

644

*Hon. Major Atkinson.*

## ROAD BOARDS.

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THIS Bill comes into operation on the 1st January, 1883.

It repeals about forty Acts and Ordinances, which are specified in the First Schedule, and provides one uniform law respecting the Road Boards of the colony; many, however, of the provisions being so framed as to leave a considerable range of choice to the ratepayers of each district as to the constitution, functions, and procedure in many respects of Road Boards.

It is proposed by the Bill to use the name of Road Board for all these bodies, to call the persons forming the Board members, and their constituencies road districts; and, if divided, to call the divisions subdivisions, so as to distinguish them from the wards of boroughs and the ridings of counties.

Section 3 makes all existing districts and their Boards districts and Boards under the new Act, and all members of present Boards members still of the Boards under the new Act.

It is of considerable practical importance in working any system of local government that all the territorial divisions of the colony should be made to fit into each other, and that the larger divisions should be simply multiples of the smaller ones. It is, therefore, desirable that the counties should always consist of so many road districts or outlying districts; in other words, that no road district should extend over the boundaries of a county. There are but few at present which are open to this objection. To meet these cases, subsection eight of section 3 gives to the Governor in Council, prior to the coming into operation of this Bill, the power of altering the boundaries either of the county or the road district so as to conform to this principle. If the Boards and Councils affected by the change necessary to be made can agree upon the way in which it is to be effected, the subsection referred to requires the alteration to be made in accordance with such agreement.

In the future, by section 12 no new district, or alteration thereof, can be made whereby the district shall extend into more than one county.

It is a generally-expressed wish that the boundaries of ridings of counties should be coterminous with those of road districts. As far as possible an endeavour will be made to give effect to this wish in the Amending Counties Bill, it being considered that the riding should be made to suit the road districts or subdivisions, and not the reverse.

As to the formation of new districts and alteration of old ones, the power is, by Subdivisions 2 and 3, Part I., vested in the Council without any discretion save on the points just mentioned, provided the ratepayers desiring the change comply with the requirements of the Act, which are stated in sections 4, 12, and 15. The petition asking for the change must be signed by two-thirds of the ratepayers. This is thought to be a better plan than requiring the signature of only one-third, provided another third do not object, as is the case in the Counties Act.

The alteration of subdivisions is, by section 11, left to the Boards themselves, subject, however, to like requirements and conditions as Councils are bound by when altering districts.

Section 15 provides for all descriptions of boundaries being first verified by the Survey Office, which does not entail any expense to Boards, and may occasionally prevent those inaccuracies of description which sometimes invalidate an alteration.

Boards are, by sections 24 to 26, to consist of from four to nine members, the Boards having power to alter their numbers within these limits, subject to similar conditions, as far as applicable, to those on which alterations of boundaries are made.

Throughout the Bill wherever powers are conferred upon Councils or Boards which they refuse or neglect to exercise, and as to the exercise of which no discretion is left to them, the Governor in Council can exercise such powers; and where the Counties Act is not in full operation, or is suspended, then the Governor has such powers originally.

The periods of election and duration of office are dealt with by sections 31 to 33. As this Bill makes considerable alterations in the powers of these Boards, it is thought well to have a general election next year. The day fixed is the last Monday of June, that date being thought suitable because the rural population have at that time more leisure to attend to local politics, and also because it allows of sufficient time after the end of the financial year to enable the existing Board to prepare its balance-sheet and have the audit completed.

It is proposed to have a similar general election every three years, as is the case in municipalities. It seems desirable to give the ratepayers periodically an opportunity of choosing an entirely new Board, and the objection that it allows of a Board being wholly composed of inexperienced members is sufficiently met by the assertion that if such happens it will be because it is the wish of the ratepayers, for they are at liberty to elect the old members as often as they please.

The Board is, by section 32, empowered to regulate, by special order, the method and order of retiring during the intervening three years, though no such order is allowed to be made to take effect during the tenure of office of the members forming it. If no such order is made, then section 33 provides that half the members shall retire every year, thus allowing for an annual infusion of new blood if the ratepayers desire it.

As Road Boards are most valued, and will probably last longest in the poorer districts, it is very desirable to diminish their working expenses as much as possible. The following provisions are framed with that object:—

By sections 55 and 57, the Chairman, who is to be elected by the Board, may be paid and hold other offices under the Board.

By sections 47 and 48, the Board may, by special order, declare that the nominations and elections of members shall take place at one meeting by open voting, thus saving all expense, save that of one advertisement.

By section 74, special orders may be passed at any ordinary meeting, and need not be confirmed at another special meeting (which is generally found to be a pure matter of form), provided notice of the proposed special order be advertised once a week for the four preceding weeks, and a special notice thereof be sent to the members fourteen days before the meeting.

By section 126, by-laws may be made by special order, the advertisement of which need not set out the by-laws *in extenso*, but only a short statement of their object, leaving the ratepayers to peruse the proposed by-law at the Board's office, if they desire to do so. The Bill does not require the approval of the Governor to any by-laws or special order, nor does it give him any power of disallowance, as it is thought that the Court is the proper tribunal to test the validity of any by-law, and, if its validity is not disputed, the Board and the ratepayers should be the sole judges of its expediency.

Again, a considerable amount of expense will be saved by sections 75, 76, 126, and 127, which require that all special orders and by-laws shall be gazetted, and shall only come into force after being gazetted. This will entail no cost to the Board and but trifling cost to the colony, while an imperishable record of the Board's proceedings will be preserved, which will be available for reference all over the colony. As the *Gazette* notice is by these sections made conclusive evidence of the validity of the thing done until the contrary be proved, in all proceedings the expense of any evidence of such validity, beyond the production of a copy of the *Gazette*, will be saved.

By purchasing a number of copies of the *Gazette*, a Board will also save the expense of printing their by-laws for sale to the rate-payers.

By sections 125 and 126 several Boards may unite to pass a set of by-laws which shall operate all over their districts.

Section 99 makes the County Auditors also the Road Board Auditors. These officers will be paid out of the Consolidated Fund, thus relieving Road Boards of the expense of audit; while the general public will gain the advantage of an audit by persons who will be more likely to be impartial, as well as strict, than persons affected by local interests.

The scheme by which all local bodies will, if they choose, be relieved of the expense attending rating valuations is contained in the Rating Bill.

The ratepayers of a road district are, by section 38, declared to be the persons appearing on valuation rolls as occupiers, who are the persons primarily liable for rates, and who ought, therefore, to have the vote. The preparation or printing of a special ratepayers' roll is not rendered compulsory, as the title to vote can always be ascertained by reference to the valuation roll.

Of course, in all these provisions which have just been remarked upon, there is nothing to prevent Boards from advertising, &c.,

to a greater extent if they deem it desirable, as doubtless, in the wealthy and thickly-populated districts, many will.

Sections 99 to 109 deal with the accounts. It will be observed that the financial year is made to be coterminous with the financial year of the colony (from the 1st April to the 31st March), which will have many advantages.

Section 102 gives the Board the month of April for the preparation of its annual accounts. Section 106 allows the Auditors the month of May to audit them. The annual meeting at which the accounts and Auditors' reports are considered takes place on the second Monday in June (section 107), and, as before mentioned, the elections take place on the last Monday in June.

Section 108 contains a very stringent penal provision to prevent misappropriation of funds, which is also strengthened by the portion of section 83 which requires the names of all members voting, whether at meetings of Boards or committees, on questions of expenditure, to be set out in the minutes.

Sections 112 and 113 give a power of borrowing by way of overdraft to the extent of one year's ordinary revenue.

This Bill does not deal with the abolition of Road Boards where desired by the ratepayers, that being left to sections 37 to 39 of "The Counties Act, 1876."

Sections 114 to 124 deal with the subject of rates. There are three classes of rates:—

- (1.) General rates, which are leviable all over the district, and form part of the ordinary revenue of the Board. They are limited to three farthings in the pound on the capital value, which is almost equivalent to one shilling in the pound on the annual value.
- (2.) Separate rates, which are only leviable where the district is subdivided. They are only another form of general rates, the only difference being that they are separately raised from each subdivision according to its wants, and spent in the subdivision from which they are raised, save one-twentieth which is retained by the Board to cover general working expenses. The before-mentioned limit applies to these together with the general rates; that is to say, the general rate with the separate rate in any subdivision may not together exceed three farthings in the pound.
- (3.) Special rates, which are rates raised generally on the whole district or in particular portions of the district for particular works, subject to the consent of two-thirds of the ratepayers affected thereby.

Sections 122, 123, and 124 make special provisions for enabling Road Boards to delegate to Counties all or any of their rating powers, and to employ the same collector, &c.

As to the general powers of Road Boards, they are dealt with by Subdivisions 2 and 3 of the Bill.

Speaking generally, the powers of the Board are such as are necessary for the construction or maintenance of all those means of communication in their district, such as roads, bridges, ferries, &c., the responsibility for which is not otherwise thrown upon other bodies. It

643

is proposed to leave the larger and semi-legislative powers which may from time to time be found desirable to be intrusted to local bodies to the counties, subject however to this important provision, that, by subsection 4 of section 125, it is proposed to give to the Road Boards in all counties where the Counties Act is not in operation, or is suspended all the powers within their respective districts of making by-laws which counties have.

Sections 139, 140, and 141 give very wide powers for Road Boards to unite with each other or with County Councils, River Boards, Boroughs, or Town Boards, for executing works which extend to or benefit their several districts; or to delegate to each other, on such financial basis as may be arranged, either the execution or supervision of works, and generally to make such provision for their mutual aid and assistance as may be thought desirable. These sections will no doubt be found very useful.

The numerous other sections of the Bill call for no particular explanation, being such as would be necessary in almost any Bill of this kind.

644

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## ROAD BOARDS.

### ANALYSIS.

#### SHORT TITLE AND INTERPRETATION.

1. Short Title.
2. Interpretation.

#### PART I.

##### AS TO ROAD DISTRICTS.

##### (1.) *Of existing Road Districts.*

3. Existing road and highway districts to be districts under Act. (1.) Existing road districts, Boards, &c., for all purposes to be same districts, &c., as before Act. (2.) Existing members to remain so till general election. (3.) Existing officers to remain in office till removed. (4.) Existing valuation rolls, &c., to apply to districts under Act. (5.) Existing by-laws to remain in force. (6.) Existing subdivisions to remain. (7.) Divisions of subdivisions made subdivisions. (8.) Where road districts extend over boundaries of county, provision for altering same.

##### (2.) *Of Constituting New Districts.*

4. How new districts constituted.
5. When new districts constituted, property and liabilities divided by agreement.
6. If Boards cannot agree, the Council shall make an award.
7. Property allotted to new district to vest in Corporation thereof.
8. Provision where new district composed of two or more old districts.

##### (3.) *Of Altering the Boundaries of Districts.*

9. Conditions on which Council may alter boundaries.
10. Where boundaries altered, sections 5, 6, and 7 to apply.

##### (4.) *Of Subdivisions.*

11. Conditions on which Boards may make, alter, or abolish subdivisions.

##### (5.) *Generally as to New Districts or Alterations.*

12. Road districts must be wholly within one county.
13. When boundaries altered, Corporation to remain the same, though Board may be ordered to be dissolved.
14. Rights of creditors not affected by alterations.
15. Description in special order altering boundaries to be verified by Surveyor-General.

