[AS REPORTED BY THE LOCAL BILLS COMMITTEE.]

House of Representatives, 30th September, 1908.

Mr. Wilford.

HUTT VALLEY TRAMWAY DISTRICT.

[LOCAL BILL.]

ANALYSIS.

Title.

1. Short Title.
2. Definitions.

Tramway District.

3. Tramway district.
4. Governor by Proclamation may enlarge district.

Tramway Board.

5. Tramway Board.

First Election of Board.

6. Governor provides for first election.

Subsequent Elections of Board.

7. Electors list and qualification.
8. Electoral roll.
9. Elector with more than one qualification.
10. Objections to electoral roll.
11. Correction of roll.
12. Appeal by person aggrieved.
13. Roll closes fourteen days before elections.
14. Electors.
15. Election or poll determined by majority of votes.
16. Elections of members of Board subsequent to second election.
17. Resignation and other vacancies.
18. Filling up vacancies.
19. Vacancies not to invalidate acts of Board.
20. Retiring members may be re-elected.
21. New election on failure to elect.
22. Polling-booths.
23. Persons incapable of being members of Board.
24. Penalty for acting when disqualified.
25. Stipendiary Magistrate may issue summons for ouster of office against member or Chairman.
26. On hearing summons Stipendiary Magistrate may adjudge member or Chairman to be ousted.
27. In such proceedings Stipendiary Magistrate may exercise power as in civil cases.
28. Before whom affidavits sworn.
29. Questions under this part of Act cannot be tried in Supreme Court.
30. Chairman of Board.
31. Salary of Chairman.
32. Members' remuneration.
33. Application of preceding sections to first election of members.

Committees, and Proceedings of Board and Committees.

34. Committees, &c.

Officers.

35. Appointment, discharge, and payment of officers.

By-laws.

36. Board may make and revoke by-laws.
37. Manner in which by-laws shall be made.
38. Penalty for breach of by-laws.
39. Validity of by-law may be tested.
40. Copies of by-laws to be on sale.

Valuation Roll and Rating.

41. Valuation roll.
42. Tenant may recover rate against landlord in certain cases.
43. Collection of rates.

Betterment Clauses.

44. Provisions for assessment of charge on property benefiting by improvement, and for redemption of charge.

Contracts and Works.

45. Contracts and works.

Powers of Board.

46. Power to work tramways.
47. Board may make agreement for removal of rubbish.
48. Board may erect destructor.
49. Board may dispose of refuse, &c.
50. Power to sell electricity and run drags, &c.
51. Board's liability as common carrier limited.
52. Powers of local authorities relating to tramways to vest in Board.
53. Power to acquire land.
54. Power to take land for recreation-ground and to manage and deal with same.
55. Costs of preparing, promoting, and passing Act.
56. Powers to Board when using electricity as a motive power.
57. Power to agree with parties for extension of tram service.
58. Power to delegate and assign powers.

General Rates.

59. General rates.
60. Board to have powers under Rating on Unimproved Value Act.
61. Annual estimates.
62. Objection to rate struck not allowed as defence.

Borrowing.

63. Power to borrow for the purposes of this Act.
64. Special loan proposal.
65. Special rate.
66. Sinking fund.
67. Exemptions from stamp duty.
68. Judge or Magistrate not deemed interested on account of liability for rates.
69. Overdraft. Limitation.
70. No loan proposal to be submitted till lands scheduled for improvement charge.
71. But lands so scheduled will not necessarily be charged.
72. Provision where interest may be paid out of loan-money.

Accounts and Audit.

73. Accounts and audit.

Board's Fund.

74. Particulars of fund.
75. Fines, &c., to be paid to Board.
76. When fines, &c., collected in stamps, provision for paying to Board.
77. Moneys to be paid into bank.
78. Moneys to be paid to separate account.
79. How moneys drawn from bank.
80. Moneys not to be paid by promissory note or bill.

Miscellaneous.

81. Municipal Corporations Act sections adopted.
82. Lamps to be provided at terminus of line or of any branch.
83. One per cent. of general rate, or minimum sum, may be applied to certain purposes.
84. Board may insure against liability for accident to employees.
85. Acts incorporated.
86. If the Board does not establish its scheme in three years, then powers to vest in Borough Councils.
87. Powers then to vest as if assigned under Tramways Act.
88. Questions under sections 86 and 87 to be decided by Stipendary Magistrate.
89. Appointment of powers between Borough Council under last preceding sections.

Schedule.

A BILL INTITULED

Title.

AN ACT to facilitate the Construction, Administration, and Working of Tramways in and for the Boroughs of the Lower Hutt and Petone and Portions of the Hutt County.

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 Hutt Valley Tramway District Act, 1908.

Definitions.

2. In this Act—

"Prescribed" means prescribed by this Act or any Act incorporated herein or by any by-laws made under this Act:

"The Magistrate's Court" means the Magistrate's Court which ~~shall be~~ *is* nearest to the place where the Board usually holds its meetings:

"~~The Stipendiary~~ Magistrate" means the ~~Stipendiary~~ Magistrate holding such Magistrate's Court as aforesaid.

Tramway District.

Tramway district.

3. The ~~area of land comprised within the limits described in the Schedule hereto, including the~~ Boroughs of Petone and ~~the~~ Lower Hutt and such portions of the Hutt County as are ~~therein included,~~ *described in the Schedule hereto* shall for the purposes of this Act be and be deemed to be one district, to be called "the Hutt Valley Tramway District" (hereinafter referred to as "the ~~said~~ district").

Governor by Proclamation may enlarge district.

4. (1.) The Governor may, if he thinks fit, by Proclamation from time to time, with the consent of the Board, enlarge the ~~said~~ district, subject to the following conditions:—

(*a.*) That a petition be presented to the Governor, signed by not less than one-half in number of the ratepayers in the ~~said~~ district, praying the Governor to enlarge the same; or

(*b.*) That a petition be presented to the Governor, signed by not less than one-half in number of the ratepayers in the district proposed to be added to the ~~said~~ district, praying the Governor to enlarge the same; and

(*c.*) That any such petition describe the boundaries and area of the proposed enlargement; and

(*d.*) That any such petition be publicly notified not less than one month before presentation.

(2.) The Governor may cause inquiry to be made in such manner as he ~~shall~~ thinks fit into the subject-matter of any such petition, and may enlarge and alter the proposed boundaries of the ~~said~~ district, and proclaim the same in its amended form.

(3.) If the ~~said~~ district ~~shall be~~ *is* enlarged under this section, the Governor, if he ~~shall~~ thinks fit and the petition ~~shall~~ so prays, may also, in the Proclamation making the alteration, increase the number of the members of the Board so as to add not more than one member thereto, and may do all things requisite for the conduct of any election which may be held subsequent to any such alteration.

