

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 11th September, 1908.

Mr. Hogan.

GONVILLE AND CASTLECLIFF TRAMWAY DISTRICT.

[LOCAL BILL.]

ANALYSIS.

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A BILL INTITULED

AN ACT to facilitate the Construction, Administration, and Working Title.
of Tramways in and for the District of Gonville and Castle-
cliff.

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

Short Title.

1. This Act may be cited as the Gonville and Castlecliff Tramway District Act, 1908.

Tramway district constituted, and Governor may incorporate other boroughs, &c., with district.

2. (1.) The area of land comprised within the limits described in the Schedule hereto shall for the purposes of this Act be and be deemed to be a district to be called "The Gonville and Castlecliff Tramway District" (hereinafter referred to as "the said district"). 5

(2.) The Governor may from time to time, and upon the petition of the majority of the ratepayers of any borough, or town district, or road district, or county, or of any ward, or riding, or portion thereof respectively shall, by Order in Council direct that any such borough, town district, road district, or county, or ward, or riding, or such portion thereof respectively as the case may be, shall thenceforth be incorporated with and form a ~~portion~~ part of the said district; and upon such Order being gazetted, any borough, town district, road district, county, ward, or riding, or portion thereof respectively, so directed to be incorporated shall thenceforth be and be deemed to be incorporated with and form a ~~portion~~ part of the said district; and the Board, in relation to tramways within any borough, town district, road district, county, or ward, or riding, or portion thereof respectively, 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. 10 15 20

Tramway Board.

3. (1.) There shall be for the said district a Tramway Board (hereinafter referred to as "the Board"), which shall consist of nine members to be elected in manner hereinafter mentioned. 25

(2.) ~~Such~~ The Board shall be a body corporate under the name of "The Gonville and Castlecliff Tramway Board," with perpetual succession and a common seal.

(3.) The Board shall be a local authority within the meaning of the Tramways Act, 1894 1908, and the Local Bodies' Loans Act, 19048, and shall have and may exercise within the said district all ~~and each and every of~~ the powers conferred on a local authority by the said Acts respectively. 30

(4.) The said district shall be and be deemed to be "a district," and the Board's fund shall be deemed to be a "local fund," within the meaning of the Local Bodies' Loans Act, 19048. 35

Election of Board.

Election of Board and qualification of voters.

4. (1.) 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~~ members of the Board. 40

(2.) 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 incumbrance or not, and notwithstanding that any other person is the occupier thereof or any part thereof under any tenancy. 45 50

(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, town district, or road district, or county wholly or partly comprised within the said tramway district as being the occupier of lands which are within the said tramway district, and who is, in respect of being the occupier of such lands, entitled to vote at any election of members of the local authority for such city, borough, town district, road district, or county; 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, 1894-1908.

(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 subtenant, or as one of the several tenants or subtenants 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 subtenant or, as the case may be, for each of the several tenants or subtenants:

Provided that where any tenant or subtenant shall sublets 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 subtenant, as the case may be, in respect of any subtenancy created by him.

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

5. (1.) A roll, to be called "The Gonville and Castlecliff Tramway District Electoral Roll," shall, in each year in which a general election of members of the Board is to be held, be prepared in the prescribed manner and form for the said district, setting forth the name, description, and address or situation of property of ~~any~~ every person, ~~male or female~~, who possesses any of the foregoing qualifications.

Electoral roll.

(2.) 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 makes claim to be entered thereon.

(3.) 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.

6. The name of any person shall not appear more than once on the electoral roll of the said district:

Electors with more than one qualification.

Provided that any person having more than one qualification may, at any time during the triennial making and correcting, and before the completion and authentication of the electoral roll, or when his name is being placed upon a supplementary roll, but not afterwards, select the qualification in respect of which his name is to be entered; but if he shall *does* not so select, the Secretary of the Board, or other person charged with the preparation of the electors list, shall make such selection. 5

Objection to electoral roll.

7. (1.) Any person may, at and in the prescribed time, manner, and form, lodge with the Board an objection under his hand to the electoral roll on either of the following grounds:— 10

(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. 15

(2.) The Board shall forthwith after receipt of any such objection inquire into and dispose of the same. 20

Correction of roll.

8. (1.) The Board shall from time to time, whether upon any objection as aforesaid or of its own motion, amend the electoral roll for the said 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. 25

(2.) 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. 30

(3.) The functions conferred upon the Board by this section shall be exercised by the Secretary or other *authorised* officer of the Board when the Board is not actually sitting.