##### (6.) *Of Petitions.*

16. Signatures to petitions to be verified.
17. Council may inquire into signatures.
18. Council may appoint Commissioners to inquire.
19. Council shall not grant petition if inquiry shows that there are not enough true signatures.
20. When petitions shall be dealt with by Governor in Council.
21. Last five sections to apply to petitions to Boards.
22. When petition should be addressed to Governor.

#### PART II.

##### OF ROAD BOARDS.

##### (1.) *Of the Incorporation of Inhabitants of Road Districts.*

23. Incorporation of inhabitants of road districts.

(2.) *Of the Number of Members of the Board.*

- 24. As to number of members.
- 25. By whom members elected.
- 26. Conditions on which Board may alter number of members.
- 27. When Boards have more or less members than here provided, how matter dealt with.

(3.) *Of the Qualifications for Membership.*

- 28. Who qualified to be member.
- 29. Who disqualified to be member.
- 30. Penalty for acting when disqualified.

(4.) *Of the Dates for Election of Members.*

- 31. General election on last Monday in June, 1883, and afterwards every three years.
- 32. Board may, by special order, regulate rotation of retirement.
- 33. Provision when no special order made.

(5.) *Miscellaneous as to Elections of Members.*

- 34. When members come into office or cease to hold office.
- 35. When person elected for two or more subdivisions, how determined which he shall represent.
- 36. How office of member becomes vacant.
- 37. Council or Governor to appoint when there is a failure.

(6.) *Of the Ratepayers.*

- 38. Who are ratepayers.
- 39. As to number of votes for each ratepayer.
- 40. Valuation roll or ratepayers' roll to be open to inspection of ratepayers.
- 41. Ratepayers' roll may be prepared.
- 42. As to evidence of ratepayers' roll or defaulters' list.
- 43. As to ratepayers' roll, &c., in subdivided district.
- 44. Special provision when new road district constituted.
- 45. Special provision when boundaries, &c., altered.

(7.) *As to Conduct of Elections.*

- 46. Regulation of Local Elections Act incorporated.
- 47. Special order may be made for elections to be by open meeting.
- 48. When special order made, how election held.
- 49. Council may order first election of members to be so held.

## PART III

## OF THE OFFICERS OF THE BOARD AND PROCEEDINGS

(1.) *The Chairman.*

- 50. When Chairman elected.
- 51. When Chairman comes into office.
- 52. When Chairman absent from meeting.
- 53. Chairman to have casting vote.
- 54. As to resignation, &c., of Chairman.
- 55. Chairman may be Treasurer or Clerk.

(2.) *Officers.*

- 56. Board may appoint, &c., officers.
- 57. Member, except Chairman, cannot hold office with salary.

(3.) *Ouster of Office.*

- 58. Resident Magistrate may issue summons for ouster of office against member or Chairman.
- 59. On hearing summons Resident Magistrate may adjudge member to be ousted.
- 60. In such proceedings Resident Magistrate may exercise power as in civil cases.
- 61. Before whom affidavits sworn.

- 62. Questions under this Part of Act cannot be tried in Supreme Court.

(4.) *Of the Proceedings of the Board.*

- 63. Annual meeting of Board.
- 64. As to notice of ordinary meetings.
- 65. How questions decided at Board.
- 66. As to quorum of Board.
- 67. Members cannot vote where interested.
- 68. As to adjournment of meetings.
- 69. As to ordinary meetings.
- 70. Meetings to be open to public.
- 71. Special notice required for extraordinary business.
- 72. As to revocation or alteration of resolutions.
- 73. How special meetings convened.
- 74. How special order made.
- 75. Special orders to be gazetted.
- 76. *Gazette* proof of validity of special order.
- 77. How notice given of meetings.
- 78. Board may appoint Committees.
- 79. Power of Committees.
- 80. Proceedings of Board or Committee not invalidated by vacancy.
- 81. Board may provide public offices in district.
- 82. Clerk to attend office during office-hours.
- 83. As to minutes of Boards and Committees.
- 84. Minutes to be evidence of proceedings.
- 85. Minute-book to be open to inspection of ratepayers.

(5.) *Of Collectors and Accountants.*

- 86. Board to take security from officers.
- 87. Persons receiving money to give Chairman a list with bank receipt.
- 88. Receipts with consecutive numbers to be given for rates.
- 89. Collector to give periodical returns of names of those who have not paid rates.
- 90. Persons authorized to expend Board's moneys to give true accounts thereof.
- 91. Moneys not accounted for to be debt due to Board.
- 92. Penalty for non-compliance with preceding provisions.
- 93. Proceedings for penalties not to prejudice other remedies.

## PART IV.

## OF THE FUNDS OR ACCOUNTS.

(1.) *Of the Road Board Fund.*

- 94. What Road Board Fund consists of.
- 95. Clerk of Court to pay over to Board penalties imposed by Act.
- 96. Moneys of Board to be paid into bank in five days.
- 97. Bank to give receipts.
- 98. How moneys drawn out of bank.

(2.) *Audit of Accounts.*

- 99. County Auditors to be Road Board Auditors.
- 100. Treasurer or Clerk to keep accounts.
- 101. Deficiency in special accounts may be paid out of general account.
- 102. Balance-sheet up to 31st March to be sent to Auditor before 30th April.
- 103. Provision where financial year has hitherto not terminated on 31st March.
- 104. Auditor to examine into accounts.
- 105. Penalty for Treasurer not furnishing accounts.
- 106. Auditor to report upon same before 31st May.
- 107. Board to consider accounts and Auditor's report at annual meeting.
- 108. Members liable for moneys improperly paid away.
- 109. Before 30th June Treasurer or Clerk to forward accounts, &c., to Colonial Treasurer, to be published in *Gazette*.

1005

- 110. Provision for a special audit on petition of ratepayers.
- 111. Who may inspect Board's accounts.

(3.) *Of Borrowing.*

- 112. Extent to which Board may borrow on overdraft.
- 113. Government not liable for Road Board liabilities.

(4.) *Rates.*

- 114. Power to levy general rates.
- 115. Boards of subdivided districts may levy separate rates.
- 116. Limit of separate rating power.
- 117. One-twentieth part of separate rate to be ordinary revenue.
- 118. Power to levy special rates on whole district.
- 119. Power to levy special rates on portions of district.
- 120. Special rates cannot be levied except upon petition of ratepayers.
- 121. Moneys received from special rates, how applied.
- 122. Board may employ same Collector as Council.
- 123. Board may delegate rating powers to Council.
- 124. Powers of Council after such delegation.

PART V.

OF THE POWERS AND DUTIES OF BOARD.

(1.) *As to By-laws.*

- 125. Subjects on which Boards may make by-laws.
- 126. How by-laws made.
- 127. *Gazette* copy by-laws to be evidence.
- 128. By-laws may provide penalties.
- 129. Penalties not to exempt from other consequences of breach.
- 130. Copies of by-laws to be kept by Board and sold.

(2.) *Contracts.*

- 131. Board may contract for execution of works.
- 132. Requirements of contracts.

- 133. How power of making contracts may be exercised.
- 134. Contracts of Board to bind body corporate.
- 135. Actions or suits may be maintained on contracts.
- 136. Board may compound for breach of contract.

(3.) *Public Works.*

- 137. Board to have care or management of district roads.
- 138. Provisions with respect to district roads.
- 139. Board may contract with other governing body or Minister of Public Works.
- 140. Board may join with other governing bodies in making contracts.
- 141. Powers of governing bodies parties to such contract.
- 142. Property in toll-houses, &c., vested in Board.
- 143. Materials, &c., used in making roads vested in Board.
- 144. Board not to interfere with Government public works.
- 145. Powers of Queen and Governor as to public works not affected by this Act.

PART VI.

MISCELLANEOUS.

- 146. How notices shall be sent.
- 147. How orders, summonses, &c., by Board signed.
- 148. Who to represent Board in proceedings in Court.
- 149. Judge of Court not deemed interested merely because he is a ratepayer.
- 150. Penalty for obstructing Board.
- 151. Insufficient provisions, &c., may be remedied by Order in Council.
- 152. Sections 31 to 35 of "Municipal Corporations Act, 1876," not repealed.
- 153. Disputes between Boards, &c., how settled.
- 154. Misnomer, &c., not to invalidate Proclamations.
- 155. References to "Rating Act, 1882," how construed.
- 156. Repeal Schedules.

A BILL INTITULED

AN ACT to provide for the Constitution of Road Districts and Boards thereof, Title.  
and to define the Powers and Duties of such Boards.

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

SHORT TITLE AND INTERPRETATION.

1. The Short Title of this Act is "The Road Boards Act, 1882," and it  
shall come into operation on the *first* day of January, one thousand eight hundred  
and eighty-three, save the *eighth* subsection of section *three* hereof, which shall  
10 come into force on the passing hereof.

2. In this Act, if not inconsistent with the context,—

"Outlying district" means any part of a county which is not included  
in a road district or in a town district under "The Town Districts  
Act, 1881:"

"Borough" means any city, town, or borough constituted under any Act  
for the time being in force relating to Municipal Corporations:

"Town district" means any district constituted under "The Town  
Districts Act, 1881:"

Short Title.

Interpretation.



- "Council" means the Council of a county constituted under "The Counties Act, 1876:"
- "County" means a county constituted under "The Counties Act, 1876:"
- "Ferry" shall include punt or floating bridge, or a wire rope with cage where used for crossing rivers: 5
- "Governing body," where used with reference to any road district, means the Road Board as herein defined; where used with reference to any county or borough, means the Council of such county or borough respectively; and where used of a town district means the Board thereof; and, where used generally, means the Board, Council, Trustees, or other persons or body (howsoever denominated) having authority by law to do the act or thing to which reference is made: 10
- "Members," or "member," means the members or a member of the Board of a road district constituted under this Act: 15
- "Office hours" means the days and hours during which the office to which it refers is kept open for the transaction of business under any regulations of the Board, excepting Sundays, Good Friday, Christmas Day, and public holidays:
- "Rateable value" of any property means its rateable value under "The Rating Act, 1882:" 20
- "Rate-book" means the rate-book made under "The Rating Act, 1882:"
- "Road Board," or "Board," means the Board of a road district:
- "Road district," or "district," means any road district constituted under this Act: 25
- "Special order" means one made, where made by a Board, in the manner provided by this Act; and, where made by a Council, one made in accordance with the provisions of "The Counties Act, 1876."
- "Valuation roll" means the valuation roll made under the provisions of "The Rating Act, 1882": 30
- When anything is required to be "published," or "publicly notified," or "public notice" of anything is to be given, it is meant that a notice thereof shall be published in some newspaper circulating in the county or road district, or, where there is no such newspaper in general circulation, then that printed placards containing the notice shall be affixed to public places in the county or road district. 35

## PART I.

## AS TO ROAD DISTRICTS.

(1.) *Of Existing Road Districts.* 40

Existing road and highway districts to be districts under Act.

3. All road districts and highway districts existing under the provisions of the Acts and Ordinances hereby repealed at the time of this Act coming into operation shall, notwithstanding any defect in their constitution, be deemed to be road districts; and the governing body thereof under such repealed Acts shall be deemed to be Road Boards duly constituted under this Act, with the necessary change of names to conform with section *twenty-four* hereof; and the following provisions shall apply to such road districts and Boards so constituted:— 45

Existing road districts, Boards, &c., for all purposes

(1.) Such road districts and the Corporation and Board thereof shall, in respect of all property, rights, claims, obligations, liabilities, contracts, 50

and engagements, and for all purposes whatsoever in law or equity, be deemed to be the same road district, Corporation, and Board as that existing in such district before the coming into operation of this Act.

to be same districts, &c., as before Act.