(4.) The publication in the *Gazette* of any Proclamation altering the said district shall be conclusive evidence that all the requirements of this Act in respect of proceedings required to be taken preliminary to the making of such Proclamation have been complied with.

(5.) From and after the publication as aforesaid of any such Proclamation the enlarged district the subject thereof shall be deemed to be the district constituted under this Act, and all the provisions of this Act shall apply thereto as if the same had been the district originally created by this Act, and the expression "the ~~said~~ district" shall include as well the district constituted by this Act as the enlarged district constituted under any such Proclamation as aforesaid.

Tramway Board.

Tramway Board.

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

(2.) The members of the Board shall be elected by the electors on the electoral roll (hereinafter described) for the ~~said~~ district. Such Board shall be a body corporate under the name of the "Hutt Valley Tramway Board," with perpetual succession and a common seal.

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~~(3.) The said district shall be and be deemed to be "a district," and the Board's funds shall be a "local fund," within the meaning of the Local Bodies' Loans Act, 1901.~~

(4.) Every ratepayer in the ~~said~~ district, except as hereinafter provided, shall be qualified to be a member of the Board.

First Election of Board.

Governor provides for first election.

6. (1.) The Governor shall immediately upon the coming into operation of this Act by Proclamation appoint a day for the election of the first members of the Board and fix the time and place for its first meeting, and shall appoint such Returning-Officer and make such other appointments as may be necessary, and generally do all things necessary in or towards the carrying-out of such election.

(2.) For the purposes of the election of the first members of the Board every ~~person who immediately before the date of such Proclamation~~

~~was entitled to vote at an election~~ *elector* of the said boroughs ~~or~~ *and* ~~for~~ *of* so much of the Hutt County as is included in the ~~said~~ district shall be entitled to vote at such first election.

(3.) Such person as the Governor may appoint shall, for the purposes only of such first election, make a roll of electors for the said district by placing thereon the names of all persons entitled to vote as aforesaid, and in so doing he shall have regard as much as possible to the provisions of this Act as to subsequent elections thereunder of members of the Board, and in any case where a property lies partly within and partly without the ~~said~~ district may apply to the Minister of Internal Affairs to be furnished with an assessment of such first-mentioned part of such property to enable him to complete such roll.

Subsequent Elections of Board

Electors list and qualification.

7. (~~1.~~) The Secretary of the Board, or some other person appointed by the Board for the purpose, shall, on or before the first Tuesday of February in each year in which an election of members of the Board subsequent to the election of the first members as aforesaid is to be held, make out in the prescribed manner and form a list (to be called "the electors list") for the ~~said~~ district, setting forth the name, occupation, and address, or the situation of the property, of every person, male or female, of the full age of twenty-one years who ~~possesses any one of the following qualifications, i.e.:—~~ *if the district were a borough would be an elector within the meaning of the Municipal Corporations Act, 1908.*

New clause.

Certain provisions of Municipal Corporations applied.

7A. The provisions of sections six to sixteen of the last-mentioned Act shall, *mutatis mutandis*, apply as if the district were an undivided borough.

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~~(*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, notwithstanding that any other person is the occupier thereof or any part thereof under any tenancy.~~

~~(*b.*) A rating qualification, meaning thereby that he is a person whose name appears in the valuation roll for the boroughs and portions of the county comprised within the boundaries of the said district.~~

~~(*c.*) A residential qualification, meaning thereby that he is and 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 said 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 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~~

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rent payable to such tenant or subtenant, as the case may be, in respect of any subtenancy created by him.

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

(3.) It shall be the duty of the Secretary of the Board, or other person charged with the making-out of the electors list, to enter thereon the name of every person who to his knowledge possesses any qualification entitling him to be entered thereon, or who being so entitled shall in the prescribed form make claim to be entered thereon.

Electoral roll.

8. The electors list referred to in the *last preceding* section 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.

Elector with more than one qualification.

9. The name of any person shall not appear more than once on the electors list or the electoral roll of the said district:

Provided that any person having more than one qualification in the said district may at any time during the biennial making and correcting, and before the completing and authentification 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 not so select, the Secretary of the Board, or other person charged with the preparation of the electors list, shall make such selection.

Objections to electoral roll.

10. (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:—

(*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.

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

Correction of roll.

11. (1.) The Board shall from time to time, whether upon any objection as aforesaid or upon 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.

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

(3.) The functions conferred upon the Board by this section shall be exercised by the Secretary or other 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 on one of the last seven days in the month of April in each year, in which an election of members of the Board shall be held, and of which due notice shall be

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given in three consecutive issues of a newspaper circulating in the said district; and at that sitting, or any adjournment thereof, shall amend the said 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.

Appeal by person aggrieved.

12. (1.) Any person aggrieved by any decision or act of the Board, or the Secretary or other authorised person as aforesaid, touching the electoral roll for the said district 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.

(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.

Roll closes fourteen days before elections.

13. (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.

(2.) 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 electoral roll for the said district whilst it is closed as aforesaid.

Electors.

14. 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—

(*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:

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

Election or poll determined by majority of votes.

15. (1.) 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.

15. (~~2.~~) All elections (~~including the election of first members of the Board~~) and all polls on proposals other than ~~elections~~ *proposals for a loan* shall be conducted in accordance with the provisions of the Local Elections *and Polls* Act, 1948, and for the purposes of any such election the Magistrate's Court in that Act referred to shall be the Magistrate's Court herein defined~~, notwithstanding anything in that Act contained~~:

Provided 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.

Elections of members of Board subsequent to second election.

16. (1.) The first members of the Board so elected as aforesaid shall hold office until the next election of members of the Board as provided for hereafter.

(2.) On the last Tuesday in the month of June in the year nineteen hundred and eleven, and on the same day in such month in every second year thereafter, one-half of the members of the Board shall go out of office.

(3.) The order in which the one-half of the members shall go out of office in the year nineteen hundred and eleven shall be determined by the number of votes obtained at the first election of members of the Board; those members who obtained the smallest number of votes at such first election shall be the members to go out of office in that year.

(4.) The members to go out of office in any subsequent second year shall be those who have been longest in office. So long as the Board consists of an odd number of members the half to go out of office in the year nineteen hundred and eleven shall be the half of an even number next above such odd number, and, in every subsequent second year in which the number is odd, alternately the half of an even number next below and next above such odd number.

Resignation and other vacancies.