(4.) In particular, but without affecting the general operation of this section, the Board shall hold a sitting in each year in which a general election of members of the Board shall be *is to be* held, on some day in the month preceding the month in which such election is to be held, of which sitting 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. 45

Appeal by person aggrieved.

9. (1.) Any person aggrieved with any decision or act of the Board or the Secretary 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. 50

(2.) All such alterations and additions shall be made by the Secretary or other authorised person as aforesaid and initialled by the Stipendiary Magistrate.

(3.) All additions required to be made after the completion of the said roll shall be made on supplementary electoral rolls, which shall be corrected, completed, and authenticated in the same manner as in the case of the electoral roll, and thereupon shall become supplementary electoral rolls and shall form parts of the electoral roll.

10 10. (1.) The 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. Roll closed fourteen days before election.

(2.) Except pursuant to appeal under the *last preceding* 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 electoral roll for the district whilst it is closed as aforesaid.

15 11. (1.) Every person whose name appears on the electoral roll for the time being in force for the said district shall be an elector for the purposes of this Act, and shall be entitled, subject to the provisions of this Act, to vote— Electors.

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

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

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

(2.) 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 or poll of ratepayers shall be a majority of the valid votes cast at the poll.

30 12. (1.) 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 Local Elections *and Polls* Act, 19048, which is ~~and shall be deemed to be incorporated herewith~~ *the provisions of which Act shall apply accordingly*: First election.

35 Provided ~~always that the majority required to determine any such election or poll shall in every case be a majority of the valid votes cast at the poll, and that all polls shall close at seven o'clock, in lieu of at six o'clock, in the afternoon of the day appointed.~~

(2.) 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~~ *is* appointed by the Board.

45 (3.) The Clerk for the time being of the Gonville Town Board shall form and prepare and sign the Gonville and Castlecliffe 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 Gonville and Castlecliffe Tramway District Electoral 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.

(4.) The Minister of Finance may issue and pay by way of advance out of the Consolidated Fund all expenses incurred in such first election, including the cost of preparing the electoral roll therefor and otherwise in bringing this Act into operation, and the amount of such advance shall be deemed to be a debt due to the Crown, and may be recovered from the Board accordingly, or deducted from any moneys at any time payable to the Board by the Government of the Dominion. 5

Fresh election every third year.

13. 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. 10

Casual vacancies in Board.

14. Whenever any casual vacancy shall occur in the Board, such vacancy shall be notified to the Board by the Secretary, 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, and the member so elected shall hold office until the next general election of the Board. 15

Retiring members may be re-elected.

15. 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 electoral roll. 20

Persons incapable of being members of Board.

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

(a.) Any person holding any office or place of profit under or in gift of the Board: 25

(b.) Any person concerned or participating (otherwise than as a shareholder in an incorporated company *other than a company registered under Part V of the Companies Act, 1908*, or in an association or partnership consisting of more than twenty persons) in any contract with or work to be done or the supply of goods for the Board, if the payment for such contract or work or supply exceeds ten pounds altogether in any year: 30

Provided that the leasing of land to or 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 paragraph: 35

(c.) Any person so described in ~~subsections three, four, five, and six paragraphs (c), (d), (e), and (f) of section fifty-one~~ *forty-two* of the Municipal Corporations Act, 1908. 40

Disqualified persons.

17. Any disqualified person who shall acts as a member of the Board shall be liable to a ~~penalty~~ *fine* not exceeding fifty pounds for each and every such act done by him whilst so disqualified, which ~~penalty~~ *fine* may be recovered, with costs of suit, in any Court of competent jurisdiction; and no person who shall be ~~is~~ or becomes disqualified shall be capable of recovering from the Board any sum in respect of work done, or 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. 50

18. 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, 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.

Chairman of Board.

Struck out.

19. The Board may from time to time vote and pay the Chairman of the Board a salary not exceeding the sum of fifty pounds per annum.

20. 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 or a committee of the whole 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:

Provided also that no member shall be entitled to be paid or to receive a greater sum than twelve pounds twelve shillings during any year of office.

Salary of Chairman.

Remuneration of members.

Committees, and Proceedings of Board and Committees.

21. The whole of Parts VII and VIII of the Municipal Corporations Act, 1908, as amended by the several amendments to such Act, 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.

