUND.</p> <ol style="list-style-type: none"> 49. Particulars of fund. 50. Moneys to be paid into bank. 51. Moneys paid to separate account. 52. How moneys drawn from bank. 53. Moneys not to be paid by promissory notes. <p style="text-align: center;">MISCELLANEOUS.</p> <ol style="list-style-type: none"> 54. Miscellaneous provisions. Schedule. |
|---|---|

1902, No. 12.—*Local.*

AN ACT to facilitate the Construction, Administration, and Working of Tramways in and for the City of Christchurch and its Suburbs. Title.
[26th September, 1902.]

BE IT 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 is “The Christchurch Tramways District Act, 1902.” Short Title.

2. The area of land comprised within the limits described in the Schedule hereto, including the City of Christchurch, and Boroughs of Sydenham, St. Albans, Linwood, Woolston, New Brighton, and Sumner (as incorporated under “The Municipal Corporations Act, 1900”), the Road District of Spreydon, and such portions of the Road Districts of Avon, Heathcote, Riccarton, and Halswell (as incorporated under “The Road Boards Act, 1882”) as are therein included, shall for the purposes of this Act be and be deemed to be one district, to be called “the Christchurch Tramways District” (hereinafter referred to as “the said district”). Tramway district.

3. The Governor may from time to time, and upon the petition of a majority of the ratepayers of any borough or road district or of any ward or portion of a ward of any borough or road district shall, by Order in Council, direct that any such borough, road district, or ward, or portion of a ward, as the case may be, shall thenceforth be incorporated with and form a portion of the said district; and upon such Order being gazetted any borough, road district, or ward, or portion of a ward, so directed to be incorporated shall thenceforth be and be deemed to be incorporated with and form a portion of the said district; and the Board, in relation to tramways within any borough, road district, or ward, or portion of a ward, so directed to be incorporated, shall have the same property, and may exercise all or any of the powers, rights, duties, privileges, or authorities, which under or by virtue of this Act it may possess or exercise within the said district. Governor may incorporate other boroughs, &c., with district.

4. There shall be for the said district a Tramway Board, which shall consist of eight members, to be elected in the manner hereinafter mentioned. The Board shall be elected by electors as defined in this Act for sub-districts as follows: Four members for the City of Christchurch and Boroughs of Sydenham and St. Albans; one member for the Borough of Linwood; one member for the Boroughs of Woolston and Sumner and such part of the Heathcote Road District as is or may be hereafter included in the Tramway District; one member for the Borough of New Brighton and such part of the Avon Road District as is or may be hereafter included in the Tramway District; and one member for such part of the Riccarton, Spreydon, and Halswell Road Districts as are or may be hereafter included in the Tramway District. Such Board shall be a body corporate, under the name of “the Christchurch Tramway Board,” with perpetual succession and a common seal. It shall also be a “local authority” within the meaning of “The Tramways Act, 1894,” and shall have and may exercise within the said district all and each and Tramway Board.

every of the powers conferred on a local authority by the said Act. The said district shall be and be deemed to be a "district"; the Board shall be and be deemed to be a "local authority"; and the Board's "fund" shall be and be deemed to be a "local fund" within the meaning of "The Local Bodies' Loans Act, 1901."

Power to deal with land.

5. The said Board shall have full power and capacity to purchase, take, acquire, hold, manage, buy, sell, and deal with lands and hereditaments of any tenure and all classes of personal property for all or any of the purposes for which it is constituted, including therein the acquisition, holding, management, leasing, and otherwise dealing with endowments, and with full power to make all kinds of contracts connected with or incident to the carrying-out of the objects of this Act.

ELECTION OF BOARD.

Election of Board.

6. The electors, as hereinafter defined, of the said district (and hereinafter called "the electors") shall, at the time and in manner hereinafter set forth, elect the said Board.

For the purposes of this Act "an elector" shall be any person, male or female, of the full age of twenty-one years, who possesses any of the following qualifications, that is to say,—