17. Any member of the Board may resign his office by writing under his hand addressed to the Chairman or the Clerk, and in such case, or in case of his death, incapacity, or ouster from office, or if he absents himself without leave of the Board from four consecutive meetings thereof, his office shall be vacant, and such vacancy shall be deemed an extraordinary vacancy.

Filling up vacancies.

18. Whenever an extraordinary vacancy ~~shall~~ occurs 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 an extraordinary vacancy who is not a ratepayer in the ~~said~~ district, and the member so elected shall hold office until the next election of members of the Board, when he shall be one of the members to go out of office under the provisions of this Act.

Vacancies not to invalidate acts of Board.

19. During any vacancy ~~or vacancies~~ in the Board the continuing members thereof shall have power to act in all respects as if such vacancy ~~or vacancies~~ had not occurred, and no act of the Board shall be invalid by reason only of the existence of any such vacancy ~~or vacancies~~.

Retiring members may be re-elected.

20. Every member of the Board shall come into office on the day of his nomination by the Board or his election, as the case may be, and shall cease to hold office on the day his successor comes into office. Any member who ceases to be such member may immediately or at any time thereafter be re-elected a member if not otherwise disqualified.

New election on failure to elect.

21. Whenever there is a failure from any cause whatever to elect a member or members of the Board at any election, then a new election shall be held as provided by the Local Elections *and Polls* Act, 1904*8*.

Polling-booths.

22. Notwithstanding anything ~~contained~~ in any Act incorporated herein, at any election of members of the Board there shall be one polling-booth in each of the said boroughs, one in the City of Wellington, and if the ~~said~~ district ~~shall be~~ *is* enlarged under the

powers given in this Act, then also one polling-booth in any portion added to the ~~said~~ district; but in no case shall there be more than four polling-booths after the ~~said~~ district ~~shall have~~ *has* been enlarged as aforesaid.

Persons incapable of being members of Board.

23. 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:

(*b.*) Any person concerned or participating (otherwise than as a shareholder in an incorporated company *not being a private 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:

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:

(*c.*) Any person as 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~~8~~:

(*d.*) Any person who is not a ratepayer ~~in~~ *of* the ~~said~~ district.

Penalty for acting when disqualified.

24. (1.) Any disqualified person who ~~shall~~ acts as a member of the Board ~~shall be~~ *is* liable to a ~~penalty~~ *fine* 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 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.

(2.) In any suit for the recovery of such ~~penalty~~ *fine* the burden of proving his qualification shall lie upon the person against whom such proceeding is taken.

New clause.

Certain provisions of Municipal Corporations applied.

24A. The provisions of Part VIII of the Municipal Corporations Act, 1908, relating to ouster of office shall, *mutatis mutandis*, apply to members of the Board.

Struck out.

Stipendiary Magistrate may issue summons for ouster of office against member or Chairman.

25. Upon *prima facie* proof by affidavit or otherwise that the Chairman, Deputy Chairman, or any member of the Board is or has become incapable under the provisions of this Act of holding his office, the Stipendiary Magistrate may grant a summons calling upon the person holding such office to show cause, on a day and at an hour to be stated in the summons, why he should not be adjudged to be ousted of the same.

On hearing summons Stipendiary Magistrate may adjudge member or Chairman to be ousted.

26. If upon the return of such summons it appears to such Stipendiary Magistrate, upon affidavit or oral evidence upon oath, that such person is incapable under the provisions of this Act of holding the said office, such Stipendiary Magistrate may adjudge

Struck out.

such person to be ousted of the same, and such person shall be ousted of such office accordingly.

27. In any such proceeding the Stipendiary Magistrate may exercise all the powers which he may exercise in his ordinary jurisdiction in civil cases.

In such proceeding Stipendiary Magistrate may exercise power as in civil cases.

28. Any affidavit used or made in any proceedings under this part of this Act may be sworn before any person authorised to take affidavits in the Supreme Court, and shall be absolutely privileged in respect of any statements therein reflecting upon the character of any person.

Before whom affidavits sworn.

29. No questions which may be tried under the provisions of this part of this Act shall be tried in the Supreme Court, and no proceedings in the Magistrate's Court hereunder shall be removable into the Supreme Court by *certiorari* or otherwise, but this provision shall not affect proceedings to recover penalties under section twenty-*four* hereof.

Questions under this part of Act cannot be tried in Supreme Court.

30. A member of the Board shall, in and for each year, be elected by the Board as its Chairman, and there shall also be a Deputy Chairman elected 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 or Deputy Chairman, as the case may be, has been appointed.

Chairman of Board.

Struck out.

31. 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; but no remuneration shall be paid to any Deputy Chairman further than such as he may be entitled to as a member of the Board.

Salary of Chairman.

32. The Board may from time to time vote and pay to each member of the Board, exclusive of the Chairman, but including the Deputy 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:

Members' remuneration.

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 fifty-four pounds twelve shillings during any year of office.

New clause.

32A. No member of a Board shall be paid any remuneration for his services as such member or in respect of his attendance at any meeting of the Board, but he may be paid the amount of the expenses actually incurred by him in travelling to or from any such meeting or while engaged on the business of the Board when authorised by the Board.

Travelling-expenses of members.

Application of preceding sections to first election of members.

33. ~~The sixteen preceding~~ Sections~~, numbers~~ *seventeen* to *thirty-two*~~, shall~~ *hereof* apply as well to the Board firstly elected as aforesaid as to any Board subsequently elected, and to the members of such Boards respectively.

Committees, and Proceedings of Board and Committees.

Committees, &c.

34. The whole of Parts ~~VII~~ and ~~VIII~~ of the Municipal Corporations Act, 19008, 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 as if the Board were a *Borough* Council ~~under those parts of the Municipal Corporations Act.~~

Officers.

Appointment, discharge, and payment of officers.

35. (1.) The Board may from time to time appoint and employ such Returning Officers, engineers, secretaries, clerks, and other officers, servants, and workmen to assist in the execution of this Act as ~~they shall~~ *it* think*s* proper and necessary, and from time to time remove any such and appoint others in the room of such as ~~shall be~~ *are* so removed, or as ~~may~~ die, resign, or discontinue in office, and may out of the Board's fund pay such salaries and allowances to the said officers and others as aforesaid respectively as the Board ~~shall~~ think*s* reasonable.

(2.) One person may hold two or more offices under the Board.

By-laws.

Board may make and revoke by-laws.

36. 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 or any Act incorporated herein, and all such other by-laws as ~~may~~ in the opinion of the Board ~~be~~ *are* reasonable, requisite, or necessary for the protection of its property and interests, or for the good government or management of its affairs.

Manner in which by-laws shall be made.