Committees, &c.

Officers.

22. (1.) 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:

(2.) Provided that One person may, if the Board thinks fit, fill several offices.

Appointment of officers.

By-laws.

23. The Board may from time to time make, alter, and repeal by-laws for all such purposes as are expressly provided for by the Tramways Act, 1894 1908, or by this Act, and all such other by-laws as may in the opinion of the Board be reasonable, requisite, or necessary for the protection of its property and interests, or for the good government or management of its affairs.

Board may make and revoke by-laws.

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.

(a.) 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: 5

- (b.) They shall have the seal of the Board affixed thereto:
- (c.) They shall come into force on a day to be named therein or in a special order making the same, which shall not be earlier than fourteen clear days after the making of such order: 10
- (d.) They shall be published in the ~~New Zealand Government Gazette~~ within fourteen days after confirmation of the special order making the same. 15
- (e.) 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~~ *fine* not exceeding *five* pounds, or where the breach is a continuing one, then to a ~~penalty~~ *fine* not exceeding *ten* shillings for every day during which such offence continues. 20

(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. 25

(3.) The continued existence in a state contrary to any by-laws 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. 30

Validity of by-laws may be tested.

26. (1.) If any elector of the said district desires to question the validity of any by-law or part of a by-law made by the Board under this Act, and pays to the Registrar of the Supreme Court the sum of five pounds as security for the costs of proceedings herein after mentioned, it shall be lawful for such elector to apply to the Court or a Judge thereof for an order calling upon the Board to show cause why such by-law or part thereof should not be quashed or varied for some ground or grounds to be stated in such order. 35 40

(2.) Upon the hearing of the matter the Court or Judge may quash or amend the by-law, or make such order, with or without costs, as to the Court or Judge seems fit.

(3.) Nothing in this section shall be applicable to an elector being appellant from any conviction or order under any by-law under this Act. 45

Copies of by-laws to be on sale.

27. The Board shall cause printed copies of all by-laws to be kept at the office of the Board, and to be sold to any elector ~~or rate-payer~~ applying for the same at a reasonable charge.

Valuation Roll and Rating.

Property-roll.

28. For the purposes of rating, the Board shall cause a property-roll and rate-book for the said district to be compiled by copying 50

from the valuation rolls and rate-books respectively of the boroughs, town districts, road districts, and counties wholly or partly within the district all particulars therein contained as to all rateable property within the district, and the owners and occupiers thereof; **5** and if the same is not stated therein, by adding to such particulars of any valuation roll or rate-book, or part thereof, so copied a statement of the area of each property on such valuation roll or rate-book; and a copy of any valuation roll or rate-book, or part thereof, in force in any such borough, town district, road district, or county certified as **10** correct by the Mayor or Town Clerk of any such borough, or by the Chairman or Clerk of such Town Board, Road Board, or County Council, shall be conclusive so far as it extends, and shall be receivable as evidence in proof of the facts therein appearing.

29. The Board may, at its option and from time to time, either **15** make, levy, and collect its own rates in manner provided for the making and collection of rates by the Rating Act, 1894 1908, which for all 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 **20** local bodies *authorities* named in such special order, and it may exercise the option or options hereby given in different ways as to the several cities, boroughs, or road districts within the district.

30. When the Board ~~shall~~ by special order ~~have~~ *has* directed any rate to be levied, and ~~shall have~~ *has* fixed the amount of such rate **25** according to the provisions hereof, and ~~shall have~~ *has* determined that the same shall be collected by the said boroughs, town districts, road districts, or counties 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 **30** which it desires to make or collect such rates, whereupon the following duties shall arise and the following consequences shall ensue :—

(a.) Every such local authority shall proceed to make, levy, and collect such rates in the part of the district within its **35** jurisdiction as nearly as may be, and with such power, and the rates shall be payable by and recoverable from such persons, and in such manner in every respect as if the rates were levied by such local authority for its own purposes under the powers of rating then vested in them :

40 Provided that no limitation of the rating-powers of any local authority shall be deemed to affect any such rate.

(b.) Every such local authority shall be entitled to retain all reasonable costs and expenses incurred in and about the making, levying, collecting, and recovering the same, and reasonable remuneration for clerical and other work. **45**

(c.) 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~~ arises as to the amount so to be retained, or otherwise in relation thereto, **50** 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.