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(2.) Every member of such Road Board, notwithstanding any defect in his election or appointment, and every person holding any office in any such Board, shall continue to hold such office until the day hereinafter appointed for the first general election of members.

Existing members to remain so till general election.

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(3.) All persons in office under any Board on the coming into operation of this Act shall continue to hold the same office without the necessity of a new appointment, but they may at any time be removed and others appointed in their stead if the Board shall think fit.

Existing officers to remain in office till removed.

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(4.) Any valuation roll of rateable property, and any rate book, and any ratepayers' or electors' list or roll in force, shall be deemed to be the valuation roll and the rate book and ratepayers' roll respectively of such road district until a fresh valuation roll and ratepayers' book are made under the provisions of "The Rating Act, 1882," or a fresh ratepayers' roll under the provisions of this Act.

Existing valuation rolls, &c., to apply to districts under Act.

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(5.) All by-laws or regulations in force within any such road district at the time of its becoming a road district under this Act shall continue in force until altered or repealed in the manner provided by this Act.

Existing by-laws to remain in force.

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(6.) In all road districts in existence at the time of the coming into operation of this Act, when the same are divided into wards or subdivisions, such wards or subdivisions shall continue in existence until altered or abolished under this Act, and shall henceforth be called subdivisions.

Existing subdivisions to remain.

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(7.) In all road districts in existence at the time of the coming into operation of this Act divided into subdivisions, which subdivisions are again divided into wards or other divisions, such subdivisions shall thenceforth cease to exist, and such wards or other divisions shall, on this Act coming into force, become and be deemed to be subdivisions of such road districts; and the members for such wards or other divisions shall be deemed to be members of such subdivisions.

Divisions of subdivisions made subdivisions.

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(8.) If any road district in existence at the time of the passing of this Act is not wholly within the boundaries of one county, the Governor in Council shall, by Proclamation, alter the boundaries of such road district, or of the two or more counties into which such road district extends, in such manner as he shall think fit, and in so doing may add to the area of any adjoining counties or road district or districts, or may constitute a new district, so as to insure that each county shall comprise a fixed number of complete road districts; and such alteration shall take effect on the *first* day of January, one thousand eight hundred and eighty-three, if the Order in Council affecting it shall have been previously gazetted.

Where road districts extend over boundaries of county, provision for altering same.

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Provided always that if the governing bodies of the counties and road districts affected by any such change of boundaries shall agree among themselves as to what the change should be, then, in any Proclamation issued under this subsection, the Governor in Council shall carry into effect the change so agreed upon by such governing bodies.

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Upon any alteration of the boundaries of a road district or county under this subsection, all the provisions of this Act and of "The Counties Act, 1876," respectively, relating to the alteration of

boundaries of road districts and counties respectively or the constitution of new districts subsequently to such alteration or new constitution being made, shall apply accordingly as if the alteration or new constitution had been made under such Acts respectively.

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(2.) *Of Constituting New Districts.*

How new districts constituted.

4. The Council of any county may by special order declare that any part of a road district, or the whole or any part of two or more such road districts, or any outlying district or any part thereof, or the whole or any part of two or more such outlying districts, or the whole or any part of any one or more road districts together with the whole or any part of one or more outlying districts, situated in such county, comprising one continuous area, shall constitute a new road district, with such name and boundaries as the Council shall think fit, and may also declare what number of members there shall be of the Board thereof, and whether the same shall be divided into subdivisions, and, if so, the names and boundaries of such subdivisions; subject, however, to the following conditions:—

- (1.) That a petition is presented to the Council, setting forth the boundaries of the proposed new district, signed by two-thirds of the ratepayers for each of the outlying districts or road districts comprised, or portions of which are comprised, in the proposed new road district, praying the Council to constitute such new road district;
- (2.) That such petition is publicly notified not less than one month before presentation to the Council:

When new districts constituted, property and liabilities divided by agreement.

5. So soon as any new road district is constituted under the last preceding section, save in the case provided for by section *eight* hereof, and save also when such new district is wholly composed of an outlying district, the Board of the new road district, and the Board of the road district or road districts of which the new district or any part or parts thereof was theretofore a part or parts, shall agree together and determine as to the following matters:—

- (1.) What part of the property, real and personal, of the said road district or road districts shall become the property of the new road district;
- (2.) What part of any rates payable to such road district or road districts at the date of the constitution of the new road district shall be deemed to be rates payable to the new road district;
- (3.) What part of the liabilities and engagements of such road district or road districts outstanding at such date shall be liabilities and engagements of the new road district;
- (4.) What part of the interest and sinking fund of any loan raised by such road district or road districts shall be paid by such new road district:

And such agreement shall be in writing, and under the seal of the Boards parties thereto, and shall be final as between the said road districts.

If Boards cannot agree, the Council shall make an award.

6. If no such agreement is made within two months after the first election of the Board of the new road district, the Council of the county in which such new district is situate, or such persons as they may appoint, or if "The Counties Act, 1876," be not in operation, then the Governor shall hold an inquiry, and shall make an award as to the several matters mentioned in the *fifth* section, and their award thereon shall be final.

Property allotted to new district to vest in Corporation thereof.

7. All property, real or personal, allotted to the new road district by any such agreement or award, shall become vested in the Corporation thereof on and after the date of the constitution of such new district.

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647

8. If such new district is composed of two or more whole road districts the following provisions shall take effect:—

Provision where new district composed of two or more old districts.

- 5 (1.) The Boards of such road districts so united shall be dissolved :
- (2.) All property, real or personal, belonging to either of such road districts shall become vested in the Corporation of the new district :
- (3.) All rates or other moneys payable to the Boards of either of such road districts shall become payable to the Board of the new road district :
- (4.) All the liabilities and engagements of either of such road districts shall become liabilities and engagements of the new road district :
- 10 (5.) All actions, suits, and proceedings pending by or against either of such road districts may be carried on and prosecuted by or against the Corporation of the new road district.

(3.) *Of Altering the Boundaries of Road Districts.*

15 9. The Council of any county may, with respect to road districts situated in such county, by special order, alter the boundaries of such road districts, and declare that from and after a day to be named in such order the new boundaries set forth in such order shall be the boundaries of such road districts; subject, however, to the same conditions, *mutatis mutandis*, as those prescribed by section *four* hereof for the formation of new districts.

Conditions on which Council may alter boundaries.

20 10. As soon as the boundaries of any road district have been altered under the preceding section, the provisions of sections *five*, *six*, and *seven* hereof shall, *mutatis mutandis*, apply.

When boundaries altered sections, 5, 6, and 7 to apply.

(4.) *Of Subdivisions.*

25 11. Any Board may, by special order, divide its district into subdivisions, with such names and boundaries as the Board may think fit, and may also vary the number of members there shall be of the Board for each such subdivision, or the Board may abolish existing subdivisions, or make such alterations as it shall think desirable in the boundaries of the existing subdivisions; subject, however, *mutatis mutandis*, to the performance of the same conditions as those set forth

30 in the *fourth* section hereof, and on which Councils can constitute new districts or alter or abolish existing ones.

Conditions on which Boards may make, alter, or abolish subdivisions.

Such divisions or alterations shall not be capable of being made so as to infringe the provisions of this Act as to the number and distribution of the members of the Board.

35 (5.) *Generally as to New Districts and Alterations.*

12. No new road district or alteration of the boundaries of any road district shall be capable of being made whereby such road district shall extend into more than one county.

Road districts must be wholly within one county.

40 13. When the boundaries of any road district are altered under the authority of section *nine*, or by the formation of a new district out of part of an existing district or districts under section *four*, the Corporation of such road district shall remain the same Corporation as before such alteration.

When boundaries altered, Corporation to remain the same, though Board may be ordered to be dissolved.

45 The Council of the county in which the altered road district is situated may, by special order, dissolve the Board thereof, and may make provision for the election of a new Board.

Unless such dissolution is ordered, such district, and every subdivision thereof as altered, shall be deemed to be the same district or subdivision as before such alteration, and the members of the Board thereof shall continue to be members as though such alteration had not been made.

Rights of creditors not affected by alterations.

14. Nothing in this Act shall in any way affect the rights or interests of any creditor of any road district or of the Board thereof from which a part has been taken to form a new road district or to add to an existing one, or shall relieve the ratepayers for the time being in the area comprised in any such first-mentioned road district from their liability to pay any special rate made under the provisions of any Act or Ordinance now or hereafter to be passed as a security for any loan. 5

Description in special order altering boundaries to be verified by Surveyor-General.

15. No special order passed either by a Council or Board constituting a new district or subdivision, or in any way altering the boundaries of any district or subdivision, shall be gazetted as hereinafter provided, unless previously sent to the Surveyor-General or some person appointed by him, accompanied by a plan showing the boundaries of the district or subdivisions affected by the change, and unless the description contained in such special order be verified by the Surveyor-General or some person as aforesaid as being sufficient to render the new boundaries of the district or subdivision capable of identification. 10 15

Provided that if such description is defective, and if the Surveyor-General or such person as aforesaid shall certify that the same can be amended and the defect cured without making any change in what was evidently intended to be the area comprised in the description contained in such special order, then the same may be so amended at any ordinary meeting of the Council or Board, and it shall not be necessary to commence the proceedings to obtain the special order *de novo*. 20

#### (6.) Of Petitions.

Signatures to petitions to be verified.

16. The signatures to any petition made under any of the provisions of this Act shall be verified by the solemn declaration in the form or to the effect contained in the *Second* Schedule, signed by some person or persons witnessing such signatures; and any person who forges any such petition or any signature thereto, or utters the same knowing it to be forged, or makes any such declaration knowing the same to be false, shall be liable to a penalty of not less than *fifty* pounds nor more than *five hundred* pounds, and also to be imprisoned with hard labour for any period not exceeding twelve months. 25 30

Council may inquire into signatures.

17. If it is represented to the Council that any of the signatures to any such petition or declaration are false, or that any of the persons signing were not entitled so to sign, or that the statements in such petition are untrue, or that the provisions of this Act in respect to such petition have not been complied with, or if the Council for any other reason considers that an inquiry should be made, the Council may cause an inquiry to be made, and may adjourn the consideration of such petition till the result of such inquiry is known. 35

Council may appoint Commissioners to inquire.

18. The Council may appoint one or more Commissioners to make such inquiry, who shall have all the powers in respect to the summoning of witnesses and their examination upon oath, and to calling for the production of books and papers touching such inquiry, as may be exercised by or under any law for the time being in force by Justices exercising summary jurisdiction. 40

Council shall not grant petition if inquiry shows that there are not enough true signatures.

19. The Council shall not grant the prayer of any such petition if the result of any such inquiry, as specified in the last two preceding sections, proves that there are not sufficient true signatures to such petition to make up the number required by this Act. 45

When petitions shall be dealt with by Governor in Council.

20. If the Council shall refuse to grant the prayer of any such petition for any reason other than that the same is not in conformity with the provisions of this Act, or unless as provided by the last preceding section, or shall neglect to return any answer to the prayer of such petition, then the Governor in Council, 50

648

on being requested so to do by any one or more of the petitioners, may, at any time after three but not later than six months after the first meeting of the Council after such petition was forwarded to the office of the Council, and upon being satisfied that such a petition as ought to have been granted under this Act was presented as aforesaid, shall proceed, by Order in Council, to grant the prayer of such petition, and for that purpose shall have all the powers and be bound by all the conditions hereby conferred or imposed respectively upon Councils under this Act in connection with the matters dealt with by this Part of this Act.