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

(*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 ~~said~~ district which shall be specified in the notifications, 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:

(*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 the special order making the same, which shall not be earlier than fourteen clear days after the making of such order:

(*d.*) They shall be published in the ~~New Zealand Government~~ *Gazette* within fourteen days after confirmation of the special order:

(*e.*) They may within three months after such publication be disallowed by the Governor.

Penalty for breach of by-laws.

38. (1.) Every person ~~guilty of~~ *who commits* a breach of any by-law made under this Act ~~shall be~~ *is* liable to a ~~penalty~~ *fine* not ex-

ceeding *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.

(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.

Validity of by-law may be tested.

39. (1.) If any elector of the ~~said~~ district ~~shall~~ desires to question the validity of any by-law or part of a by-law made by the Board under this Act, and ~~shall~~ pays to the Registrar of the Supreme Court at Wellington the sum of five pounds as security for the costs of proceedings hereinafter mentioned, it shall be lawful for such elector to apply to the Supreme 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, upon such ground or grounds to be stated in such order.

(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 ~~shall seem~~ *thinks* 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.

Copies of by-laws to be on sale.

40. 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 ratepayer~~ applying for the same at a reasonable charge.

Valuation Roll and Rating.

Valuation roll.

41. For the purpose of making rates the Valuer-General shall on request furnish to the Board an assessment roll made under the ~~Government~~ Valuation of Land Act, ~~1896, and its amendments~~ *1908*, of all property within the said district, and such rolls shall be the only valuation upon which rates may be levied under this Act for the purposes thereof.

Tenant may recover rate against landlord in certain cases.

42. When at the time appointed for the payment of any rate the term for which any tenant or occupier liable to pay such rate ~~shall~~ *is* then ~~be~~ entitled to occupy the property rated ~~shall be~~ *is* less than five years, computed from the time so appointed for payment, or if the tenancy ~~shall have~~ *has* then determined, such tenant or occupier shall, notwithstanding any contract to the contrary as between himself and his immediate landlord, be entitled to deduct and retain out of the rent payable by him, or recover from his landlord in case such rent ~~shall~~ *is* not ~~be~~ sufficient for the purpose, the amount of such rate paid by him; but if such tenant or occupier ~~shall have~~ *has* the power or right to purchase the property rented the rate paid shall not be so recovered.

Collection of rates.

43. The Board shall make, levy, and collect its own rates in manner provided for the making and collection of rates by the Rating Act, ~~1894, and its amendments,~~ *1908*, and proceedings may be taken for the recovery of the rates under ~~those~~ *that* Acts.

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Betterment.

Provisions for assessment of charges on property benefiting by improvement, and for redemption of charge.

44. And whereas the works described in and authorised by this Act (in this section referred to as "the improvement") will be effected out of public funds charged over the whole of the district, and will or may substantially and permanently increase in value lands in the neighbourhood of the improvement which will not be acquired for the purposes thereof, and it is reasonable that provision should be made under which in respect of or in consideration of such increased value a charge should be placed on such lands: Therefore the following provisions shall have effect, provided that the same shall not be put into force unless the Board by resolution, within five years after the passing of the Act, determined so to do:—

(*a.*) All lands within the said district not purchased and taken by the Board under the powers of this Act shall be liable to have an improvement charge placed on such lands or some of them (in accordance with the provisions hereinafter set forth) in respect or in consideration of any substantial and permanent increase in value which is clearly shown to be derived from the improvement.

(*b.*) If after the expiration of twelve months from the completion of the improvement it shall be found that no profit has been made by the Board, then and in such case, but not otherwise, it shall be lawful for the Board, but not sooner than twelve months nor later than five years after the issue by them of a certificate under the seal of the Board of the completion of the improvement, to cause to be framed an assessment describing the lands situate within the said district which the Board allege ought to bear and pay the said improvement charge, and such certificate, and a similar certificate as to no profits, shall for the purpose of this section be conclusive evidence respectively of the completion of the improvement and of the fact that no profits have been made as aforesaid, and the Board shall in such assessment state and specify—

(i.) The names of the owners, lessees, and occupiers of the lands described in the said assessment respectively, so far as they can be ascertained:

(ii.) The amount by way of charge which the Board allege ought to be charged upon such land respectively.

The assessment shall contain a statement of the amount which the Board allege is the enchanced market value derived by the lands respectively from the improvement.

(*c.*) For the purpose of framing the assessment mentioned in the *last preceding* paragraph the Board may from time to time, by warrant under the hands of two or more members of the Board, appoint one or more fit person or persons to examine and report upon all lands proposed to to be included in the said assessment, or to assess such lands in manner aforesaid, and such person or persons shall within sixty days after delivery to him or them of the warrant of appointment report to the Board thereon,

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and the assessment of such lands shall forthwith be made either by the Board or by such person or persons as aforesaid as the Board may direct.

(*d.*) The amount to be proposed in the assessment as the charge to be placed on any lands under the provisions of this section shall not exceed three per centum per annum upon the amount which the Board alleges is the enhanced market value accruing to the said lands from the improvements, after making all fair and proper deductions for rates, taxes, assessments, and impositions on the said land according to such increased value.

(*e.*) The assessment shall be submitted to and considered by the Board at a meeting or meetings of the Board, and they may by resolution approve the same, either with or without modification or addition, as they think fit.

(*f.*) When the assessment has been approved as aforesaid the Chairman shall sign the same at a meeting of the Board, and the Board shall immediately thereafter cause public notice of such assessment to be given and of the place where the same may be inspected for a period of twenty-one days; and the person in whose custody such assessment shall be shall permit the same to be inspected by the owner or occupier of any land included therein during office hours.

(*g.*) Any person who thinks himself aggrieved by such assessment may appeal against the same on the grounds following and no other:—

(i.) That any lands in which he is interested included in the assessment ought to be excluded by reason that it has not been or cannot be clearly shown that the market value of the lands to which the assessment relates is substantially and permanently increased by the improvement.

(ii.) That the amount of any charge proposed to be placed on any land in which he is interested ought to be varied.

(iii.) That the assessment is incorrect in respect of some matter of fact to be specified in the objection.

(iv.) That the owner or lessee of any lands upon which a charge under this section is proposed to be placed is also the owner or lessee of property in the immediate neighbourhood of the improvement, and that substantial and permanent decrease in the value of such other property has been caused by the improvement, and that he claims that such decrease shall be taken into consideration.