- (d.) Each such local authority 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~~ *authority* 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. 5

Contracts and Works.

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Contracts and works.

31. In respect of contracts and work authorised by this Act the Board may exercise all the powers and authorities conferred upon the Councils of ~~cities and~~ boroughs by Part ~~XX~~ XVIII of the Municipal Corporations Act, 1908 (~~as amended by the Municipal Corporations Amendment Act, 1906~~), which said Part ~~of the said Act~~ shall, *mutatis mutandis*, be read into and form part of this Act. 15

Powers of the Board.

Power to work
tramways.

32. Subject to the provisions of the Tramways Act, 1894 1908, 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 purpose 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, 1905. 20

Power to run drags.

33. The Board may also carry passengers and goods for hire on any public roads within or without the district in vehicles drawn or propelled by horse, animal power, or mechanical traction of any kind not being carriages with flange wheels for running on tramrails. 25

Struck out.

Board's liability as
common carrier
limited.

34. In respect of passengers carried on any tramway or in any vehicle belonging to or under the control of the Board, or carried by the Board under the provisions of the *last preceding* section, the Board shall have the same liability, obligations, rights, and protection as in the case of common carriers of passengers : 30
- Provided nevertheless as follows, that is to say,— 35
- (a.) Every claim or demand for damages in respect of loss of life or injury to the person (whether in the case of a passenger or not) caused by any default, negligence, or wrongful act of the Board, or any person employed by the Board, shall be enforced against the Board as provided in this section and not otherwise, and the maximum sum recoverable in each action shall in no case exceed two thousand pounds. 40
- (b.) No such action shall be maintained unless it is commenced within six months after the cause of action arose, or unless at least one month before the action is commenced the plaintiff gives notice in writing to the Board, stating the cause of action, the Court in which the action is to be brought, the amount claimed, and the full name and address of the plaintiff. 45 50

Struck out.

(c.) In any such action the Board may plead a general denial, and may also without notice give any special matter in defence at the trial:

5 Provided that nothing herein contained shall be deemed to prevent the judge adjourning the case at his discretion.

10 (d.) The Board may make special arrangements with any person or any public or private company, or with any Government Department, for insuring the Board against all or any of its liabilities under this section.

15 35. All 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 boroughs, town districts, road districts, or counties, or any or either of them, in relation to tramways within the said district, or the authorising, constructing, maintaining, working, leasing, ordering, governing, or controlling tramways or persons or things in relation to tramways within the said district respectively, shall now and henceforth vest in and be

20 exercisable only by the said Board throughout the said district:
 Provided that, subject to the provisions of the Tramway Act, 1896 1908, and with the consent of the electors of the Borough of Wanganui, to be ascertained in manner prescribed by ~~clauses twelve and thirteen of the regulations contained in Part I of the Second Schedule~~ to the Tramways Act, 1894 1908, it shall be lawful for the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Wanganui to accept from the Board a demise of the undertaking of the Board on the terms and subject to the conditions contained in clause twenty-five of the said ~~regulations~~ *Second Schedule*.

30 36. 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 purposes 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 shall

35 have full power and capacity to ~~purchase,~~ take or otherwise acquire, ~~hold, manage, buy, and to sell, rent,~~ lease, and deal with lands and hereditaments ~~within or without the district~~ of any tenure, and all classes of personal property (~~including therein the acquisition, holding, management, leasing, and otherwise dealing with endowments~~), and

40 with full power to make all kinds of contracts connected with or incident to the carrying-out of the objects of this Act.

 37. The Board shall pay the costs, charges, and expenses of preparing, promoting, and passing this Act.

*General Rates.**Struck out.*

45 38. The Board may from time to time, as it thinks fit, make and levy a general rate on all rateable property within the district according to the area thereof (and irrespective of value) as appearing in the rate-book compiled as hereinbefore provided, and not exceeding

50 in any one year five shillings per rood or portion thereof.

New clause.

 38. The Board may from time to time, as it thinks fit, make and levy a general rate, not exceeding in any one year *six farthings* in the pound on the capital value thereof, ~~as defined in the Rating Act, 1908.~~ of all rateable property in the district.

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

Powers to acquire land, &c.

Cost of preparation of Act, &c.

General rate.

Annual estimates.

39. 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 purposes, the additional sum required, the total area of the property on the property-roll compiled as aforesaid, and the general rate thereon necessary to raise the money required; and such estimates, being approved by the Board, shall be publicly notified in the district one week before making the proposed rate. 5

Power of Board when using electricity as a motive power.