- (a.) A freehold qualification, meaning thereby that he is the beneficial and duly registered owner of a freehold estate in land within the district of the capital value of not less than twenty-five pounds, whether subject to encumbrance or not, and notwithstanding that any other person is the occupier thereof or any part thereof under any tenancy.
- (b.) A rating qualification, meaning thereby, in the case of the first election to be held under this Act, that he is the person whose name appears for the time being in the "Occupiers" column in the rate-book of any city, borough, or road district comprised within the said tramway district; and meaning thereby, in respect of any election subsequent to the first election to be held under this Act, that he is the person whose name appears in the "Occupiers" column in the rate-book prepared by or on behalf of the Board under the provisions of this Act or "The Rating Act, 1894."
- (c.) A residential qualification, meaning thereby that he is and for at least three months then last past has been in occupation as tenant or sub-tenant, or as one of the several tenants or sub-tenants holding in joint tenancy or tenancy in common, of the whole or any portion of any house, warehouse, office, shop, or other building in the district under a tenancy the rent under which is at a rate of not less than ten pounds per year for the tenant or sub-tenant, or, as the case may be, for each of the several tenants or sub-tenants: Provided that where any tenant or sub-tenant shall sublet the whole or any portion of his premises the rent payable by him or them shall for the purposes of this section be deemed to be reduced by the amount of the rent payable to such tenant or sub-tenant, as the case may be, in respect of any sub-tenancy created by him.

In the case of husband and wife any qualification possessed by either of them shall be deemed to be possessed by each of them.

7. A roll to be called "the Christchurch Tramway District Electoral Roll" shall be prepared annually in the prescribed manner and form for each sub-district as defined in section four, setting forth the name, description, and address or situation of property of any person, male or female, who possesses any of the foregoing qualifications. Electoral roll.

It shall be the duty of the Clerk or other person charged with the preparation of the said electoral roll to enter thereon the name of every person who to his knowledge possesses any qualifications entitling him to be entered thereon, or who, being so entitled, shall in the prescribed form make claim to be entered thereon.

The district electoral roll shall be corrected, completed, and authenticated in the prescribed manner and time, and thereupon shall become the electoral roll of the said district, and shall remain in force until another electoral roll comes into force for the said district.

The name of any person shall not appear more than once on the district electoral roll of the said district: Provided that a person having both freehold and residential qualifications may select the qualification in respect of which he is to be entered.

In default of a selection being made under the foregoing proviso, the Clerk or other person charged with the preparation of the said roll may select the qualification.

Any person may, at and in the prescribed time, manner, and form, lodge with the Board an objection in writing under his hand to the district electoral roll on either of the following grounds:—

- (a.) That any person whose name is on the said roll in respect of any qualification does not possess such qualification at the time when the objection is lodged;
- (b.) That any person whose name is not on the said roll possesses the necessary qualification at the time when the objection is lodged, and is entitled to have his name inserted.

The Board shall forthwith, after receipt of any such objection, inquire into and dispose of the same.

The Board shall from time to time, whether upon any objection as aforesaid or of its own motion, amend the district electoral roll for the district by adding to such roll the name of any person who then in fact possesses the necessary qualification but is not entered thereon, and by erasing therefrom the name of any person who does not then in fact possess the necessary qualification but is entered thereon.

The Board shall also from time to time make in the district electoral roll any necessary corrections in the statement of the names, addresses, and qualifications of persons enrolled thereon.

The functions by this section conferred upon the Board shall be exercised by the Clerk or other authorised officer of the Board when the Board is not actually sitting.

In particular, but without affecting the general operation of this section, the Board shall hold a sitting on the fourth Wednesday in

March in each year, of which due notice shall be given in three consecutive issues of a newspaper circulating in the district, and at that sitting or any adjournment thereof shall amend the district electoral roll by adding or erasing names and making all necessary corrections as hereinbefore provided, to the intent that as far as may be the roll may correctly set forth the name, address, and occupation of every person then possessing the requisite qualification, and of no other person.

Any person aggrieved with any decision or act of the Board, or of the Clerk or other authorised person as aforesaid, touching the district electoral roll may, in the prescribed manner and within the prescribed time, appeal therefrom to a Stipendiary Magistrate, who shall hear and determine the appeal, and may order such alterations in and additions to the roll to be made as he thinks just.

All such alterations and additions shall be made by the Clerk or other authorised person as aforesaid, and initialled by the Stipendiary Magistrate.

The district electoral roll shall be deemed to be closed at five o'clock in the afternoon of the fourteenth day preceding the day appointed for any election or poll, and shall continue closed until the election is completed or the poll taken.

Except pursuant to appeal under this section in cases where the appeal was pending at the time when the roll was closed, no alteration or addition shall be made in or to the district electoral roll for the district whilst it is closed as aforesaid.

Every person whose name appears on the district electoral roll for the time being in force for the district shall be an elector for the purposes of this Act, and shall be entitled to vote—

(a.) At every poll taken for any election under this Act; and also

(b.) At every poll taken on any proposal that under this Act or any other Act is submitted to the votes of the electors of the said district :

Provided that if his qualification is residential he shall not be entitled to vote at the poll taken on any proposal relating to loans or rates.