(*h.*) A notice of appeal setting forth the matter objected to and the cause of objection shall be given to the Clerk of the Magistrate's Court within twenty-eight days next after the publication as aforesaid of notice of such assessment, and not less than ten clear days' notice of such appeal shall be given to the Board, and after the expiration of

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such ten days as last aforesaid, in case any notices of appeal shall have been given as aforesaid, the Stipendiary Magistrate shall give public notice of a day for the hearing of such appeals, and such appeals may be heard by the Stipendiary Magistrate, who may, after hearing such appeals, cause the assessment to be amended, and in such manner as may appear to him to be reasonable, making any deductions which he may deem reasonable in respect of any ground alleged in subparagraph (iv) of paragraph (*g*) of this section, and the Stipendiary Magistrate shall sign such amended assessment, and the determination of the said Court shall be final and conclusive.

(*i.*) The Court by which any appeal shall be heard shall have full power to award the costs incident to such appeal and the hearing thereof to either of the parties.

(*j.*) Every assessment when signed by the Chairman as aforesaid, in case there be no appeal, and when signed by the Stipendiary Magistrate after any appeal, shall, for the purpose of any proceedings for the recovery of the improvement charge, be conclusive evidence of the liability of the person named therein, and shall be deemed to be sufficient notice to all owners of land of the fact and amount of such charge, any statutory provision to the contrary notwithstanding.

(*k.*) A charge in respect of any land as fixed by the Stipendiary Magistrate shall, subject to the following provisions, be payable on the thirty-first day of March or September, as the case may be, next ensuing after the date of the judgment of the said Court, and shall be payable thereafter half-yearly until redeemed and satisfied.

(*l.*) The improvement charge charged on any lands shall be apportioned between the several parties having any estate or interest in such lands as they shall agree or as, in the event of no agreement being made or so far as any such agreement shall not extend, shall be determined by the Stipendiary Magistrate upon summons as aforesaid, and the Stipendiary Magistrate shall take into consideration all the circumstances of the case, and in particular shall consider the several interests in such lands and the time they severally expire, and may make the commencement of such charge dependent on the expiration of any term of years or other period or on the happening of any event as he shall deem fair and equitable, and may apportion the incidence of such charge as between the freehold and any other estate or interest in the lands during the period of any existing term of years for which the same is held at the date of the judgment of the Stipendiary Magistrate.

(*m.*) The charge due in respect of any lands shall be payable to the Board on demand, and may be collected on behalf of the Board by such persons or person as may be appointed for that purpose.

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(*n.*) Where any lands in respect of which a charge is payable are occupied by any person, the Board may collect the payments due in respect of the charge from such person; but if he be not the person for the time being liable to the payment of the charge or any part thereof, then he may deduct from any rent payable by him the charge or any part thereof payable by any other person, and any person receiving such rent (if he be not the person liable to pay the charge or any part thereof) may in like manner deduct from any rent payable by him the charge or such part thereof as is payable by any other person, so that the proper deduction may in each case be made from the rent paid to the person or persons by whom the charge or any portion thereof is payable.

(*o.*) In case of default made in any payment due to the Board in respect of the charge, the amount thereof may be recovered in the Magistrate's Court if the amount claimed be within the jurisdiction of the Magistrate's Court and otherwise in the Supreme Court, and, in addition, the Board may have and exercise such remedies for recovering the same as are conferred by the Property Law Act, 1905, with regard to sums payable by way of rent, charge, and other annual sums, and it shall be no defence to any proceedings and no ground of objection to any remedy for recovery of the same that the Board has made a profit during the first or any subsequent year, or that the improvement is not actually completed.

(*p.*) (i.) Any owner, lessee, or occupier of any lands subject to the charge or any other person interested therein may from time to time redeem the same by agreement with the Board, and shall be entitled from time to time to redeem the charge upon any lands on payment to the Board of a sum which, excluding any payments previously made, shall be equal to one-fourth of the enhancement of the capital value, and from and after such redemption the charge shall be deemed to be satisfied, and shall be no longer payable in respect of the said lands, and the Board shall give a certificate under its common seal that the said charge is redeemed and satisfied, which certificate shall be sufficient evidence thereof.

(ii.) The Board may at its option accept in lieu of the said sum payable for redemption a guarantee of any liabilities of the Board, or of any sum proposed to be borrowed by the Board, such guarantee to be limited to the amount of the said redemption sum.

(iii.) The Board may at its option accept in lieu of the said redemption sum an undertaking to contribute to the capital cost of the undertaking to an amount equal to the said redemption sum.

(*q.*) Where the incidence of the charge as between any persons interested in the lands is regulated or affected by contract or covenant, the Stipendiary Magistrate, upon any

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matter brought before the Court, shall have regard to such contract or covenant, and except as hereinbefore provided this Act shall not be deemed to alter the effect of such contract or covenant.

(*r.*) The expression "lands" in this section shall not include any main pipe or apparatus for supplying gas or water, or any culvert, pipe, tube, apparatus or wire for electric lighting, telephone, or hydraulic purposes, or any estate or interest in land in respect of any such main pipe, apparatus, culvert, tube or wire.

(*s.*) Notwithstanding the provisions of this section, it shall not be obligatory upon the Board to collect the improvement charges aforesaid, or any of them, and if the Board shall resolve in any year that such charges be released for that year, and such resolution shall explicitly state the due dates of the charges so to be released, and notice of such resolution shall be published in the *New Zealand Gazette*, then from and after such publication all the improvement charges specified in such resolution shall be deemed to have been released and discharged, and the resolution, or a certified copy thereof, may be inspected at the office of the Board by any party interested; and a certificate, signed by the Secretary and stating that any particular rent charge has been released, shall be given to any person whose property is affected thereby, and shall be conclusive evidence for all purposes of the fact of the release.

Contracts and Works.

Contracts and works.

45. In respect of contracts and works authorised by this Act the Board may exercise all the powers and authorities conferred upon Councils of cities and boroughs by Part ~~XX~~ *XVIII* of the Municipal Corporations Act, 1908, which said Part ~~of the said Act~~ shall, *mutatis mutandis*, be read into and form part of this Act.

Powers of Board.

Power to work tramways.

46. 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.

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Board may make agreement for removal of rubbish.

47. The Board may from time to time make agreements or arrangements with the said boroughs, or either of them, or with any other local authority or persons, for the removal of rubbish from any of the areas comprised in the said district.

Board may erect destructor.

48. The Board may erect and maintain a destructor and all the necessary buildings, furnaces, chimney for forced draft, and appliances therefor sufficient for consumption of all refuse within the said district.

Board may dispose of refuse, &c.

49. The Board may sell and dispose of any such refuse or the productsthereof, and erect and maintain all such machinery as may be necessary for crushing slag or otherwise converting such refuse or the products thereof into marketable or useful commodities, and the proceeds of any such sales shall form part of the Board's funds.