40. 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 clause eighteen of the Second Schedule to the Tramways Act, 1894 1908, do any of the following things:— 10

(a.) May do all or any of the things in the said section clause eighteen specified without as well as within the said district: 15

(b.) 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 said section clause mentioned in or over the land of any person or Corporation, or, with the permission of the Minister for of Public Works, in or over any Crown lands: 20

Provided that such compensation shall be assessed in manner provided by the Public Works Act, 19058.

Special loan proposals.

41. Section twelve of the Local Bodies' Loans Act, 19048, shall not apply to any special loan proposed to be raised by the Board, and in lieu thereof the following provisions shall apply to every special loan proposed to be raised by the Board under the powers contained in the said Act. The proposal to borrow such money shall be deemed to be carried if the total number of valid votes recorded at the poll in favour of the proposal shall exceeds in-number those recorded against the same, and the Board may proceed with the proposal accordingly, otherwise the proposal shall be deemed to be rejected. 25 30

Struck out.

Power to levy special rate.

42. (1.) 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 the power, notwithstanding the provisions of any existing or future general Act, by special order or orders, to make and levy a special rate or special rates upon all lands and other rateable property within the said district according to area, and irrespective of the annual rateable value thereof, or of the capital value thereof, as the Board shall from time to time determine. 35 40

42. (2.) It shall be lawful for the Board, in any year, notwithstanding the provisions of section ~~five~~ eighteen of the Local Bodies' Loans Amendment Act, 19028, to pay the interest on and sinking fund of any such loan out of its ordinary or general revenue, and in such case it shall be 45

Struck out.

necessary to levy such special rate, and every such loan and the amount of every debenture and coupon representing the same shall be a debt of the Board. 50

43. There shall be created a sinking fund of ~~ten shillings one~~ pound per centum per annum for the redemption of each and every loan raised under this Act.

Sinking fund.

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.

Judge not deemed interested on account of liability for rates.

45. No objection shall be allowed in any Court to any rate which the Board or a Receiver shall purports to ~~strike~~, make, or levy under the provisions of this Act, or which ~~shall or may~~ forms the security for the debentures or coupons issued thereunder, 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.

Objection to rate struck not allowed as defence.

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.

Overdraft.

(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 pounds 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.

Limitation.

47. During the first year's currency of any loan raised under this Act, ~~or~~ whilst any work for which such loan has been ~~or shall hereafter~~ be raised is being constructed, interest upon such loan may be paid out of the loan-money; and it shall not be necessary during that period to set aside the sinking fund.

Payment of interest out of loan-money.

35 *Struck out.*

Provided that in no case shall more than three years' interest be so paid out of any such loan.

Accounts and Audit.

Struck out.

40 48. (2.) The provisions contained in Part XV XIII 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.

45 Provided always that the following clause shall apply in lieu of section one hundred and sixty-four of such Act :—

48. (1.) The Board shall keep the following accounts :—

(a.) A Revenue Account, showing all receipts and expenditure not required by this Act to be shown in any special account, and showing the profit and loss of the undertaking, exclusive of interest, sinking fund, special and general rates :

50 (b.) A Net Revenue Account, showing the balance of the Revenue Account, and showing interest, sinking funds, special and general rates :

- (c.) An Appropriation Account, showing the balance of the Net Revenue Account, and the disposition of the same :
- (d.) A Balance-sheet, showing assets and liabilities, including loan-moneys and sinking fund :
- (e.) Separate accounts of all the moneys raised or levied for or apportioned or allocated to or held in trust for any special purpose. 5

New subclause.

(2.) The provisions contained in Part XIII of the Municipal Corporations Act, 1908, relating to accounts and audit, shall apply, and, *mutatis mutandis*, shall be read into and form part of this Act. 10

Board's Fund.

Particulars of fund. 49. The Board's fund shall consist of the following moneys, that is to say :— 15

- (a.) 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 :
- (b.) All rates made and levied by the Board under this or any other Act : 20
- (c.) All rents, income, and profits from property or operations of the Board :
- (d.) All fines, penalties, and forfeitures recovered under the provisions of this Act or any by-law made under this Act for any offence committed within the district, except so much thereof as may by law be payable to any prosecutor or informer : 25
- (e.) All moneys received by way of loan as provided in this Act :
- (f.) All other moneys which may become the property of the Board. 30

Money to be paid into bank.