Every elector shall have one vote and no more at each poll at which he is entitled to vote.

The majority required to determine any such election shall be a majority of the valid votes cast at the poll.

General election.

8. The Governor shall by Order in Council appoint a day for a general election of the first members of the Board, and thereupon such election and all subsequent elections shall be conducted in accordance with "The Regulation of Local Elections Act, 1876," which is and shall be deemed to be incorporated herewith.

Governor shall
appoint Returning
Officer.

9. The Governor shall in and by the said Order in Council appoint a Returning Officer for the said district, who shall hold office until a Returning Officer shall be appointed by the Board.

Christchurch Town
Clerk to prepare
first electoral roll.

10. The Town Clerk for the time being of the City of Christchurch shall form and prepare and sign the Christchurch Tramway District Electoral Roll in respect of the first election to be held under this Act, and the roll so prepared and signed shall be the

Christchurch Tramway District Roll in respect of such election. The rolls to be used in respect of subsequent elections shall be prepared by some person to be appointed by the Board.

11. At the expiration of three years from the date of each general election the whole of the members of the Board shall retire from office and a new Board shall be elected.

Members of Board to retire at expiration of three years.

12. Whenever any casual vacancy shall occur in the Board, such vacancy shall be notified to the Board by the Clerk, and the Board shall at its next subsequent ordinary meeting proceed by nomination and ballot to fill such vacancy. No person shall be nominated or elected to fill a casual vacancy whose name does not appear on the electoral roll as herein defined for the sub-district for which such vacancy has occurred; and the member so elected shall hold office until the next general election of the Board.

Vacancy in Board.

13. Every member of the Board going out of office shall be capable of being re-elected; but no person shall be capable of being elected unless his name shall, at the date of his nomination, be entered upon the Christchurch Tramway District Electoral Roll.

Retiring members of Board may be re-elected.

14. The following persons shall be incapable of being elected to or of being members of the Board:—

Persons incapable of being members of Board.

(1.) Any person holding any office or place of profit under or in the gift of the Board.

(2.) Any person concerned or participating (otherwise than as a mere shareholder in an incorporated company whereof he is not also a director or officer) in any contract with or work to be done for the Board if the payment for such contract or work exceeds ten pounds in any year: Provided that the leasing of land from the Board, or the lending of money to the Board, or the holding of any debenture issued by the Board, shall not constitute a disqualification under this subsection.

(3.) Any person as described in subsections three, four, five, and six of section fifty-one of "The Municipal Corporations Act, 1900."

15. Any disqualified person who shall act as a member of the Board shall be liable to a penalty not exceeding fifty pounds for each and every such act done by him whilst so disqualified, which penalty may be recovered, with costs of suit, in any Court of competent jurisdiction; and no person who shall be or become disqualified shall be capable of recovering from the Board any sum in respect of work done, material supplied, or services rendered; and should the Board pay any such amount to any member, or on account or for the benefit of any member, the said amount shall be deemed to be moneys unlawfully paid away, and may be recovered at any time as a debt by the Controller and Auditor-General from any member or members of the Board who either directly or indirectly sanctioned the payment thereof with knowledge of such disqualification.

Disqualified persons.

16. A member of the Board shall in and for each year be chosen by the Board as its Chairman, and there shall also be a Deputy Chairman chosen in the same way, who shall act in the absence of the Chairman or when his office is vacant, and the offices of Chairman and Deputy-Chairman shall be from time to time

Chairman of Board.

filled by the Board as they become vacant, and at all meetings the Chairman or Deputy Chairman or acting Chairman, as the case may be, shall have an original and casting vote. A Chairman and Deputy Chairman respectively shall hold office until a new Chairman has been appointed.

Salary of Chairman.

17. The Board may from time to time vote and pay the Chairman of the Board a salary not exceeding the sum of one hundred and five pounds per annum.

Members' remuneration.

18. The Board may from time to time vote and pay to each member of the Board, exclusive of the Chairman, a fee or sum of one pound one shilling in respect of each meeting of the Board attended by him: Provided always that no member shall be entitled to receive such payment in respect of any meeting unless he is present at the time appointed for the holding of such meeting, or within fifteen minutes thereafter: And provided further that no member shall be entitled to be paid or to receive a greater sum than fifty-four pounds twelve shillings during any year of office.

COMMITTEES, AND PROCEEDINGS OF BOARD AND COMMITTEES.