21. The provisions of the last five preceding sections shall, *mutatis mutandis*, be read or construed as applying to or in respect of petitions to Boards, in pursuance of section *eleven* hereof. Last five sections to apply to petitions to Boards.

22. If "The Counties Act, 1876," shall not be in operation in the county in which the district is situate the ratepayers of which desire to petition under this Act, then, if such petition is one which ought by virtue of the other provisions of this Act to be addressed to and dealt with by the Council, then and in such case the same shall be addressed to the Governor and dealt with by the Governor in Council, who shall have all the powers and be bound by all the conditions hereby conferred or imposed respectively upon Councils under this Act in connection with the matters dealt with by this Part of this Act. Where petition should be addressed to Governor.

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PART II.

OF ROAD BOARDS.

(1.) *Of the Incorporation of Inhabitants of Road Districts.*

23. The inhabitants of every road district shall be a body corporate under the name of "The Inhabitants of the [*name of district*] Road District," and by that name shall have perpetual succession and a common seal, which seal shall be provided by the Board; and shall be capable in law, by the Board thereof, to hold real and personal property, and to do and suffer all things which bodies corporate may do and suffer. Incorporation of inhabitants of road districts.

(2.) *Of the Number of the Members of the Board.*

24. In every road district there shall be a Road Board, to be called the [*name of district*] Road Board, consisting, in road districts not divided into subdivisions, of not less than four nor more than nine members, and, in road districts divided into subdivisions, of the members for each subdivision, but so that there shall not be less than four nor more than nine members of the Board nor less than one nor more than three members of each subdivision. As to number of members.

25. The members of the Board of a road district shall be elected by the ratepayers of the road district. By whom members elected.

If the road district is subdivided, then the ratepayers of each subdivision shall elect the member or members for such subdivision.

26. The Board may, by special order, increase or diminish the number of members to be elected for each road district or any subdivision, but so that the provisions of the preceding section shall be complied with, and subject also, *mutatis mutandis*, to the same conditions as those prescribed by section *four* hereof for the formation of new districts. Conditions on which Board may alter number of members.

27. When the Board of any road district consists, at the time of its becoming a road district under this Act, of more or fewer members than as by this Act provided, such Board shall be deemed to have been, and shall until the first general election of members hereunder continue to be, the duly-constituted Board. When Boards have more or less members than here provided, how matter dealt with.

of such road district; and before the *thirty-first* day of *March*, one thousand eight hundred and *eighty-three*, the Board shall pass, but without the necessity for any petition from the ratepayers, a special order increasing or diminishing the number of its members, so as to comply with the provisions of this Act.

If the Board fails to pass such special order, then the Council in whose county such road district is situate shall do so; and if it fails to do so before the *first* day of *May*, one thousand eight hundred and *eighty-three*, then such order shall be made by the Governor in Council.

(3.) *Of the Qualification for Membership.*

Who qualified to be member.

**28.** Every ratepayer, except as hereinafter provided, shall be qualified to be a member of the Board. 10

Who disqualified to be member.

**29.** The following persons shall be incapable of being or of being elected to be members, that is to say,—

- (1.) A bankrupt or insolvent who has not obtained his final order of discharge; 15
- (2.) Any person attainted of treason, or convicted of felony, perjury, or of any infamous crime, unless he has obtained a pardon, or has served his sentence;
- (3.) Any person of unsound mind;
- (4.) Any person holding any office or place of profit under or in the gift of the Board, save in the case of the Chairman when also holding the office of Clerk or Treasurer, or both; 20
- (5.) Any person being concerned or participating other than as a shareholder in an incorporated company in any contract with, or work to be done for, the Board. 25

Penalty for acting when disqualified.

**30.** If any person wilfully does any act as a member, being so incapacitated, except for unsoundness of mind, he shall be liable to a penalty not exceeding *one hundred* pounds for every such offence, to be recovered by any person, with costs of suit, in any Court of competent jurisdiction.

But any act done by a person so incapacitated before the recovery of the penalty shall be as valid as though he had not been under such incapacity. 30

(4.) *Of the Dates for Election of Members.*

General election on last Monday in June, 1883, and afterwards every three years.

**31.** On the *last Monday* in *June*, one thousand eight hundred and *eighty-three*, and on the same day in every third year thereafter, all the members of the Board shall go out of office, and a general election of members shall take place. 35

Board may, by special order, regulate rotation of retirement.

**32.** The Board may at any time, by special order, determine how and in what manner the members or any portion of them shall go out of office between the time as hereby fixed of one general election and the next.

Provided that no such special order shall be capable of being made which shall have the effect of extending the period for which any persons, members of the Board at the time of the passing thereof, shall hold office. 40

Provided further that any intermediate elections necessitated by such special order shall take place on the *last Monday* in *June* in the intermediate years.

Provision when no special order made.

**33.** If no such special order be passed by the Board, then the one-half of the members of the Board who have been longest in office shall go out of office, and elections to fill the vacancies shall take place on the *last Monday* in each month of *June* intervening between each general election. 45

If the Board consist of an odd number of members, then the proportion to go out of office every year under this section shall be the even number which, being less than such half, shall be nearest to the exact half of the number of the whole Board. 50

(5.) *Miscellaneous, as to Elections of Members.*

34. Every member of the Board shall come into office on the day of his election, 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.
35. If any person is elected to be a member of the Board for two or more subdivisions, he shall, at the first meeting of the Board thereafter, elect, or, in default thereof, the Board shall elect, for which of such subdivisions he shall serve; and there shall be deemed to be an extraordinary vacancy in the office of member for any other subdivision for which he was elected.
36. 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 absent himself without leave of the Board from four consecutive ordinary meetings thereof, his office shall be vacant, and such vacancy shall be deemed to be an extraordinary vacancy.
37. Whenever there is a failure from any cause whatever to elect a member or members of a Road Board at any election, then the Council of the county in which the district is situate shall at its next meeting appoint some one or more persons who, after their appointment has been gazetted, shall for all purposes whatsoever be members of the Road Board as if they had been duly elected as such; and if the Council refuse or neglect so to appoint, or if "The Counties Act, 1876," be not in operation in the county, then the Governor in Council may appoint in like manner.

When members come into office or cease to hold office.

When person elected for two or more subdivisions, how determined which he shall represent.

How office of member becomes vacant.

Council or Governor to appoint when there is a failure.

(6.) *Of the Ratepayers.*

38. Every person of the full age of twenty-one years whose name appears on the valuation roll of a road district, or of any subdivision thereof, as the occupier of any property, shall be a ratepayer so long as such roll is in force and his name so appears thereon.
39. Every ratepayer shall be entitled to vote at every election of a member of the Board, but, if the road district is subdivided, then only at elections of members of the Board for each subdivision in which he is a ratepayer.
- The votes to which such ratepayer shall be entitled shall be on the following scale:—
- If the property in respect of which he is rated, whether in one or more holdings, is valued on the valuation roll at not more than one thousand pounds, he shall have one vote:
- If such property is so valued at more than one thousand pounds, but less than two thousand pounds, he shall have two votes:
- If such property is so valued at more than two thousand pounds, but less than three thousand pounds, he shall have three votes:
- If such property is so valued at more than three thousand pounds, but less than seven thousand five hundred pounds, he shall have four votes:
- If such property is so valued at seven thousand five hundred pounds or upwards, he shall have five votes.
40. The Chairman or such person as aforesaid shall keep the valuation roll and the ratepayers' roll, if there be one, in the office of the Board, and allow them, or printed copies thereof, to be inspected without fee by all persons interested therein during all office hours.

Who are ratepayers.

As to number of votes for each ratepayer.

Valuation roll or ratepayers' roll to be open to inspection of ratepayers.



Ratepayers' roll may be prepared.

41. A list of all the ratepayers of the district, as above defined, may be compiled from the valuation roll every year during the month of *May* in each year; and the same, signed by the Chairman and Clerk, shall be the ratepayers' roll for the district, and the entry of any person's name on such roll shall be conclusive evidence of the right of such person to vote at any election in the district or subdivision of which such roll declares him to be a ratepayer. 5

Provided that if such a ratepayers' roll be not made out in any district, then the entry of any person's name on the valuation roll as an occupier of any property in the district shall be conclusive evidence of the right of such person to vote at any election in the district or subdivision of which such roll declares him to be an occupier. 10

As to evidence of ratepayers' roll or defaulters' list.

42. Any written or printed copy attested by the Clerk to be a correct copy of the ratepayers' roll shall be evidence of the said roll and of the contents thereof, and shall be evidence that such roll has been made according to law, unless the contrary is proved; and no defect in the title to office of any person exercising the duties thereof, making, correcting, or signing such roll by virtue of such office, shall invalidate such roll. 15

As to ratepayers' roll, &c., in subdivided district.

43. Where a road district is divided into subdivisions there shall, if there be a ratepayers' roll, be a separate ratepayers' roll for each subdivision, instead of one for the whole district; and all the provisions herein contained for making the roll of the district shall apply, *mutatis mutandis*, to making the roll for each subdivision in a district. 20

Special provision when new road district constituted.

44. When any new road district is constituted under the *fourth* section of this Act, the following provisions shall apply:—

- (1.) The Council shall appoint a Clerk, who shall hold office until a Chairman or a Clerk is appointed by the Board. 25
- (2.) Such Clerk may make up a roll, as above provided for, from the valuation roll to be supplied for such new road district under "The Rating Act, 1882;" and, failing the making up of such roll, the names of the ratepayers shall be determined by the valuation roll as above provided. 30
- (3.) The Council shall appoint a Returning Officer to hold the first election of members, and shall appoint the day or days for such elections.
- (4.) The Council shall appoint the day for the first meeting of the Board, and shall have full power to do all things of what kind soever necessary to provide for bringing this Act into operation in such road district, according to the true intent and purpose of this Act. 35

Special provision when boundaries, &c., altered.

45. When the boundaries of a road district are altered hereunder, or when a road district is first divided or is redivided into subdivisions, the Clerk may forthwith make up from the valuation rolls to be supplied under "The Rating Act, 1882," new rolls for such district as altered or for such new subdivisions; and, failing the making up of such roll, the names of the ratepayers shall be determined by the valuation roll as above provided. 40

(7.) *As to Conduct of Elections.*

Regulation of Local Elections Act incorporated.

46. "The Regulation of Local Elections Act, 1876," is incorporated with and shall be read as part of this Act, and shall be in force in every road district constituted or to be constituted under this Act, subject nevertheless to the special provisions contained in the three following sections. 45

Special order may be made for elections to be by open meeting.

47. The Board may at any time, by special order, declare that, notwithstanding the provisions of "The Regulation of Local Elections Act, 1876," all elections of members of the Board shall be conducted in the manner provided by 50

the next section hereof, and such special order may from time to time be revoked and afterwards may be again made; but nevertheless all portions of "The Regulation of Local Elections Act, 1876," not inconsistent herewith, shall still be of full force and effect in the district.

- 5 **48.** When such a special order has been made, the election shall be held in the following manner, that is to say, the Returning Officer shall publicly notify the date and place of meeting for the ratepayers of each district or subdivision where an election is required, and at such meeting the Returning Officer shall preside, and shall accept nominations of duly-qualified candidates, verbally made by two ratepayers qualified to vote, and shall thereupon proceed to take the votes of the ratepayers then present and qualified to vote by a show of hands, each ratepayer's vote being counted for as many as he is entitled to under section *thirty-nine* hereof, and his decision as to the result of such voting shall be final and conclusive, without prejudice, however, to the provisions of "The Regulation of Local Elections Act, 1876," as to inquiries into disputed elections.