50. The Board may also—

(*a.*) Supply and sell electricity, whether for public or private lighting-power or other purposes, within or without the ~~said~~ district, subject, however, within the boroughs of ~~the~~ Lower Hutt and Petone to the previous consent of and upon such terms and conditions as may from time to time be imposed by the Mayor, Councillors, and Burgesses of the borough within which such supply and sale of electricity is to be made: Power to sell electricity and run drags, &c.

(*b.*) Carry passengers and goods for hire on any public roads within or without the said 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.

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51. (1.) 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 paragraph (*b*) 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: Board's liability as common carrier limited.

Provided nevertheless as follows, that is to say:—

(*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 any one action shall in no case exceed two thousand pounds.

(*b.*) No such action shall be maintained unless it is commenced within six months after the cause of action arose, nor 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 brought, the amount claimed, and the full name and address of plaintiff.

(*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:

Provided that nothing herein contained shall be deemed to prevent the Court in which the action is brought adjourning the case at its discretion.

(2.) 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.

52. 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 Councils of the said boroughs or county, 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 boroughs or county respectively, Powers of local authorities relating to tramways to vest in Board.

shall now and henceforth vest in and be exercisable only by the ~~said~~ Board throughout the ~~said~~ district.

Power to acquire land.

53. For the purpose 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 shall have full power and capacity to purchase, take, acquire, hold, manage, buy, 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 with full power to make all kinds of contracts connected with or incident to the carrying-out of the objects of this Act.

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Power to take land for recreation-ground and to manage and deal with same.

54. (1.) In addition to any powers conferred on the Board by this Act, or by any Act herein referred to, the Board may purchase or take under the provisions of the Public Works Act, 1905, any lands within or without the said district for the purposes of a recreation-ground, or for any other public purpose likely to increase the revenues of the Board, and for these purposes the Public Works Act, 1905, is deemed to be incorporated in and to form part of this Act.

(2.) The Board may subdivide and sell for an estate in fee-simple such portions of the said land as the Board shall think fit, and dedicate, form, and construct roads thereout and thereon.

(3.) The Board may from time to time lease any part of any land so taken or acquired as aforesaid, and for that purpose shall have all the powers of a Borough Council under sections one hundred and ninety-one, one hundred and ninety-two, one hundred and ninety-three, and one hundred and ninety-four of the Municipal Corporations Act, 1900, under which sections all such leases shall be made, and which sections are to be read into and form part of this Act.

(4.) Notwithstanding anything hereinbefore contained, the Board may let, or agree to let, any of the said lands so taken or acquired by private contract or otherwise for a term not exceeding five years in possession, and may also from time to time let the pasturage of such lands for any period not exceeding one year in possession.

(5.) The Board may expend money in the erection of a stand, refreshment-rooms, and other necessary buildings, fences, gates, and ticket-offices, and may carry on and manage any land so taken or acquired as a recreation-ground or for whatever purpose it may be taken as aforesaid, and may appoint and pay officers, servants, and workmen to assist therein.

Costs of preparing, promoting, and passing Act.

55. Out of any moneys in the hands of the Board, or out of any loan raised under the provisions of this Act, may be paid any preliminary expenses incurred in formulating or inaugurating the scheme of this Act; and the costs, charges, and expenses of the promoters of such scheme, and of the Board when formed, in the preparing, promoting, and passing this Act, and of forming the ~~said~~ district, and of the first election of members of the ~~said~~ Board, and of obtaining any Orders in Council or Proclamations necessary for furthering the

said scheme, and carrying out the provisions of this Act; and if any disputes ~~shall~~ arise as to the amounts of any such costs, charges as expenses, or as to whether the same or any parts thereof respectively are properly payable, the same shall be settled by the ~~Stipendiary~~ Magistrate on summons in the same manner as in this Act provided in the case of improvement charges.

Powers to Board when using electricity as a motive power.

56. For the purpose of using electricity as a motive power where authorised by any ~~authorising order~~ *Order in Council under the provisions of the Public Works Act, 1908*, 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:—

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

(*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* eighteen 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 land:

Provided that such compensation shall be assessed in manner provided by the Public Works Act, 1905*8*.

Power to agree with parties for extension of tram service.

57. The Board may from time to time make agreements with persons liable to pay rates under this Act for the purpose of extending ~~their~~ *its* tram-lines or making branches in such directions as the Board ~~shall~~ think*s* fit, and may make it a condition of any such agreement as aforesaid that such ratepayers shall contribute to the costs, charges, and expenses of obtaining any Orders in Council or Proclamations, and of making such line and running the tram service, such contribution being either a cash payment, a guarantee of a fixed capital or annual sum, or in such other form as the parties may agree upon,

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and any such extension or making of new lines shall not subject any person to further improvement charges under the provisions of this Act.

Power to delegate and assign powers.

58. The Board shall have all the powers given to a local authority by ~~Parts II and III~~ *sections nine to thirteen* of the Tramways Act, ~~1894~~ *1908*, as to delegation and assignment of powers, and also all the powers given to a local authority by ~~Part IV~~ *sections sixteen to twenty* of the same Act as to private tramways, which Act, so far as may be necessary for the purposes of this section, is, *mutatis mutandis*, hereby incorporated into this Act. The consent of the local authority to assignment required by ~~Part III~~ *sections ten to thirteen of the Tramways Act, 1908*, shall be deemed to be read as the consent of the Board.

General Rates.

General rates.

59. The Board may from time to time, as it thinks fit, make and levy a general rate, not exceeding in any one year ~~one shilling~~ *twopence-halfpenny* in the pound, on all rateable property within the said ~~said~~ district, on the ~~annual rateable~~ *unimproved* value thereof,

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or six-farthings in the pound on the capital value thereof, as respectively defined in the Rating Act, 1894, and its amendments.

Board to have powers under Rating on Unimproved Value Act.

60. The Board shall have all the powers of a local authority under the Rating on Unimproved Value Act, 1896, in the said district.

Annual estimates.

61. 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 said district one week before making the proposed rate.

Objection to rate struck not allowed as defence.

62. 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~~ form the security for any 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.

Borrowing.

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Power to borrow for the purposes of this Act.

63. For the purpose of purchasing the lands for a recreation-ground as aforesaid, and any other lands required for the purposes of this Act, and for

63. For any purposes connected with the execution of the powers conferred by this Act, but not for the purpose of maintaining the tramways constructed hereunder, 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 one hundred and twenty thousand pounds, or in the event of the ~~said~~ district being enlarged under the provisions of this Act, then such ~~sum or~~ sums not exceeding in the whole one hundred and fifty thousand pounds as may from time to time be required.