Committees, &c.

19. The whole of Parts VII. and VIII. of "The Municipal Corporations Act, 1900," shall apply, except in so far as the same are altered or modified by anything herein contained, and, *mutatis mutandis*, shall be read into and form part of this Act.

OFFICERS.

Appointment of officers.

20. The Board may appoint, for such period and on such terms as it thinks fit, returning officers, engineers, secretaries, clerks, and other officers, servants, and workmen: Provided that one person may, if the Board thinks fit, fill several offices.

BY-LAWS.

Board may make by-laws.

21. The Board may make, alter, and repeal by-laws for all such purposes as are expressly provided for by "The Tramways Act, 1894," or by this Act, and all such other by-laws as may in the opinion of the Board be reasonably requisite or necessary for the protection of its property and interests, or for the good government or management of its affairs.

By-laws made by the Board to supersede those made by local authority.

22. The power to make by-laws vested in the Board shall supersede any power possessed by the several municipal or other local governing authorities within the district to make similar by-laws, but by-laws made by any municipal or other local governing authority and in force in the district shall remain in force until superseded from time to time by by-laws dealing with the same subject-matter made by the Board.

Manner in which by-laws shall be made.

23. Such by-laws shall be made only in the manner and subject to the conditions following:—

- (1.) They shall be made by special order only: Provided that in publicly notifying the resolution making such order it shall not be necessary to set forth the whole of the proposed by-law if the object or purport of the same is stated, and if a copy of the proposed by-law is deposited at the office of the Board, or at some other place in the

district which shall be specified in the notification, and is open to the inspection of the public during office hours for at least seven days immediately preceding the meeting at which the said resolution is to be confirmed.

- (2.) They shall have the seal of the Board affixed thereto.
- (3.) They shall come into force on a day to be named therein, or in the special order making the same, which shall not be earlier than fourteen clear days after the making of such order.
- (4.) They shall be published in the *New Zealand Government Gazette* within fourteen days after confirmation of the special order making the same.
- (5.) They may within three months after such publication be disallowed by the Governor.

24. (1.) Every person guilty of a breach of any by-law made under this Act shall be liable to a penalty not exceeding five pounds, or, where the breach is a continuing one, then to a penalty not exceeding ten shillings for every day during which such offence continues. Penalty for breach of by-laws.

(2.) But the Board may, after conviction for the continuing breach of any by-law, apply to the Supreme Court for an injunction to restrain the further continuance of such breach by the person or persons so convicted.

(3.) The continued existence in a state contrary to any by-law of any work or thing shall be deemed a continuing offence within the meaning of this section.

(4.) A copy of any such by-law sealed with the seal of the Board shall be received in all Courts as evidence thereof, and that the same has been made in accordance with this Act.

VALUATION-ROLL AND RATING.

25. For the purpose of rating, the valuation-roll and the rate-book for the said district shall be compiled by combining the valuation-rolls and rate-books respectively of the said City of Christchurch and the boroughs and road districts within the district, and a copy of any valuation-roll or rate-book, or part thereof, in force in any such city, borough, ward, or road district certified as correct by the Mayor or Town Clerk of such city or borough, or by the Chairman or Clerk of such Road Board, shall be conclusive so far as it extends, and shall be receivable as evidence in proof of the facts therein appearing. Valuation-roll.

26. The Board may, at its option, and from time to time, either make, levy, and collect its own rates in manner provided for the making and collection of rates by "The Rating Act, 1894," which for all the purposes of this Act is deemed to be incorporated herewith, or the Board may by special order fix the amount of any rate or rates, and direct the same to be made, levied, and collected by the several local bodies named in such special order, and it may exercise the option or options hereby given in different ways as to the several city, boroughs, or road districts within the district. Collection of rate may be delegated.

27. When the Board shall by special order have directed any rate to be levied, and shall have fixed the amount in the pound of Provision on delegation.

such rate according to the provisions hereof, and shall have determined that the same shall be collected by the said city or boroughs or road districts respectively, or any of them, within its or their respective districts, it shall cause a copy of such special order to be forwarded separately to each such local authority within the district which it desires to make or collect such rates, whereupon the following duties shall arise and the following consequences shall ensue:—

