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Mr. Collins.

# CHRISTCHURCH TRAMWAYS DISTRICT.

## [LOCAL BILL.]

### ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Tramway district.</p> <p>3. Governor may incorporate other boroughs, &amp;c., with district.</p> <p>4. Tramway Board.</p> <p>5. Power to deal with land.</p> <p style="text-align: center;">ELECTION OF BOARD.</p> <p>6. Election of Board.</p> <p>7. Electoral roll.</p> <p>8. General election.</p> <p>9. Governor shall appoint Returning Officer.</p> <p>10. Returning Officer to appoint polling places.</p> <p>11. Christchurch Town Clerk to prepare first electoral roll.</p> <p>12. Members of Board to retire at expiration of three years.</p> <p>13. Vacancy in Board.</p> <p>14. Retiring members of Board may be re-elected.</p> <p>15. Persons incapable of being members of Board.</p> <p>16. Disqualified persons.</p> <p>17. Chairman of Board.</p> <p>18. Salary of Chairman.</p> <p>19. Members' remuneration.</p> <p style="text-align: center;">COMMITTEES, AND PROCEEDINGS OF BOARD AND COMMITTEES.</p> <p>20. Committees, &amp;c.</p> <p style="text-align: center;">OFFICERS.</p> <p>21. Appointment of officers.</p> <p style="text-align: center;">BY-LAWS.</p> <p>22. Board may make by-laws.</p> <p>23. By-laws made by the Board to supersede those made by local authority.</p> <p>24. Manner in which by-laws shall be made.</p> <p>25. Penalty for breach of by-laws.</p> <p style="text-align: center;">VALUATION-ROLL AND RATING.</p> <p>26. Valuation-roll.</p> <p>27. Collection of rate may be delegated.</p> <p>28. Provision on delegation.</p> <p style="text-align: center;">CONTRACTS AND WORKS.</p> <p>29. Contracts and works.</p> | <p style="text-align: center;">POWERS OF THE BOARD.</p> <p>30. Power to work tramways, &amp;c.</p> <p>31. Tramways to vest in Board.</p> <p>32. All rights and duties of any award made by Sir James Prendergast to vest in Board.</p> <p>33. Powers of local authority relating to tramways to vest in Board.</p> <p>34. Power to acquire land.</p> <p>35. Cost of preparation of Act, &amp;c., and of printing rolls.</p> <p style="text-align: center;">GENERAL RATES.</p> <p>36. General rate.</p> <p>37. Annual estimates.</p> <p>38. Power to Board when using electricity as a motive power.</p> <p>39. Power to Board to renew agreements or contracts on tramways held by local authorities. Proviso.</p> <p style="text-align: center;">BORROWING.</p> <p>40. Power to borrow for purposes of this Act.</p> <p>41. Power to borrow additional £100,000.</p> <p>42. Provision relating to loan.</p> <p>43. Power to levy special rate.</p> <p>44. Sinking fund.</p> <p>45. Judge not deemed interested on account of liability for rates.</p> <p>46. Objection to rate struck not allowed as a defence.</p> <p>47. Overdraft. Limitation.</p> <p style="text-align: center;">ACCOUNTS AND AUDIT.</p> <p>48. Accounts and audit.</p> <p style="text-align: center;">BOARD'S FUND.</p> <p>49. Particulars of fund.</p> <p>50. Moneys to be paid into bank.</p> <p>51. Moneys paid to separate account.</p> <p>52. How moneys drawn from bank.</p> <p>53. Moneys not to be paid by promissory note.</p> <p style="text-align: center;">MISCELLANEOUS.</p> <p>54. Miscellaneous provisions.</p> |
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## A BILL INTITULED

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| Title.   | AN ACT to facilitate the Construction, Administration, and Working of Tramways in and for the City of Christchurch and its Suburbs.   |                |
|  | BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—  | 5              |
| Short Title.   | 1. The Short Title of this Act is "The Christchurch Tramways District Act, 1902."   |                |
| Tramway district.  | 2. The area of land comprised within the boundaries of the City of Christchurch, and Boroughs of Sydenham, St. Albans, Linwood, Woolston, New Brighton, and Sumner respectively as incorporated under "The Municipal Corporations Act, 1900," and also such portions of the County of Selwyn as are included in the Road Districts of Avon, Heathcote, Riccarton, Spreydon, and Halswell as incorporated under "The Road Boards Act, 1882," shall for the purposes of this Act be and be deemed to be one district, to be called "the Christchurch Tramway District" (hereinafter referred to as "the said district").  | 10<br>15       |
| Governor may incorporate other boroughs, &c., with 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 of any borough or road district shall, by Order in Council, direct that any such borough, road district, or 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 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 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. | 20<br>25<br>30 |
| Tramway Board.   | 4. There shall be for the said district a Tramway Board, which shall consist of six members to be elected in the manner hereinafter mentioned. Such Board shall be a body corporated under the name of "the Christchurch Tramway Board," with a perpetual succession and a common seal. It shall also be a "local authority" within the meaning of "The Tramways Act, 1894." 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."   | 35<br>40       |
| 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.  | 45<br>50       |