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The authorisation of any loan shall for all purposes be deemed an authorisation of the purchase, acquisition, or construction of any property or work for the purpose of acquiring, constructing, or undertaking which such loan is raised.

Special loan proposal.

64. Notwithstanding anything in this Act contained, section twelve of the Local Bodies' Loans Act, 1901, shall not apply to any special loan proposed to be raised by the Board, and in lieu thereof the following provision shall apply to every special loan proposed to be raised by the Board under the powers contained in the said last-mentioned Act:—

~~The~~ *64. Any* proposal to borrow ~~such~~ money *under this Act* shall be deemed to be carried if the total number of valid votes recorded at the poll in favour of the proposal ~~shall~~ exceed*s* 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.

Special rate.

65. (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 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, buildings, and other rateable property within the ~~said~~ district according to the ~~annual rateable~~ *unimproved* value thereof,

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or the capital value thereof, as the Board shall from time to time determine.

(2.) It shall be lawful for the Board in any year, notwithstanding the provisions of section five of the Local Bodies' Loans Amendment Act, 1902, 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 not be 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.

Sinking fund.

66. There shall be created a sinking fund of not less than ~~ten shillings~~ *one pound* per centum per annum for the redemption of each and every loan raised under this Act.

Exemptions from stamp duty.

67. Stamp duty shall not be payable in respect of any debenture or coupon issued under this Act or of any transfer thereof respectively or in respect of any statutory declaration required to be made for the purposes of any loan by the Board or any officer thereof.

Judge or Magistrate not deemed interested on account of liability for rates.

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

Overdraft.

69. (1.) The Board may, in anticipation of its revenue receivable under its general account and under 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.

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No loan proposal to be submitted till lands scheduled for improvement charge.

70. Provided always that no loan proposal shall be submitted to the ratepayers under the provisions of this Act or of any Act herein referred to unless and until the Board shall have first made and published a schedule of all the lands upon which the Board proposes to place an improvement charge under the provisions of this Act. Such schedule need not state the amount of the proposed

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improvement charge, or any other or further particulars than the names of the owners and the descriptions of the lands proposed to be charged; and it shall be sufficient publication of such schedule if notice thereof be advertised in the local paper and the schedule be deposited in the office of the Board for inspection.

But lands so scheduled will not necessarily be charged.

71. Notwithstanding the provisions of the *last preceding* section it shall not be obligatory upon the Board, in making the assessment under section *forty-four* hereof, to assess any of the lands comprised in such schedule; but no lands shall be assessed under section *forty-four* hereof unless the same shall have been included in the schedule required by the *last preceding* section.

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

72. 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 on such loan may be paid out of loan-money;

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

Accounts and Audit.

73. (~~21.~~) 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, improvement charges, special and general rates:

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

(*c.*) An Appropriation Account, showing the balance of the Net Revenue Account and disposition of the same:

(*d.*) A balance-sheet, showing assets and liabilities, including capitalised improvement charges, loan-moneys, and sinking fund:

(*e.*) Separate accounts of all moneys raised or levied for, or apportioned or allocated to, or held in trust for any special purpose.

Accounts and audit.

~~73.~~ (~~12.~~) The provisions contained in Part X~~VIII~~ of the Municipal Corporations Act, 1900~~8~~, relating to accounts and audit shall apply and, *mutatis mutandis*, shall be read into and form part of this Act, as if the Board were a Council ~~or Corporation~~, and as if the Board's fund were a district fund under that Act.

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Provided always that the following clauses shall apply in lieu of section one hundred and sixty-four of such Act.

Board's Fund.

Particulars of fund.

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

(*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:

(*c.*) All ~~improvement charges,~~ rents, income, and profits from property or operations of the Board:

~~(d.) All sums received for redemption of improvement charges:~~

(*e.*) All fines, ~~penalties, and forfeitures~~ recovered under the provisions of this Act, or of any Act incorporated in this Act, or any by-law made under this Act, for any offences committed within the ~~said~~ district, except so much thereof as may by law be payable to any prosecutor or informer:

(*f.*) All moneys received by way of loan as provided in this Act:

(*g.*) All other moneys which may become the property of the Board.

Fines, &c., to be paid to Board.

75. The Clerk or other proper officer of the Court in which any fines ~~or penalties~~ under the provisions of this Act, or of any Act incorporated herein, or any by-law made hereunder, are recovered shall, within ten days after the receipt thereof, pay the same over to the Board.

When fines, &c., collected in stamps, provision for paying to Board.

76. Whenever any fines ~~or penalties~~ which ought to be paid over under the *last preceding* section are by law required to be paid in stamps and have been so paid, the Clerk of the Court or such officer as specified in the said section shall certify to the ~~Colonial Treasurer~~ *Minister of Finance* the amount of the same and that they have been so paid, and thereupon the ~~Colonial Treasurer,~~ *said Minister*, without the necessity of any appropriation by Parliament, shall pay the same to the Board out of the Consolidated Fund.

Moneys to be paid into bank.

77. 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.

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

How moneys drawn from bank.

79. 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.

Moneys not to be paid by promissory note or bill.

80. 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,~~ *fourteen* of the Municipal Corporations Act, 1908, and may be recovered in manner as in the said section mentioned.

Miscellaneous.

Municipal Corporations Act sections adopted.

81. The provisions of sections numbers ~~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 *three hundred and sixty-six to three hundred and sixty-nine and three hundred and seventy-one* of the Municipal Corporations Act, 1908, shall apply and, *mutatis mutandis*, shall be read into and form part of this Act as if the Board were a Council ~~or Corporation~~ and the electoral list or roll were a district electoral list or roll under that Act.

Lamps to be provided at terminus of line or of any branch.

82. The Board shall at all times when so required by the local authority of the district, and to the satisfaction of the local authority, provide and maintain a lamp attached or near to the pole at the terminus of the line or any branch thereof, and shall keep the said lamp alight at all hours required by the local authority.

Struck out.

One per cent. of general rate, or minimum sum, may be applied to certain purposes.

83. The Board may in every financial year out of any moneys in hand expend for purposes not authorised by any Act or law for the time being in force any sum or sums not amounting in the whole to more than one per centum of the general rate struck for that year:

Provided always that if there be no general rate, or if one per centum of such general rate shall not in any financial year amount to fifty pounds, the Board may expend the sum of fifty pounds for such purposes as aforesaid.

Board may insure against liability for accident to employees.

84. The Board may insure itself against any liability under the Employers' Liability Acts, the Workers' Compensation Acts, and any law or statute under which the Board may be made liable for death of or injury to officers, servants, or workmen of the Board.

Acts incorporated.