- (1.) Every such local authority shall proceed to make, levy, and collect such rate in the part of the district within its jurisdiction as nearly as may be, and with such powers, and the rate shall be payable by and recoverable from such persons, and in such manner in every respect as if the rate were levied by such local authority for its own purposes under the powers of rating then vested in them: Provided that no limitation of the rating-powers of any local authority shall be deemed to affect any such rate.
- (2.) Every such local authority shall be entitled to retain all reasonable costs and expenses incurred in and about making, levying, collecting, and recovering the same, and reasonable remuneration for clerical and other work.
- (3.) Such costs, expenses, and remuneration may form the subject of an agreement between the Board and any such local authority; but if any dispute shall arise as to the amount so to be retained, or otherwise in relation thereto, the same shall be decided by the Controller and Auditor-General, or some other person to be from time to time appointed by the Governor in that behalf.
- (4.) Each such local body collecting any rate or part of a rate on behalf of the said Board shall furnish the Board monthly, and on the seventh day of each month, with an account showing particulars of such rate collected by such local body up to and inclusive of the last day of the then preceding month, and shall pay over to the Board the amount shown by such account to have been so collected, after deducting the amount of such costs, expenses, or remuneration, as hereinbefore provided.

CONTRACTS AND WORKS.

Contracts and works.

28. In respect of contracts and works authorised by this Act, the Board may exercise all the powers and authorities conferred upon the Councils of cities and boroughs by Part XX. of "The Municipal Corporations Act, 190C," which said Part of the said Act shall, *mutatis mutandis*, be read into and form part of this Act.

POWERS OF THE BOARD.

Power to work tramways, &c.

29. Subject to the provisions of "The Tramways Act, 1894," the Board shall have full power and authority to construct, equip, maintain, and work tramways within the said district, and to carry goods and passengers thereon, and for such purposes and every or any of them the Board shall be and be deemed to be a "local authority" within the meaning of the said last-mentioned Act and "The Public Works Act, 1894."

30. Each and any tramway which under any Act now or heretofore in force relating to the construction, maintenance, and working of tramways shall at the time of the first election of the said Board have been constructed or authorised to be constructed, maintained, or worked within the said district or any portion or portions thereof, together with the rolling-stock and working plant, land and buildings, goods, chattels, and effects thereto respectively belonging, and together also with all rights, easements, privileges, and appurtenances thereto belonging and appertaining, shall vest in and belong to the said Board, for the same estate, right, interest, and property as the said city or boroughs or Road Boards respectively, or the Selwyn County Council, or any or either of them, shall have possessed or be entitled to therein. And the said Board may, from and after the date of such first election, and in respect of each such tramway, rolling-stock, working plant, land and buildings, goods, chattels, effects, rights, easements, privileges, and appurtenances, exercise all such powers, privileges, and rights, and do all such things, as but for the passing of this Act might have been exercised or done by the Councils of the said city or boroughs or county or by the Road Boards of the said road districts respectively, or any or either of them :

Tramways to vest
in Board.

Provided always that the tramway constructed by the Christchurch City Council, under an Order made by His Excellency Sir William Francis Drummond Jervis, Governor for the time being of the Colony of New Zealand, and dated at Auckland the twelfth day of April, one thousand eight hundred and eighty-six, running easterly from Oxford Terrace, in the said city, along Worcester Street and its continuation to the Christchurch Canal Reserve, thence along the said Canal Reserve and Buckley's Road to the Christchurch cemetery and nightsoil reserves, numbered respectively 210 and 212, together with the permanent-way, rolling-stock, and plant thereto belonging, and the right to maintain and work the same, shall not pass to the Board under this Act unless or until the Board shall signify to the said Council its desire to acquire the same, but shall continue to be the property of the said Council. Immediately upon the said Board signifying to the said Council in writing its desire to acquire the said last-mentioned tramway, plant, and rolling-stock the same shall vest in and become the property of the said Board, subject nevertheless to any right or property granted thereto or in respect thereof by the said Council; and the said Board shall thereupon pay to the said Council such sum of money by way of compensation in respect of the said tramway, rolling-stock, and plant so acquired as may be agreed upon between them, and, failing an agreement, as may be determined by a submission to arbitration in accordance with the provisions of "The Arbitration Act, 1890," one arbitrator to be appointed by the said Council and the other by the said Board.

Proviso.