## ELECTION OF BOARD.

6. The citizens, burgesses, and ratepayers, as the case may be, for the time being entitled to vote at an election of Councillors for the said city or either of the several boroughs, or at an election of  
 5 members for either of the said road districts, respectively, so forming parts of the said district (herein called "the electors"), shall at the time and in manner hereinafter set forth elect the said Board: Provided that in exercising his or her right as an elector no person shall have more than one vote.
- 10 7. A roll to be called "the Christchurch Tramway District electoral roll" shall be formed once during each year, upon which shall be entered the names of all persons so entitled to vote as aforesaid, which roll shall be compiled from the several district electors' rolls of the said city and boroughs and the lists of ratepayers of the  
 15 said Road Boards respectively, when and as closed or settled and signed by or on behalf of the said city, boroughs, and road districts respectively, but so that each person's name shall only be entered once. All alterations from time to time lawfully made in the said district electoral roll and lists of ratepayers respectively shall be  
 20 made in the Christchurch Tramway District electoral roll, save as aforesaid such last-mentioned roll shall not be altered by the addition of any name thereto or the erasure of any name therefrom, saving the erasure of the names of such persons as are known to be dead, until the electoral roll shall be made up for the following year. The said  
 25 roll, when made up and completed, shall be signed by the Chairman and two members of the Board, and shall become the electoral roll for the district for the then ensuing year.
8. The Governor shall by Order in Council appoint a day for a general election of the first members of the Board, and thereupon  
 30 such election and all subsequent elections shall be conducted in accordance with "The Regulation of Elections Act, 1876," which is and shall be deemed to be incorporated herewith.
9. The Governor shall in and by the said Order in Council appoint a Returning Officer for the said district, who shall hold  
 35 office until a Returning Officer shall be appointed by the Board.
10. The Returning Officer for the time being shall, one week at least before any election is held, by public notice, appoint such polling-places, not being less than seven, as he shall think necessary.
- 40 11. 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.
- 45 12. 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.
13. Whenever any casual vacancy shall occur in the Board,  
 50 the Board shall appoint a day for the election of a member to fill such vacancy, and shall notify the Returning Officer thereof, where-

Election of Board.

Electoral roll.

General election.

Governor shall appoint Returning Officer.

Returning Officer to appoint polling-places.

Christchurch Town Clerk to prepare first electoral roll.

Members of Board to retire at expiration of three years.

Vacancy in Board.

upon such Returning Officer shall proceed to hold an election to fill the same, and the member so elected shall hold office until the next general election of members to the Board.

Retiring members  
of Board may be  
re-elected.

14. 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. 5

Persons incapable  
of being members of  
Board.

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

(1) Any person holding any office or place of profit under or in the gift of the Board. 10

(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. 15 20

Disqualified  
persons.

16. 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 which 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 an 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. 25 30

Chairman of Board.

17. 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 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. 35 40

Salary of Chairman.

18. 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. 45

Members' remuneration.

19. 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 50

five 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.

- 5 20. The whole of Parts VII. and VIII. of "The Municipal Committees, &c. 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.

- 10 21. 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. Appointment of officers.

BY-LAWS.

- 15 22. 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 Board may make by-laws.  
20 or management of its affairs.

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

- 25 24. Such by-laws shall be made only in the manner and subject to the conditions following :— Manner in which by-laws shall be made.

- 30 (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  
35 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.

- 40 (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.

- 45 (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.

Penalty for breach  
of by-laws.

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

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(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.

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(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.

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#### VALUATION-ROLL AND RATING.

Valuation-roll.

26. 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.

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Collection of rate  
may be delegated.

27. 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.

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Provision on  
delegation.

28. When the Board shall by special order have directed any rate to be levied, and shall have fixed the amount in the pound of 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:—

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(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

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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.

- 5 (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.
- 10 (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.
- 15 (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
- 20 the amount shown by such account to have been so collected.

#### CONTRACTS AND WORKS.

- 25 29. 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, 1900," which said Part of the said Act shall, *mutatis mutandis*, be read into and form part of this Act.

Contracts and works.

#### POWERS OF THE BOARD.

- 30 30. 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
- 35 authority" within the meaning of the said last-mentioned Act and "The Public Works Act, 1894."

Power to work tramways, &c.

- 40 31. 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
- 45 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
- 50 and after the date of such first election, and in respect of each such

Tramways to vest in Board.

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. 5

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

32. 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 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. 10 15 20 25

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

33. 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. 30 35

Power to acquire land.

34. For the purposes of the said tramways and of any other tramways which it may acquire or construct, and for any 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. 40 45

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

35. 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. 50



## GENERAL RATES.

36. 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."

General rate.

37. 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.

Annual estimates.

38. 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."

39. 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.

40. 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 interest such sum or

Power to borrow for purposes of this Act.

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. 5

Power to borrow additional £100,000.

41. 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. 10

Provision relating to loan.

42. 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. 15

Power to levy special rate.

43. 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. 20 25 30

Sinking fund.

44. 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.

45. 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. 35

Objection to rate struck not allowed as a defence.

46. 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. 40 45

Overdraft.

47. (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. 50

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  
5 year.

## 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 aud

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## 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;

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(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;

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(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;

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(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.

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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.

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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.

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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.

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## 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.

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