When special order made, how election held.

10 Provided always that, on the demand of at least three ratepayers, the Returning Officer shall take down in writing the particulars of the voting, and shall preserve the same until the inquiry into the election, if the same be disputed, as provided by "The Regulation of Local Elections Act, 1876," has taken place.

- 20 Subject to such right of disputing any election, a notice in the *Gazette* by the Returning Officer of the result of such election shall be final and conclusive evidence as to the result of the same.

49. When a new road district is constituted under the *fourth* section hereof, or when the Board of an altered district is dissolved under the *thirteenth* section hereof, the Council, or the Governor in Council, as the case may be, may, if they think fit, order the first election of members to be conducted in accordance with the preceding section.

Council may order first election of members to be so held.

### PART III.

#### OF THE OFFICERS AND PROCEEDINGS OF THE BOARD.

- 30 (1.) *The Chairman.*

50. At the first meeting of the Board of a new district, and at the first meeting of every Board, ensuing after the *last Monday* in the month of *June* in every year, the Board shall elect one of its members to be Chairman.

When Chairman elected.

- 35 51. The Chairman shall come into office on his election, and shall hold office until the election of his successor, and when present shall preside at all meetings.

When Chairman comes into office.

52. If the Chairman be absent from any meeting of the Board, the members present may elect one of their number to be Chairman for that meeting.

When Chairman absent from meeting.

- 40 53. In the case of an equality of votes, the Chairman, or member acting as Chairman, shall have a second or casting vote.

Chairman to have casting vote.

54. The Chairman may resign his office by writing under his hand delivered to the Board or the Clerk of the Board; 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 for four consecutive ordinary meetings of the Board, his office shall become vacant, and the Clerk shall forthwith call a meeting of the Board, who shall elect a Chairman in his stead.

As to resignation, &c., of Chairman.

55. The Chairman may hold the office of Treasurer or Clerk, or both, and where there is no Clerk the Chairman shall and may exercise all the powers, and discharge all the duties and functions, by this or any other Act vested in or imposed upon the Clerk to the Board.

Chairman may be Treasurer or Clerk.

## (2.) Officers.

Board may appoint,  
&c., officers.

56. The Board may from time to time appoint and employ such officers to assist in the execution of this Act as they shall think proper and necessary, and from time to time remove any such officers, and appoint others in the room of such as shall be so removed, or as may die, resign, or discontinue their offices, and may, out of the District Fund, pay such salaries and allowances to the said officers respectively as the Board shall think reasonable.

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One person may hold two or more of any offices under the Board.

Member, except  
Chairman, cannot  
hold office with salary.

57. No member of the Board shall be capable of being or continuing an officer of the Board except he consent to act without salary, unless in the case of the Chairman when also holding the office of Clerk or Treasurer, or both.

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## (3.) Ouster of Office.

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

58. Upon *prima facie* proof, by affidavit or otherwise, that the Chairman or any member of the Board is or has become incapable under the provisions of this Act of holding his office, the Resident Magistrate of the Resident Magistrate's district within which is the place where the Board usually holds its meetings may grant a summons, calling upon the person holding such office, on a day and time to be stated in the summons, to show cause why he should not be adjudged to be ousted of the same.

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On hearing summons  
Resident Magistrate  
may adjudge member  
to be ousted.

59. If upon the return of such summons it appears to such Resident 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 Resident Magistrate may adjudge such person to be ousted of the same, and such person shall be ousted of such office accordingly.

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In such proceedings  
Resident Magistrate  
may exercise power  
as in civil cases.  
Before whom affida-  
vits sworn.

60. In any such proceeding, the Resident Magistrate may exercise all the powers which he may exercise in his ordinary jurisdiction in civil cases.

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

61. Any affidavit used or made in any proceeding under this Part of this Act may be sworn before any person authorized to take affidavits in the Supreme Court.

62. No question 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 Resident Magistrate's Court hereunder shall be removable into the Supreme Court by *certiorari* or otherwise.

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## (4.) Of the Proceedings of the Board.

Annual meeting of  
Board.

63. The Board shall hold an annual meeting at noon on the *second Monday* in *June*, at the office of the Board, and shall hold ordinary meetings for the transaction of general business at such stated times as the Board from time to time appoints.

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As to notice of  
ordinary meetings.

64. The Chairman or the Clerk shall give notice in writing to each of the members of the time appointed from time to time for ordinary meetings, and the members shall attend such meetings without further notice of each meeting.

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How questions  
decided at Board.

65. Every question coming before the Board shall be decided by open voting, and by the majority present, subject to the Chairman's casting vote, as before mentioned.

As to quorum of  
Board.

66. All powers vested in the Board may be exercised by a quorum, which shall consist of half the whole number of members when that number is even, and of a majority when such number is odd; and no business shall be transacted at any meeting unless a quorum is present within half-an-hour of the time appointed for the commencement of the meeting.

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651

67. No member shall vote upon or take any part in the discussion of any matter before the Board in which he has directly or indirectly, by himself or his partners, any interest apart from any interest in common with the public; and any member who knowingly offends against this section shall be liable to a penalty not exceeding *fifty* pounds for every such offence; and on being convicted thereof his seat in the Board shall become vacant. Members cannot vote where interested.
68. Any meeting of the Board may be adjourned; and if a quorum is not present within half an hour of the time appointed for any meeting, the members or member if there is only one present, or the Clerk if no member is present, may adjourn such meeting to another day not later than seven days thereafter. And notice of such adjourned meeting shall be given to each member. As to adjournment of meetings.
69. The ordinary meetings of the Board shall be held for transacting the ordinary business of the Board, for appointing and removing the officers of the Board and superintending their conduct, and for inquiring into the conduct of contractors or other persons employed to execute works, and into the state and progress of such works, and for ordering the expenditure of the Board, and generally for doing all things necessary to carry this Act into effect. As to ordinary meetings.
70. Meetings of the Board shall be open to the public; but the Board may exclude strangers or any stranger on account of disorderly conduct. Meetings to be open to public.
71. No extraordinary business shall be transacted at any ordinary meeting, unless due notice thereof has been given at a prior meeting, and notice thereof in writing sent to each member; and the Chairman shall determine what business shall be deemed to be extraordinary within the meaning of this section. Special notice required for extraordinary business.
72. Any resolution of a meeting of the Board may be revoked or altered at a subsequent meeting, either by a unanimous vote of all the members, or by a vote of the majority of the Board, subject in such last-mentioned case to the condition that, seven days at least before such subsequent meeting, notice thereof and of the proposal to revoke or alter such resolution shall be given to each member. As to revocation or alteration of resolutions.
73. The Board may at any time hold a special meeting, to be called either upon a resolution of the Board or upon a requisition in writing, delivered to the Clerk, and signed by the Chairman or by any three members, and specifying the day for which such special meeting is to be called. How special meetings convened.
74. When anything is by this Act required to be done by special order, it shall only be done by the passing of a resolution, which shall be publicly notified once during the four weeks immediately preceding the meeting at which such resolution is to be proposed, and which meeting may either be a special or an ordinary meeting. How special order made.
- Special notice of such proposed resolution shall also be sent to each member at least fourteen days before the day fixed for the meeting at which the resolution is to be proposed.
75. Upon the passing of any special order made by any Council or Board under this Act a copy of the same, with a certificate signed by the Clerk or Chairman to the effect that the same has been duly passed, shall be sent to the Colonial Secretary, and shall be by him immediately gazetted, subject, however, to the provisions of section *fifteen* hereof, and shall only take effect from the date of such gazettement, or from some day after the gazettement specified in such special order. Special orders to be gazetted.
76. The production of a copy of the *Gazette* containing such special order purporting to be signed by the Chairman shall, until the contrary be proved, be conclusive evidence in all Courts, and for all purposes whatsoever, of the same having been duly made in accordance with this Act. Gazette proof of validity of special order.

How notice given of meetings.

77. Every notice of a meeting, when by this Act notice is required to be given, shall be in writing under the hand of the Clerk, and, except in the case referred to by section *seventy-four* hereof, shall be sent to each member seven clear days at the least before such meeting; and in the case of extraordinary business to be brought before an ordinary meeting, or of a special meeting, or of the proposal to alter or revoke a resolution, the notice shall set forth the business to be brought before the meeting. 5

Board may appoint Committees.

78. The Board may from time to time appoint committees for the regulation and management of or for inquiring into and reporting upon such matters as it thinks fit, and may fix and alter the quorum, and appoint and remove the chairman of any such committee; and may discharge the same. 10

Power of Committees.

79. Every such committee may meet at such times and places as it thinks fit, and may adjourn any meeting, may elect its chairman, and in the absence of the chairman may appoint some member present to be chairman of any meeting; but no business shall be transacted at any meeting unless a quorum be present; and all questions shall be determined by a majority of votes of the members present, and in case of an equality of votes the chairman shall have an original and also a second or casting vote. 15

Proceedings of Board or Committee not invalidated by vacancy.

80. No proceeding of the Board, or of any committee, or of any person acting as member, shall be invalidated in consequence of there being a vacancy in the number of members at the time of such proceeding, or by reason of the discovery, after such proceeding, that there was some defect in the election or appointment of any person so acting, or that he was incapable of being a member. 20

Board may provide public offices in district.

81. The Board may from time to time provide and maintain public offices within the district, or, if more convenient, without the district, for holding meetings and for the use of its officers, and for transacting public business relating to the district; and may purchase or rent land or buildings for such purpose, or may cause new buildings to be erected on any land belonging to or hired by the Board. 25

Clerk to attend office during office-hours.

82. Unless otherwise ordered by the Board, the Clerk or some other person appointed by the Board shall attend at the offices of the Board during office hours for the purpose of receiving notices and transacting the ordinary business of the Board; and public notice shall be given in the district of the situation of the offices of the Board, and the office-hours thereat. 30

As to minutes of Boards and Committees.

83. The Clerk shall keep the minutes of the proceedings of the Board and also of each committee of the Board in a book, in which he shall enter the names of the members attending each meeting, and the names of the members voting on each question on which there is a division, and every resolution, order, or other proceeding of the Board or committee; and the minutes and proceedings of every meeting shall be read at the next succeeding meeting of the Board or committee, or in the case of the minutes of the last meeting of a committee at the next succeeding meeting of the Board; and, if approved by the Board or committee, or when amended as directed by the Board or committee, shall be signed by the Chairman of such succeeding meeting. 35

Minutes to be evidence of proceedings.

84. The minutes of proceedings of the Board or of any committee, kept as above provided, shall be received as evidence of such proceedings in all Courts and for all purposes whatsoever, and the validity of all such proceedings shall be presumed unless the contrary is proved. 40

Minute-book to be open to inspection of ratepayers.