31. All and every right, power, duty, authority, and obligation which, by any order or award made by Sir James Prendergast, lately Chief Justice of New Zealand, as arbitrator, under or by virtue of any submission to arbitration by the said city or boroughs or road districts, or any of them, of any dispute between them or any of

All rights and
duties of any award
made by Sir James
Prendergast to vest
in Board.

them and the Christchurch Tramway Company (Limited), having reference to any tramway within the said district, or any tramway concession, tramway lease, or order made under any Tramways Act, was or were declared to be vested in, imposed upon, or exercisable by the Councils of the said city and boroughs or the Road Boards of the said road districts respectively, or any or either of them, shall, on and after the first election of the said Board, vest in, be imposed upon, and exercisable by the said Board; and wherever in any such award or submission to arbitration, or any concession, Order in Council, or order therein referred to, the said city, boroughs, or road districts, or the Councils or Road Boards of the said city, boroughs, or road districts respectively, is or are expressly or impliedly mentioned or referred to, the same shall be read and construed as if the said district or the said Board, as the case may require, had been mentioned or referred to instead of such city, borough, district, Council, or Board.

Powers of local authority relating to tramways to vest in Board.

32. All the rights, powers, duties, and authorities which are now and which would or may at any time hereafter (but for the passing of this Act) be vested in or exercisable by the said Councils of the said city or boroughs or the Boards of the said road districts, or any or either of them, in relation to tramways, or the authorising, constructing, maintaining, working, leasing, ordering, governing, or controlling tramways or persons or things in relation to tramways within the said city, boroughs, or road districts respectively, shall, on and from the first election of the said Board, vest in and be exercisable by the said Board throughout the said district.

Power to acquire land.

33. For the purposes of the said tramways and of any other tramways which it may acquire or construct or propose to construct, and for any other purpose connected with or incidental to the ownership or use of the tramways, or the exercise of any power or performance of any duty devolving upon the Board under this Act, the Board may take, purchase, rent, lease, or otherwise acquire such land or other property within or without the district, and for such estate, right, or interest, as the Board shall think fit.

Cost of preparation of Act, &c., and of printing rolls.

34. The Board shall pay the costs, charges, and expenses of preparing, promoting, and passing this Act, the preparation and printing of the first roll of electors, and conducting the first election of members of the Board, and providing for the first meeting of the Board.

GENERAL RATES.

General rate.

35. The Board may from time to time, as it thinks fit, make and levy a general rate, not exceeding in any one year threepence in the pound, on all rateable property within the district, on the annual rateable value thereof, or three-sixteenths of a penny in the pound on the capital value thereof, as respectively defined in "The Rating Act, 1894."

Annual estimates.

36. Before making any general rate the Board shall cause an estimate to be prepared of the proposed expenditure of the Board during the period for which the rate is to be made, showing any sums already available for such purpose, the additional sum required, the total rateable value of the property on the valuation-roll, and the general rate thereon necessary to raise the money required; and such

estimate, being approved by the Board, shall be publicly notified in the district one week before making the proposed rate.

37. For the purpose of using electricity as a motive power, where authorised by any authorising order the Board may, in addition to any powers conferred on it by or in virtue of section eighteen of the Second Schedule to "The Tramways Act, 1894," do any of the following things:—

Power to Board when using electricity as a motive power.

- (1.) May do all or any of the things in the said section eighteen specified without as well as within the said district.
- (2.) May, subject to liability to pay compensation to any person or company whose land or any right therein is taken or injuriously affected, do all or any of the things in the section mentioned in or over the land of any person or corporation, or, with the permission of the Minister for Public Works, in or over any Crown lands: Provided that such compensation shall be assessed in manner provided by "The Public Works Act, 1894."

38. In respect of the said tramways, and of all tramways acquired or constructed under the provisions of this Act, the Board shall have power to negotiate and conclude agreements for the renewal, extension, or modification of the grants thereof, or orders relating thereto or otherwise, of the contracts or delegations under which the same or the right to construct or use the same are held of the respective local authorities, as the same from time to time expire, or as from time to time it appears to the Board advantageous to the Board to renew, extend, or modify the same, and may for this purpose apply for and obtain all such authorisations and delegated powers as may appear to it necessary: Provided that it shall not in respect of renewals, extensions, and modifications be subject to the provisions of section twenty-nine of the Second Schedule to "The Tramways Act, 1894."

Power to Board to renew agreements or contracts on tramways held by local authorities.

Proviso.

BORROWING.

39. For the purpose of purchasing, extending, altering, renewing, repairing, and equipping existing tramways, and introducing such system of traction (including the use of electricity as a motive power) as it may think best, and as shall be lawfully allowed to be used, and for the purposes of acquiring, constructing, or equipping other tramways, and for any purpose connected with the execution of the powers conferred by this Act, but not for the purpose of maintaining such tramways, the Board may borrow, at a rate of interest not exceeding five pounds per centum per annum, such sum or sums of money, not exceeding in the whole the sum of two hundred and fifty thousand pounds, as may from time to time be required. The authorisation of any loan shall for all purposes be deemed an authorisation of the purchase, acquisition, or construction of any tramway property or work for the purpose of acquiring, constructing, or undertaking which such loan is raised.