85. So much of the followings Acts (~~being the Acts herein before referred to and the amendments thereof respectively~~ as are necessary for the purposes of this Act are deemed to be incorporated herein, and, *mutatis mutandis*, shall be read as part of this Act in so far as they are not in conflict with the express provisions of this Act, and as if the Board were a local authority and a local body, and the ~~said~~ district were a district as defined by any of such Acts:—

The Tramways Act, ~~1894~~ *1908*;
The Public Works Act, 190~~5~~*8*;
The Rating Act, ~~1894~~ *1908*;
~~The Rating on Unimproved Value Act, 1896~~;
The ~~Government~~ Valuation of Land Act, ~~1896~~ *1908*;
The Local Elections *and Polls* Act, 190~~4~~*8*;
The Local Bodies' Loans Act, 190~~1~~*8*;
The Municipal Corporations Act, 190~~0~~*8*.

Struck out.

If the Board does not establish its scheme in three years, then powers to vest in Borough Councils.

86. If within three years from the date of the passing of this Act the Board shall not have constructed, equipped, and commenced to run a complete tram service in the said district, the powers hereby given to the Board in respect thereof shall be thenceforth deemed to be vested in the Borough Council of the Lower Hutt as regards so much of the said district as is comprised within the limits of that borough, or which abuts upon the boundaries of that borough, and in the Borough Council of Petone as regards so much of the said district as is comprised within the limits of that borough, or which abuts upon the boundaries of that borough, or which is included in sections numbered nine and ten, Hutt County.

Powers then to vest as if assigned under Tramways Act.

87. The provisions of the *last preceding* section shall have effect as if the Board had, in the events contemplated in such section, assigned their powers in the manner provided by Part III of the Tramways Act, 1894, with the consent of the local authority.

Questions under sections 86 and 87 to be decided by Stipendiary Magistrate.

88. If any question shall arise under the last *two* sections as to whether the powers of the Board have vested in the respective Borough Councils in manner aforesaid, the same shall be decided in a summary way by the Stipendiary Magistrate on summons issued by the Mayor of either of the said boroughs.

Struck out.

89. From and after such vesting in the said Borough Councils all the powers of borrowing and other powers conferred by this Act shall be apportioned and allotted to the said Borough Councils in such manner as they shall by agreement declare, or, in default of any such agreement, as the Stipendiary Magistrate shall, on summons by the Mayor of either Council, declare.

Appointment of powers between Borough Council under last preceding sections.

New clause.

89A. If within three years after the election of the first Board under section *six* hereof the Board has not constructed, equipped, and commenced to run a complete tram service in the district, then he following provisions shall apply :—

If the Board does not establish its scheme in three years, then Board to be dissolved.

(*a.*) The Governor shall by Order in Council dissolve the Board as from a date to be fixed by the Order.

(*b.*) As from such date the Board shall be dissolved and cease to exist, and all its property or the balance thereof after payment of debts shall vest in the Corporations of Lower Hutt and Petone Boroughs in such shares and proportions and in such manner as the Governor by Order in Council declares.

(*c.*) Prior to such dissolution the Board shall levy such a rate as the Governor in Council directs for the purpose of paying its debts, and the Board shall out of the proceeds of such rate and the sale of any assets of the Board pay all its debts.

(*d.*) The Governor shall by Order in Council make all provisions and regulations necessary for carrying this section into effect, which provisions and regulations shall have the same force and effect as if they had been enacted herein.

SCHEDULE.

Schedule.

Struck out.

ALL that area in the Provincial District of Wellington, situated in the Belmont Survey District, starting from the north-western corner of Section No. 79, Block XIII, Belmont Survey District, and bounded towards the north-east by a block of Native land containing 1,296 acres; again towards the north-west by the aforesaid block of Native land, and by Sections Nos. 115 and 186 of Block VIII; again towards the north-east by the last-mentioned section and Section No. 37 of Block IX; again towards the north-west by the said Section No. 37 to the Western Hutt Road; thence by a right line across that road to the northern corner of Section No. 31 of the said Block IX; thence again towards the north-west by the east side of the Western Hutt Road to that portion of the said Section No. 37 granted to Leonard Young; thence again towards the north-east by the said portion of Section No. 37 granted to the said Leonard Young to the road which forms the western boundary of Section No. 46 of the said Block IX, thence by a right line across that road to the northernmost corner of Section No. 38 of Block IX aforesaid; and thence again towards the north-west by the eastern side of the said road and by Sections Nos. 37, 48, and 51 of the said Block IX; again towards the north-east by Section No. 55 of Block IX to the main road; thence by a right line across the said road to the southernmost corner of Section No. 55 aforesaid; and again towards the north-west by Sections Nos. 55 and 56 of Block IX; thence towards the north-east by Section No. 188 of Block X; again towards the south-east generally by Sections Nos. 45, 44, 43, and 42 of Block X, and Sections Nos. 41, 21, and 16 of Block XIV;

Struck out.

thence towards the south by Sections Nos. 21 and 20 of Block XIV to Port Nicholson Harbour; thence by a right line across the mouth of the Hutt River to the south-eastern end of Section No. 10 of Block XIII; thence towards the south by high-water mark of the aforesaid Port Nicholson Harbour, crossing the mouth of the Korokoro Stream to a point in line with the north-eastern boundary-line of Section No. 19 of the said Block XIII; towards the south-west by a right line to that boundary-line; and thence by the said Section No. 19 to Section No. 78 of Block XIII aforesaid; and towards the west by the last-mentioned section to the starting-point.

New.

ALL that area in the Wellington Land District, being Sections Nos. 9 and 10, Block XIII, Belmont Survey District, bounded towards the north and east by the Borough of Lower Hutt; towards the south-west by Port Nicholson; and again towards the north-west by the Borough of Petone.

Also all that area in the Wellington Land District, bounded towards the north by Section No. 55, Block IX, Belmont Survey District, from the westernmost corner of that section to its south-eastern corner; thence towards the north-west by Sections Nos. 55 and 56, Block IX aforesaid, to the westernmost corner of Section No. 188, Block X, Belmont Survey District; thence towards the north-east by the last-mentioned section to its southernmost corner; thence towards the east generally by Sections Nos. 45, 44, 43, and 42, Block X aforesaid, and Section No. 41, Block XIV, to the southernmost corner of the last-mentioned section; thence towards the south, north-west, and again towards the south generally by the Borough of Lower Hutt to the westernmost corner of Section No. 49, Block IX, Belmont Survey District; and thence towards the north-west by Sections Nos. 48 and 51, Block IX aforesaid, to the place of commencement.

By Authority: JOHN MACKAY, Government Printer, Wellington.—1908.