85. The said minute-book shall be kept in the office of the Board, and shall be open to inspection, without fee, during all office-hours, by any of the members or by any creditor of the Board, or by any ratepayer of the district. 45

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(5.) *Of Collectors and Accountants.*

86. Before any officer intrusted by the Board with the custody or control of moneys by virtue of his office enters thereon, the Board shall take sufficient security from him for the faithful execution thereof. Board to take security from officers.
- 5 87. Every person receiving moneys on behalf of the Board shall, at such times as the Board directs, give to the Chairman a list of all moneys collected by him, showing by whom they were paid, and accompanied by the receipt of the bank for such moneys. Persons receiving money to give Chairman a list with bank receipt.
- 10 88. Every person receiving rates on behalf of the Board shall give to the person paying such rates a receipt for the same, in such form as the Board provides. Receipts with consecutive numbers to be given for rates.
- 15 Forms of receipts shall be supplied to the person collecting the rates, numbered with consecutive numbers; and such person shall account for the use of all such forms, and shall append to the list mentioned in the last section the number of the receipt which he has given to each person from whom he has received money.
89. Every collector of rates shall from time to time, as the Board directs, make a return to the Board of the names of all persons who have neglected or refused to pay any rates due by them. Collector to give periodical returns of names of those who have not paid rates.
- 20 90. Every person in whose hands any money is placed for expenditure on behalf of the Board shall render full and faithful accounts of the expenditure of all such moneys, at such times and in such manner and supported by such vouchers as the Board directs, and shall pay over the balance of any such moneys in his hands to any person appointed by the Board to receive the same. Persons authorized to expend Board's moneys to give true accounts thereof.
- 25 91. If any moneys belonging to the Board appear at any time to be lying in the hands of any person and not to be duly accounted for, such moneys shall be deemed to be a debt due by such person to the Board, and may be recovered by any person authorized by the Board in that behalf, together with full costs of suit, in any Court of competent jurisdiction. Moneys not accounted for to be debt due to Board.
- 30 92. If any person fails to render any accounts hereby required, or to deliver up the vouchers relating thereto in his possession, or to pay forthwith on demand the balance thereof as hereby required, or fails for five days after demand thereof to deliver up to the Board, or to any person authorized by the Board to receive the same, all matters and things in his possession or control belonging to the Board or relating to the execution of this Act, any two Justices may hear and determine the matter in a summary way, and may order such person to render such accounts, or to deliver up such matters or things, or to pay such balance, as hereby required: And if such person neglects or refuses to obey such order, he may be committed to gaol by any Justice for any period not exceeding six months. Penalty for non-compliance with preceding provisions.
- 35 93. No such proceeding against or dealing with any officer as aforesaid shall deprive the Board of any remedy which they might otherwise have against any such officer or against any surety of such officer, or shall exempt any person from any criminal proceedings to which he might otherwise be liable. Proceedings for penalties not to prejudice other remedies.

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## PART IV.

## OF THE FUNDS AND ACCOUNTS.

(1.) *Of the Road Board Fund.*

94. The Road Board Fund shall consist of the moneys following, that is to say,— What Road Board Fund consists of.

- (1.) Rates made and levied as provided by any law for the time being regulating the levying of rates by Road Boards;
- (2.) Tolls levied on district roads, bridges, or ferries, or the rents of such tolls;
- (3.) Moneys received by the Board under any grant or appropriation by or under or in pursuance of any Act of the General Assembly of New Zealand; 5
- (4.) All moneys payable to the district under the provisions of "The Financial Arrangements Act, 1876;"
- (5.) All rents and profits from property vested in the body corporate or the Board; 10
- (6.) All fees, fines, and penalties recovered under the provisions of this Act, or any by-law made thereunder, or of the Acts incorporated therewith, for any offence committed within the district;
- (7.) Moneys received by way of subscription or voluntary donation; and 15
- (8.) All other moneys which may become the property of the body corporate of the road district or of the Board.

All such moneys shall be carried to an account to be called "The Road Board Fund Account."

Such fund shall be applied by the Board towards the payment of all expenses incurred in carrying this Act into execution, and in doing and performing all acts and things which the Board are or shall be by this or any other Act empowered or required to do or perform. 20

Clerk of Court to pay over to Board penalties imposed by Act.

95. The Clerk or other proper officer of the Court in which any fines or penalties under the provisions of this Act or any by-law made thereunder, or of any Act incorporated with this Act, are recovered, shall, within ten days after the receipt thereof, pay the same over to the Road Board Fund of the said road district within which the offence or breach for which such fines or penalties are imposed has been committed. 25

Whenever such fines or penalties are required to be paid in stamps, and have been so paid, the Clerk or such officer shall certify to the Colonial Treasurer the amount of same, that they have been so paid, and the name of the Board entitled to receive the same; and thereupon the Colonial Treasurer, without the necessity of any appropriation by Parliament, shall pay the same out of the Consolidated Fund over to the Road Board Fund of the said Board. 30

Moneys of Board to be paid into Bank in five days.

96. Every person receiving any moneys of the body corporate, on behalf of the Board, amounting to five pounds and upwards shall, within five days after they shall have come to his hands, pay the same into such bank as the Board shall from time to time have appointed for that purpose, to an account to be called "The [name of district] Road Board Account." 35

Bank to give receipts.

97. The Bank shall give receipts for such moneys so paid in, and any such receipt shall be a sufficient discharge to such person for the amount named therein. 40

How moneys drawn out of Bank.

98. Such money shall only be drawn out of such bank by cheques signed by the Clerk of the Board and countersigned by the Chairman and one member of the Board from time to time appointed by the Board for that purpose. 45

(2.) *Audit and Accounts.*

County Auditors to be Road Board Auditors.

99. The Auditor or Auditors for the county in which a road district is situate shall be the Auditor or Auditors for such district.

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Such salary or remuneration shall be paid to such Auditor or Auditors out of the Consolidated Fund as shall be appropriated by Parliament for the purpose.

100. The Treasurer, or Clerk if there be no Treasurer, shall keep full and true accounts, in which he shall enter every sum received into and every sum paid out of the Road Board Fund in the order of date of each such receipt and payment. Treasurer or Clerk to keep accounts.

The accounts of the Road Board Fund shall be kept under the several heads as follow:—

- 10 (1.) The general account, which shall be credited with all moneys received which are not hereby required to be carried into any other account, and shall be charged with all the ordinary expenditure of the Board, and with any advances the Board thinks fit to make to the other accounts;
- 15 (2.) The separate accounts, consisting of works for which separate rates or other moneys are provided and appropriated to separate purposes, each of which severally shall be credited with the moneys received, and charged with all payments on account of the work or service for which such separate rates or other funds were made or provided.

20 101. If the balance in any of the said accounts other than the general account is at any time insufficient to meet the lawful charges thereon, the Board may transfer such sums as may be necessary from the general account to meet the same, and may at any time repay any such advance out of any excess in the receipts over the liabilities of any such account; but it shall not be lawful to Deficiency in special accounts may be paid out of general account.

25 make any transfer from any one to any other of the accounts above mentioned except as in this Act provided.

102. On or before the *thirtieth* day of *April* in each year the Treasurer, or Clerk if there be no Treasurer, shall prepare and send to any one of the Auditors a yearly balance-sheet, being an abstract of all the transactions in Balance-sheet up to 31st March to be sent to Auditor before 30th April.

30 each of the accounts above mentioned during the year ending on the *thirty-first* day of *March* previous, together with the statements following:—

- (1.) A statement of the whole assets and liabilities of the road district upon the said *thirty-first* day of *March*;
- (2.) A statement of the public debt of the road district;
- 35 (3.) A statement of the reserves and other real property belonging to the road district, showing the terms, conditions, and rents for which any parts thereof are let on lease or otherwise, and the amount of the rents in arrear in each case.

103. If the financial year of any existing Board has hitherto terminated on Provision where financial year has hitherto not terminated on 31st March.

40 some day other than the *thirty-first* day of *March*, then the balance-sheet to be delivered in accordance with the last preceding section on or before the *thirtieth* day of *April*, one thousand eight hundred and eighty-three, shall only deal with the transactions from the period up to which the last yearly balance-sheet of such Board was carried until the *thirty-first* day of *March*, one thousand eight Auditor to examine into accounts.

45 hundred and eighty-three.

104. The Auditor shall forthwith examine the said yearly abstract, and shall compare it with the Treasurer's book's, or the Clerks if there be no Treasurer, and with the bank pass-books, bank receipts given to persons receiving money on behalf of the Board, vouchers, and other documents explaining and supporting Auditor to examine into accounts.

50 the same.

105. If the Treasurer, or Clerk if there be no Treasurer, fails to furnish the above-mentioned balance-sheet and statements within the time aforesaid, or if Penalty for Treasurer not furnishing accounts.



he or any other person having the custody or control of any of the books or papers which the Auditor is hereby empowered to examine refuses to produce the same at the office of the Board, or in any way obstructs the Auditor in the examination thereof, he shall be liable to a penalty of not more than *one hundred* pounds for each such refusal.

Auditor to report upon same before 31st May.

**106.** The Auditor shall certify to the correctness of such yearly balance-sheet and statements, either wholly or with such exceptions as he shall think fit, and shall send the same, with such certificate and exceptions (if any), to the Board on or before the *thirty-first* day of *May*.

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Such balance-sheet, certificate, and exceptions (if any), or true copies thereof, shall be kept at the office of the Board, or some other place in the district, to be publicly notified, and during the month of June shall be open without fee to the inspection of all ratepayers in the district.

Board to consider accounts and Auditor's report at annual meeting.

**107.** At the annual meeting on the *second Monday* in *June* in each year the Board shall consider such balance-sheet and statements, certificate, and exceptions (if any), and any report the Auditor may desire to make thereon; and, if they think that such balance-sheet fails to show fully and truly all the dealings with the District Funds, may make such alterations therein, not being contrary to the provisions of this Act, as they think fit, and shall finally settle the same; and the Chairman shall sign the balance-sheet so settled, which, when so signed, shall be deemed to be the true accounts of the district for all purposes.

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Members liable for moneys improperly paid away.

**108.** If the Auditor shall report that any moneys have been unlawfully or improperly paid away by the Board, or that any liability incurred by the Board has been unlawfully or improperly incurred, any ratepayer of the district may in any Court of competent jurisdiction sue the members who consented to such payment or the incurring of such liability, and either jointly or severally for the amount of such payment or liability, and may recover judgment for the same if it has been so unlawfully or improperly paid or incurred, together with a penalty of not exceeding *one hundred* pounds, and all costs of the proceedings.

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The amount of any such penalty and the costs when recovered, shall be retained by the ratepayer who has sued for his own use, and the other moneys recovered by the judgment shall be paid into the Road Board Fund Account, and form part of the Road Board Fund.

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Before 30th June Treasurer or Clerk to forward accounts, &c., to Colonial Treasurer, to be published in *Gazette*.

**109.** The Treasurer, or Clerk if there be no Treasurer, of every road district shall, on or before the *thirtieth* day of *June* in each year, send to the Colonial Treasurer a true copy of the said balance-sheet as submitted to the Auditor, with his certificate and exceptions (if any) and any report, and also a copy of the balance-sheet, as signed by the Chairman as above mentioned, if any alterations are made under section *one hundred and seven*; and the Colonial Treasurer shall forthwith publish the same in the *Gazette*.

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If the Treasurer or Clerk fails to comply with this provision he shall be liable to a penalty not exceeding twenty pounds.

Provision for a special audit on petition of ratepayers.

**110.** Upon a petition in that behalf, signed by not less than one-third of the ratepayers for the time being of any road district, the Governor may, on such terms as to guarantee by the petitioners of the expenses thereof or otherwise, as he shall think fit, appoint a special Auditor to audit the accounts of such district; and such special Auditor shall, for the purpose of such audit, have all the powers which may by any law for the time being in force be exercised by the Controller or Auditor-General in respect of the Public Account; and the precept of such special Auditor shall have the same force and effect as a precept of the Controller or Auditor-General. Every such special Auditor shall report to the Governor the result of his inquiry; and the Governor shall lay every such

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report before Parliament within ten days after its first sitting after he has received the same.