Power to borrow for purposes of this Act.

40. If after the said sum of two hundred and fifty thousand pounds has been borrowed and expended the Board shall deem it necessary or expedient for the purpose of adding to or extending the then existing tramway system, it shall be lawful for the Board to take up and borrow a further sum of one hundred thousand pounds, in the

Power to borrow additional £100,000.

manner and under the conditions prescribed in the next preceding section.

Provision relating to loan.

41. The following provision shall apply to any loan raised under the powers herein contained :—

The proposal or proposals to borrow such moneys shall be deemed to be carried if the votes given in favour thereof shall exceed in number those given against the same, otherwise the said proposal shall be deemed to be rejected ; but such rejection shall not prevent the renewal thereof from time to time as the Board may think fit.

Power to levy special rate.

42. For the purpose of providing the interest and sinking fund upon any loan raised or to be raised or debentures issued or to be issued under the provisions of this Act, the Board shall have power, notwithstanding the provisions of any existing or future general Act, by special order or special orders, to make and levy a special rate or special rates upon all lands, buildings, and other rateable property within the said district, according to the annual rateable value thereof. It shall be lawful for the Board to pay the interest and sinking fund of any such loan out of its ordinary or general revenue, and every such loan and the amount of every debenture and coupon representing the same shall be a debt of the Board.

Sinking fund.

43. There shall be created a sinking fund of ten shillings per centum per annum for the redemption of any loan raised under the provisions hereof.

Judge not deemed interested on account of liability for rates.

44. No Judge shall solely on account of his liability to pay rates be deemed to be interested in any proceeding in which he is judicially concerned.

Objection to rate struck not allowed as a defence.

45. No objection shall be allowed in any Court to any rate which the Board or a Receiver shall purport to strike, make, or levy under the provisions of this Act, or which shall or may form the security for the debentures or coupons issued hereunder, and no informality or irregularity, whether in form or in substance, in the making, striking, or levying of such rate, or in the election or appointment of any body or person acting in connection therewith, shall be allowed by any Court as a defence to any action or proceedings for the recovery of such rate, or be entertained as a ground for quashing such rate or restraining the recovery thereof.

Overdraft.

46. (1.) The Board may, in anticipation of its revenue receivable under its general account, and from any special or separate account, from time to time borrow moneys from its banker by way of overdraft, or from any corporation or persons by way of temporary loan.

Limitation.

(2.) It shall not be lawful for the Board to borrow or receive moneys as in this section mentioned at a higher yearly rate of interest than six per centum, or to enter into any engagements or contracts whereby the total liabilities of the Board (exclusive of all loans lawfully raised and debentures lawfully issued) shall, at the end of the month of March in any year, exceed, exclusive of any moneys borrowed, the amount of the income of the Board for such year.

47. During the first year's currency of any special loan, or whilst any work for which a special loan is raised is being constructed, interest upon such loan may be paid out of loan-money: Provided that in no case shall more than three years' interest be so paid out of such loan.

Provision where interest may be paid out of loan-money.

ACCOUNTS AND AUDIT.

48. The provisions contained in Part XV. of "The Municipal Corporations Act, 1900," relating to accounts and audit shall apply, and, *mutatis mutandis*, shall be read into and form part of this Act.

Accounts and audit.

BOARD'S FUND.

49. The Board's fund shall consist of the following moneys, that is to say,—

Particulars of fund.

- (1.) All moneys received by way of capitation grant from the General Government, or by appropriation of Parliament, or under or in pursuance of any Act;
- (2.) All rates made and levied by the Board under this or any other Act;
- (3.) All rents, income, and profits from property or operations of the Board;
- (4.) All fines, penalties, and forfeitures recovered under the provisions of this Act or any Act hereby repealed, or any by-law made under this Act or under any such repealed Act, for any offences committed within the district, except so much thereof as may by law be payable to any prosecutor or informer;
- (5.) All moneys received by way of loan as provided in this Act;
- (6.) All other moneys which may become the property of the Board.

50. All moneys belonging to the Board shall be paid into such bank as the Board from time to time appoints and publicly notifies (hereinafter called "the bank").

Moneys to be paid into bank.

51. Capital moneys in connection with special loans shall be paid into separate bank accounts.

Moneys paid to separate account.