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 to separate account.

51. Capital moneys in connection with special loans shall be paid into separate bank accounts. 35

How moneys drawn from bank.

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 secretary of the Board and countersigned by any two of such members of the Board as the Board from time to time authorises to sign cheques, and shall not be paid otherwise. 40

Struck out.

Moneys not to be paid by promissory-note.

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. 45

Miscellaneous.

Miscellaneous provisions.

54. The provisions of sections numbered ~~four hundred and~~

Struck out.

~~twenty-five, four hundred and twenty-six, four hundred and twenty-seven, four hundred and twenty-eight, and four hundred and thirty~~ 50

seventy-seven, one hundred and fourteen, three hundred and sixty-six to three hundred and sixty-nine, and three hundred and seventy-one of the Municipal Corporations Act, 19008, shall apply, and, *mutatis mutandis*, shall be read into and form part of this Act.

SCHEDULE.

Schedule.

1. ALL that area in the Wellington Land District, containing approximately 1,400 acres, more or less: bounded by a line commencing at the south-east corner of Lot 1, Ngaio Range Township; thence along the west side of the Town Belt Road to the north side of Alma Road; thence to the east corner of Lot 14, Smithfield Township; thence in a north-westerly direction to the north boundary of Lot 1, Smithfield Township; thence by that boundary to the eastern boundary of Lot 6; thence to the eastern boundary of Lot 3; thence along the eastern and northern boundary of that Lot to its north-western corner; thence across Manuka Street to the south-eastern corner of Section 106, Tawhero Township; thence in a north-easterly direction along the western side of Manuka Street to the south side of Konini Street; thence to the north-western corner of Lot 95, Tawhero Township; thence on a bearing of 273° 15', 3050 links, 258° 15', 4440 links, 287°, 9900 links, and 235° 23' to the sea, and along the sea-shore to the ~~north~~ production of the north-western side of Carson Street, and by that ~~street~~ production and the north-western side of Carson Street to the south corner of Lot 43, Castlecliff; thence to the south corner of Lot 47; thence to the east corner of Lot 48, to the east north-east side of Thatcher Street; thence along that street to Jackson Street, and by the north north-west side of Jackson Street to the north-east side of Ballance Street, and by the said street to Cross Street, and by Cross Street to the south corner of Section 95; thence by Duthie Street to the south corner of Section 101; thence in a north-easterly direction to the north-west corner of Lot 79, Inilay Township; thence along the north boundary of said Lot 79 to Mosstown Road, and across Mosstown Road to the south-west corner of Lot 9; thence along the north side of Puiriri Street to the south-west corner of Lot 134; thence in a south-easterly direction to the north-west corner of Lot 101, Balgownie Township; thence along the north boundary of that section ~~of~~ to its north-eastern corner; thence by a line to the north-western corner of ~~Lot 47, Balgownie Extension No. 2 Township; thence in an easterly direction along the north boundary of that township to King's Avenue~~ the land delineated in Land Transfer Plan No. A2416; thence along the northern boundary of the land shown on that plan to King's Avenue; thence to the south-west corner of Lot 50, Gonville Township; thence along the south-eastern boundaries of Lots 50 and 49 to the south west side of Caius Avenue; thence along the ~~south~~ south-west side of Caius Avenue for 12 chains; thence across Caius Avenue to the south-eastern corner of Lot 67, Gonville Township; thence along the south-eastern and north-eastern boundaries of Lot 67 to the south corner of Lot 35, and by the south-eastern boundary of Section 35 to Gonville Avenue; thence in a south-easterly direction 4 chains along the south side of Gonville Avenue; thence across Gonville Avenue to the south corner of Lot 32, Ngaio Range Extension Township; thence in a north-easterly direction along the southern boundary of the said township to the south corner of Lot 1, Ngaio Range Extension Township; thence along the south boundary of Ngaio Range Township to the starting-point.

2. All that area in the Wellington Land District, containing approximately 12 acres: bounded by a line commencing at the north corner of Carlton Township, running thence along the ~~south~~ south-western side of the Town Belt Road to the eastern corner of Lot 18; thence along the north side of the River Bank Road for 20 chains; thence in a north-westerly direction to Heads Railway line, and by that line to Carlton Township, and by the north-western boundary of that township to the starting-point.