111. Any member of the Board, or ratepayer, or the Clerk, or any person holding any security charged upon the property of the Corporation of the district, or upon a rate on the property in the district or any part thereof, may inspect the accounts of the Treasurer, or of the Clerk if there be no Treasurer, and take copies from any part thereof, at all reasonable times; and any person refusing or obstructing such inspection or copying of any account in his custody or control shall be liable to a penalty not exceeding *fifty* pounds for every such offence.

Who may inspect Board's accounts.

### (3.) Of Borrowing.

112. The Board may, in anticipation of its current revenue, from time to time borrow moneys from the bank by way of overdraft; but the amount of such overdraft shall never at any time exceed the total amount of the income of the Board for the year ending the *thirty-first* day of *March* previous, not including in such income any moneys received by way of grant from the General Government, or any moneys borrowed or any moneys received for separate rates or special rates.

Extent to which Board may borrow on overdraft.

113. No claim of any creditor of any road district shall attach to or be paid out of the public revenues of New Zealand or by the General Government thereof.

Government not liable for Road Board liabilities.

### (4.) Rates.

114. The Board of every road district may, from time to time, as it thinks fit, make and levy general rates on all rateable property within its district for carrying into effect the general purposes of this Act; but the total amount of such rates made for any one year shall not exceed *three farthings* in the pound on the rateable value, and such rates shall be made subject to the following condition:—

Power to levy general rates.

Before making any such 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 rateable property on the valuation roll, and the rate thereon necessary to raise the money required; and such estimate, being approved by the Board, shall for at least fourteen days before making the proposed rate be left at the office of the Board, or at some other place in the district to be publicly notified, and open for further inspection of all ratepayers.

115. The Board of every road district divided into subdivisions may from time to time, either in lieu of or in addition to any general rate made under the last preceding section hereof, as they see fit, in the manner and, *mutatis mutandis*, subject to the same conditions as specified in the said section hereof, make and levy rates, to be called "separate rates," equally upon all rateable property within every or any subdivision of such road district, and so that the "separate rates" to be levied in each subdivision may vary from those in other subdivisions.

Boards of subdivided districts may levy separate rates.

116. No separate rates made in any one year shall, together with the general rates levied under section *one hundred and fourteen* hereof, exceed in any subdivision the amount of *three farthings* in the pound.

Limit of separate rating power.

One-twentieth part of separate rate to be ordinary revenue.

**117.** One-twentieth part of every separate rate made and levied within any subdivision shall form part of the ordinary revenue of the body corporate of the road district, to be applied in such manner as such ordinary revenue may be applied, and the remaining nineteen-twentieths of such separate rate shall be wholly expended in the subdivision within which the same shall be levied and raised. 5

Power to levy special rates on whole district.

**118.** When it appears to the Board that there is any particular work which the Board is authorized to execute which will benefit the whole district, but the cost of which cannot conveniently be defrayed out of the general or separate rates, the Board may, in like manner, for defraying the expenses incurred in executing such work, by special order, make and levy a special rate on all rateable property within the district; but the total amount of all such special rates made for any one year in any part of the road district shall not exceed *three farthings* in the pound, and they shall be made subject to the following condition, namely,— 10

Before making such rate, the Board shall cause an estimate to be prepared of the cost of the proposed work, and the amount of the rate proposed to be levied, and shall give thirty days' public notice thereof. 15

Power to levy special rates on portions of district.

**119.** Where it appears to any Board that any work which the Board is authorized to execute is for the special benefit of any particular portion of the road district, the Board may in like manner for defraying the expenses incurred in executing such work, by special order distinctly defining such portion, make and levy a special rate on all property within the portion so defined, subject to the same limitations and conditions as in the last preceding section mentioned, save that the public notice shall in such case contain a description of the portion of the district in which the rate is proposed to be levied. 20

Special rates cannot be levied except upon petition of ratepayers.

**120.** No such special order as in the two last preceding sections mentioned shall be made unless a petition shall be presented to the Board, praying that a special rate may be made and levied, signed by two-thirds of the ratepayers in the whole or such portion of the road district as may be liable to be rated to such special rate. 25

Moneys received from special rates, how applied.

**121.** The Board shall apply one-twentieth part of the moneys received from any such special rate in such manner as the ordinary revenue of the body corporate may be expended, and the remaining nineteen-twentieths shall be applied towards the expense of such works as mentioned in sections *one hundred and eighteen* and *one hundred and nineteen* hereof, as the case may be, or towards recouping themselves the expense of any such works which may have been constructed before such special rate was so resolved on. 30

Board may employ same Collector as Council.

**122.** The Board may employ any person employed by the Council of the county in which the district of the Board is situate in collecting rates levied by the Council to collect all or any rates levied by the Board. 35

Board may delegate rating powers to Council.

**123.** The Board may by special order delegate to such Council all or any of the powers hereby conferred upon the Board of making and levying rates, subject to such conditions or stipulations as to payment of the expense of such making and levying, and also as to the expenditure of the moneys received from such rates as may be agreed upon. 40

Powers of Council after such delegation.

**124.** Upon a special order being made under the last preceding section, the Council shall have and may exercise all and singular the powers hereby, or by any other Act, conferred upon and vested in the Board, of making and levying such rates as are referred to in such special order, subject to such special conditions as are referred to therein. 45

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## PART V.

## OF THE POWERS AND DUTIES OF BOARDS.

(1.) *As to By-laws.*

125. The Board of every district may from time to time make, alter, or repeal by-laws for the good government of the district in respect to matters hereinafter mentioned; and so that such by-laws may either be made by itself for its own district, or that the Board may join with any one or more other Boards in making by-laws which shall be in force throughout all the districts of the Boards making such by-laws.

Subjects on which Boards may make by-laws.

10 The purposes for which Boards may make by-laws are as follows:—

- (1.) To repeal any by-law for the time being in force;
- (2.) To regulate the meetings, proceedings, and general conduct of the business of the Board;
- (3.) To regulate the duties, duration and conditions of service, and the salaries or other remuneration of officers and servants of the Board;
- 15 (4.) When the whole of "The Counties Act, 1876," is not in force or when the operation of such Act is suspended in the County in which the district of a Board is situate, then for any purpose whatsoever for which, by "The Counties Act, 1876," the Council of the county in which the road district is situate could have made by-laws, including the altering or repealing of any existing by-laws made by the Council of such county prior to the suspension of the operation of the said Act, but so that no by-laws made under this subsection shall operate beyond the road district the Board of which has made the same;
- 20 (5.) For any other purposes for which the Board is empowered to make by-laws under this or any other Act.

126. By-laws made under the first, second, and third subsections of the last preceding section shall be made by an ordinary resolution of the Board, but by-laws made under the fourth and fifth subsections of the said section shall be made only in the manner and subject to the conditions following:—

How by-laws made.

- 30 (1.) They shall be made only by special order, provided that, in publicly notifying the resolution as before provided, it shall not be necessary to set forth the whole of the proposed by-law, provided that the object or purport of the same be stated; and provided that a copy of the proposed by-law be deposited at the office of the Board, or at some other place in the district which shall be specified in the notification, and be open to the inspection of all the ratepayers during office-hours for *thirty* days immediately preceding the meeting.
- 35 (2.) They shall have the common seal of the body corporate affixed thereto;
- 40 (3.) When two or more Boards agree to make joint by-laws as above mentioned, they may do so either by holding separate meetings of each Board and passing similar special orders, or by meeting together either by one or more delegates from each Board, in which case, however, the voting shall be by the delegates of each Board or the majority of them exercising one vote on behalf of the Board they represent;
- 45 (4.) They shall come into operation upon their being gazetted, or upon some day after such gazettement to be named in the special order passing them;

127. A copy of the *Gazette* containing any by-law shall be received in all Courts as evidence of the same having been duly made as by this Act provided, unless the contrary is proved.

*Gazette* copy by-laws to be evidence.

By-laws may provide penalties.

**128.** Any by-law may provide a penalty for every breach thereof of an amount which shall be in the discretion of the Court inflicting the same, and shall in no case exceed *ten* pounds.

Penalties not to exempt from other consequences of breach.

**129.** Nothing in this Act, or in any by-law made thereunder, shall be deemed to relieve any person from any penalty, punishment, or action to which he would otherwise be liable in respect of anything done by him in breach of any such by-law. 5

Copies of by-laws to be kept by Board and sold.

**130.** The Board shall cause copies of all by-laws, or of the *Gazette* containing the same, to be kept at the offices of the Board, and to be sold to any rate-payer applying for the same at a reasonable charge. 10

(2.) *Contracts.*

Board may contract for execution of works.

**131.** The Board may enter into contracts with any persons for the execution of any public works directed or authorized by this or any other Act to be done by the Board, or for furnishing materials, or for any other things necessary for the purposes of this Act. 15

Requirement of contract.

**132.** Every such contract, if required to be in writing, and if for the execution of any work, shall specify the work to be done, and the materials to be furnished, and the price to be paid for the same, and the time or times within which the work is to be completed, and the penalties to be suffered in case of non-performance thereof. 20

How power of making contracts may be exercised.

**133.** The power hereby granted to the Board to enter into contracts may lawfully be exercised as follows, that is to say,—

- (1.) Any contract which if made between private persons would be by law required to be in writing and under seal, the Board may make in writing and under the common seal of the body corporate, and in the same manner may vary or discharge the same; 25
- (2.) Any contract which if made between private persons would be by law required to be in writing, signed by the parties to be charged therewith, the Board may make in writing signed by the members thereof, or any two of their number acting by the direction and on behalf of the Board, and in the same manner may vary or discharge the same; 30
- (3.) Any contract which if made between private persons would be by law valid although made by parol only and not reduced into writing, the members of the Board, or any two of them acting by direction and on behalf of the Board, may make by parol only without writing, and in the same manner may vary or discharge the same. 35

Contracts of Board to bind body corporate.

**134.** All contracts duly made according to the provisions herein contained, shall be effectual in law, and shall be binding on the body corporate of the district and all other parties thereto, their successors, heirs, executors, or administrators, as the case may be. 40

Actions or suits may be maintained on contracts.

**135.** In case of default in compliance with any such contract, either by the Board or by any other party thereto, such actions or suits may be maintained thereon, and damages and costs recovered by or against the body corporate or the other parties failing in compliance therewith, as might have been maintained and recovered had such contract been made between private persons only. 45

Board may compound for breach of contract.

**136.** The Board may compound with any person for such sum of money or other recompense as they think fit in respect of the breach of any contract or of any penalty incurred thereunder, or of any debt due to the body corporate, whether before or after any action or suit is brought for or in respect of the same. 50

(3.) *Public Works.*

137. The Board shall have the care and management of all district roads within its district within the meaning of "The Public Works Act, 1876," or any Act which has been or may hereafter be passed in lieu thereof.

Board to have care or management of district roads.

5 138. With respect to all such district roads the following provisions shall have effect :—

Provisions with respect to district roads.

(1.) Every such Board shall, subject to the provisions hereof, have full power and shall be bound to form, construct, improve, repair, and maintain all such district roads, and all bridges and ferries thereon.

10 (2.) The Board may, by writing, authorize any person to erect swing-gates across any district road.