52. No moneys shall be drawn out of the bank except by authority of the Board, and all moneys shall be paid by the Board in cash, or by cheque signed by the Clerk or Secretary of the Board and countersigned by any two of such of the members of the Board as the Board from time to time authorises to sign cheques, and shall not be paid otherwise.

How moneys drawn from bank.

53. All moneys paid or purporting to be paid by the Board by promissory note or bill shall be deemed to have been moneys unlawfully paid within the meaning of section one hundred and seventy-one, Part XV., of "The Municipal Corporations Act, 1900," and may be recovered in manner as in the said section mentioned.

Moneys not to be paid by promissory note.

MISCELLANEOUS.

54. The provisions of sections numbered four hundred and twenty-five, four hundred and twenty-six, four hundred and twenty-seven, four hundred and twenty-eight, and four hundred and thirty of "The Municipal Corporations Act, 1900," shall apply, and, *mutatis mutandis*, shall be read into and form part of this Act.

Miscellaneous provisions.

Schedule.

SCHEDULE.

ALL that area in the Canterbury Land District bounded towards the north generally by Sawyer's Arms Road from the Fendalton and Sawyer's Arms Junction Road to the Christchurch-Hurunui Railway-line; thence by that railway-line to Northcote Road; thence by Northcote Road to North Road; thence by North Road to Winter's Road; thence by Winter's Road to Hill's Road; thence by Hill's Road to the north-western corner of Section No. 1052, Christchurch Survey District; thence by Sections Nos. 1052, 1139, and 7671 to the Canal and Road Reserve, across that reserve, and by Sections Nos. 1131, 1053, 8007, and 3950 to Bottle Lake Road; thence by Bottle Lake Road to Cemetery Road; thence by the road forming the northern boundaries of Sections Nos. 18184, 5675, 5624, and 5673, intersecting Section No. 5492, forming the northern boundaries of Sections Nos. 3672, 5155, 6757, and 6856, intersecting Reserve No. 1579, and forming the northern boundaries of Sections Nos. 33181, 32867, and 17573, and the southern side of that road produced to the sea: thence towards the north-east generally by the sea to Godley Head: thence towards the south generally by Lyttelton Harbour to the Borough of Lyttelton; thence by the Borough of Lyttelton as described in the *New Zealand Gazette* No. 53, 17th September, 1885, to Mount Pleasant Road near the south-western corner of Section No. 247A, Block II., Sumner Survey District; thence by the said Mount Pleasant Road to the north-eastern corner of Section No. 1319, Christchurch Survey District; thence by the said Section No. 1319, Section No. 248A, Reserve No. 40, and Section No. 19 to the road forming the southern boundary of Section No. 77; thence by that road to the Christchurch-Lyttelton Railway-line; thence by that railway-line to Opawa Road near the bridge over the Heathcote River; thence by Opawa Road to Martin's Road; thence by Martin's Road to Hill's Road; thence by Hill's Road to the road running east from Trig. Station Q; thence by that road and the road forming the eastern boundaries of Sections Nos. 5863, 2116, 11465, and 2135, Christchurch Survey District, to the south-eastern corner of the last-mentioned section; thence by Sections Nos. 34655, 1935, 34653, and 2047 to Dyer's Pass Road; thence by Dyer's Pass Road to the south-eastern corner of Section No. 2046; thence by the southern boundary-line of the said Section No. 2046 to its westernmost corner; thence by a right line to the southernmost corner of Section No. 549; thence by the south-western boundary-line of the said Section No. 549 and its production to the Heathcote River; thence by the Heathcote River to the Plantation and Road Reserve; and thence by the Plantation and Road Reserve to Sutherland's Road: thence towards the west generally by Sutherland's Road to Milne's Road; thence by Milne's Road to Lower Lincoln Road; thence by Lower Lincoln Road to Dunbar's Road; thence by Dunbar's Road and Eagleson's Road to the road forming the western boundary of Section No. 327, Christchurch Survey District; thence by that road and Middle Lincoln Road to the Lincoln and Riccarton Junction Road; thence by the Lincoln and Riccarton Junction Road to the road forming the southern boundary of Section No. 85; thence by that road and its continuation easterly, passing Sections Nos. 95, 78, 153, 153A, 155, and 145, to the Christchurch-Hurunui Railway-line; thence by the said Christchurch-Hurunui Railway-line to Wairarapa Road; thence by Wairarapa Road to the Fendalton and Sawyer's Arms Junction Road; thence by the Fendalton and Sawyer's Arms Junction Road to the Sawyer's Arms Road, the place of commencement.