The Board may, notwithstanding such authority, cause any such swing-gate to be removed at any time; and in any case in which a swing-gate shall have been erected, a board with the words "public road" legibly painted thereon shall be, by the person authorized to erect the same, fixed to such gate.

15 139. It shall be lawful for any Board from time to time to contract, upon such terms and conditions as they may see fit, with any other governing body empowered in that behalf, or with the Minister for Public Works, for or with respect to the doing, control, conduct, management, or supervision by either or

20 any of the contracting parties of any of the things hereinbefore provided for, or of any matter or thing which the Board of the road district or such other governing body is by law empowered to do, control, and manage.

Board may contract with other governing body or Minister for Public Works.

Any such contract may relate to the execution of any public works which, in the opinion of the Board, shall be beneficial to the ratepayers of the district,

25 whether such works are to be wholly or partially constructed outside the district.

140. Any Board may join with any other one or more governing bodies in contracting with any person or persons for the execution of any works the construction of which will be either wholly or partially within or without its district which, in the opinion of the Board, will be beneficial to the ratepayers

30 of its district, and such contract may provide for the apportionment of the cost of such works among the governing bodies parties thereto in such proportions as shall be thought fair and equitable by the parties thereto.

Board may join with other governing bodies in making contracts.

141. Any governing body to whom, under any contract made in pursuance of either of the two last preceding sections, the control, conduct, management,

35 or supervision of any works may be intrusted shall have in respect thereof all the powers which the other governing bodies, parties thereto, may under this or any other Act for the time being have, unless the exercise of such powers is expressly reserved by such contract.

Powers of governing bodies parties to such contract.

142. The right, interest, and property of and in all toll-houses, toll-gates, and other erections and buildings, lamps, bars, toll-boards, direction-boards, mile-

40 stones, posts, rails, chains, fences, and other things, and all ferries which may be placed, erected, or provided in or for any road district, or be placed under the control of the Board thereof as herein provided, with the several appurtenances thereof and the materials of which the same shall consist shall be vested in

45 the corporation of the district.

Property in toll-houses, &c., vested in Board.

143. All materials, tools, and implements which shall be provided for constructing, repairing, or maintaining the district roads, bridges, or ferries within the road district, or such roads, bridges, or ferries as may be placed under the control of the Board, and the scrapings of all such roads, shall be vested in the

50 corporation of the road district: Provided always that nothing herein contained shall be deemed to vest in the corporation of any road district any right, interest;

Materials, &c., used in making roads vested in Board.

or property whatsoever in any toll-house, toll-gate, or other erection or building, or in any lamp, bar, toll-bar, direction-board, milestone, posts, chains, rails, or other thing upon or near any county or Government road.

Board not to interfere with Government public works.

144. Nothing in this Act contained shall authorize the Board to interfere with any public works carried on or executed by the Government of the colony, or under the control of such Government, without the consent in writing of the Minister for Public Works. 5

Powers of Queen and Governor as to public works not affected by this Act.

145. Nothing in this Act shall prejudice or affect any power or authority vested in Her Majesty, or in the Governor, or in any other person on behalf of Her Majesty or the Governor, under any Acts of the General Assembly authorizing the erection, construction, or maintenance of any such public works. 10

## PART VI.

### MISCELLANEOUS.

How notices shall be sent.

146. A notice required by this Act to be sent to any person may be delivered to him personally, or may be sent to the last-known place of abode or business of such person by messenger or by post. 15

- (1.) If such person is absent from the colony, the notice may be sent to his agent.
- (2.) If such person is not known, or has no known agent in the colony, and the notice relates to any land or buildings, the notice shall be deemed to be sent if it is affixed in a conspicuous place on or to such land or building, or if on some public road adjoining thereto, or if it be publicly notified. 20
- (3.) A notice required to be sent to a Road Board must be sent to the office of such Road Board. 25
- (4.) Every notice required to be sent by a Road Board shall, unless it is otherwise provided, be under the hand of the Clerk or Chairman.
- (5.) Where a notice is sent by post, it must be sent so as to arrive, in the due course of post, on or before the latest time on which such notice is required to be served. 30
- (6.) Any summons, writ, or other legal proceeding requiring to be served on the Board may be served by being left at the office of the Board, or given personally to the Chairman or the Clerk.

How orders, summonses, &c., by Board signed.

147. Every order, summons, notice, or other such document requiring authentication by the Board, or any affidavit required to be made by or on behalf of the Board, may be signed or sworn respectively by the Chairman or by any two members of the Board, or by the Clerk, and need not be under seal; and the same may be in writing or print, or partly in writing and partly in print. 35

Who to represent Board in proceedings in Court.

148. In all proceedings before any Court or before Justices, and in proceedings under any Act in relation to bankrupts or insolvents or arranging debtors, in respect of any claim by the Board against any person, or against the estate of any bankrupt or insolvent or arranging debtor, the Clerk or Chairman may in all respects represent and act on behalf of the Board. 40

Judge of Court not deemed interested merely because he is a ratepayer.

149. No Judge, Magistrate, or Justice shall be deemed to be interested in any case in which he is acting judicially solely on the ground that he is a ratepayer. 45

Penalty for obstructing Board.

150. Every person who wilfully obstructs the Board or any officer thereof in the performance of anything which they are respectively empowered by this or any other Act to do, shall be liable to a penalty of not more than *ten* pounds for every such offence.

151. In any case in which no sufficient provision is made by this Act, or in which, by any misadventure or accident, anything is at any time done after the time required by this Act, or is otherwise irregularly done in matter of form, the Governor may, by Order in Council gazetted and publicly notified, from time to time make provision for any such case, or may extend the time within which anything is required to be done, or may validate anything so done after the time required, or so irregularly done in matter of form, so that the true intent and purpose of this Act may have effect.
152. Nothing in this Act shall be construed to repeal sections thirty-one to thirty-five, both inclusive, of "The Municipal Corporations Act, 1876."
153. If any dispute shall arise between any two Boards, or between any Board and any other governing body, as to the right to receive rates, or to the possession, care, or control of any bridge, road, or any other property, if the Boards between whom the dispute exists are both situate in the same county the Council of such county shall decide upon such dispute, unless "The Counties Act, 1876," is not in operation in the county in which the districts of such Boards are situate, or if the Council be a party to the dispute; and in all other cases the Governor shall appoint one or more persons to decide upon such dispute: the decision in both cases shall be final and without appeal.
154. No misnomer or inaccurate description contained in this Act, or in any Proclamation, Order in Council, or special order made thereunder, shall in anywise prevent or abridge the operation of this Act with respect to the subject of such description, provided the same shall have been designated so as to be understood.
155. The references herein made to "The Rating Act, 1882," shall be read as applying to the Act which shall be passed with this title during the present session of the General Assembly, notwithstanding that it may not be passed or become law until after the passing of this Act.
156. From and immediately after the coming into operation of this Act, the several Acts and Ordinances specified in the *First Schedule* hereto shall be repealed.

Insufficient provisions, &c., may be remedied by Order in Council.

Sections 31 to 35 of "Municipal Corporations Act, 1876," not repealed. Disputes between Boards, &c., how settled.

Misnomer, &c., not to invalidate Proclamations.

References to "Rating Act, 1882," how construed.

Repeal.

### FIRST SCHEDULE.

Schedules.

#### SCHEDULE OF ACTS AND ORDINANCES REPEALED.

##### (1.) *Acts of the General Assembly.*

- 1868, No. 57.—The Provincial Acts Validation Act Continuance Act, 1868.  
 1868, No. 60.—The County of Westland Act, 1868.  
 1869, No. 44.—The County of Westland Amendment Act, 1869.  
 1870, No. 50.—The County of Westland Acts Amendment Act, 1870.  
 1871, No. 8.—The Highway Boards Empowering Act, 1871.  
 1872, No. 38.—The Highway Boards Empowering Act, 1872.  
 1875, No. 24.—The Highway Boards Empowering Act 1871 Amendment Act, 1875.  
 1875, No. 25.—The Highway Boards Empowering Act (No. 2), 1875.  
 1876, No. 58.—The Otago and Wellington Tolls Act, 1876.  
 1877, Local, No. 17.—The Auckland Highway Districts Validation Act, 1877.  
 1877, Local, No. 17.—The Otago Roads Ordinances Amendment Act, 1877.  
 1877, Local, No. 18.—The Ponsonby Highway District Act, 1877.  
 1877, Local, No. 58.—The Jackson's Bay Road District Act, 1877.



- 1877, Local, No. 59.—The Mount Cook Road District Act, 1877.  
 1877, Local, No. 71.—The Taranaki Roads and Bridges Ordinance 1858 Amendment Act, 1877.  
 1877, Local, No. 77.—The Canterbury Roads Ordinance Amendment Act, 1877.  
 1878, Local, No. 22.—The Inch Clutha Act, 1878. In part—namely, sections 3 to 7 thereof, both inclusive.  
 1879, Local, No. 14.—The Wellington Provincial District Highway Boards Act, 1879. In part—namely, the whole Act, except so much of section 4 as relates to “The Local Boards Act, 1873.”  
 1879, Local, No. 28.—The Otago Roads Ordinance 1871 Amendment Act, 1879.  
 1880, Local, No. 10.—The Otago Road Rates Validating Act, 1880.  
 1880, Local, No. 20.—The Canterbury Roads Ordinance Amendment Act Extension Act, 1880.

(2.) *Acts of the Province of Auckland.*

- Sess. 29, No. 28.—The Highways Act, 1874.  
 Sess. 30, No. 7.—The Highways Act 1874 Amendment Act, 1875.

(3.) *Ordinances of the Province of Taranaki.*

- Sess. 6, No. 1.—The Roads and Bridges Ordinance, 1858.  
 Sess. 16.—The Road Districts Loan Ordinance, 1868.  
 Sess. 24, No. 8.—The Roads and Bridges Ordinance 1858 Amendment Ordinance, 1875.

(4.) *Act of the Province of Hawke's Bay.*

- Sess. 18, No. 9.—The Highways Act, 1871.

(5.) *Act of the Province of Wellington.*

- Sess. 27, No. 10.—The Highways Act, 1874.

(6.) *Acts of the Province of Nelson.*

- Sess. 22, No. 1.—The Nelson Highways Act, 1872.  
 Sess. 23, No. 1.—The Nelson Highways Act Amendment Act, 1873.

(7.) *Acts of the Province of Marlborough.*

- Sess. 21, No. 7.—The Roads Act, 1870.  
 Sess. 24, No. 6.—The Roads Act, 1872.  
 Sess. 25, No. 6.—The Roads Act Amendment Act, 1873.  
 Sess. 27, No. 3.—The Roads Act 1872 Amendment Act, 1875.

(8.) *Ordinances of the Province of Canterbury.*

- Sess. 37, No. 6.—The Canterbury Roads Ordinance, 1872.  
 Sess. 38, No. 3.—The Canterbury Roads Ordinance Amendment Ordinance, 1872.  
 Sess. 39, No. 12.—The Canterbury Roads Amendment Ordinance, 1873.

(9.) *Ordinances of the Province of Otago.*

- Sess. 29, No. 363.—The Otago Roads Ordinance, 1871.  
 Sess. 30, No. 364.—The Otago Roads Ordinance Amendment Ordinance, 1872.

Sess. 33, No. 437.—The Otago Roads Ordinance 1871 Amendment Ordinance, 1874.

Sess. 34, No. 492.—The Otago Roads Ordinance 1871 Amendment Ordinance, 1875.

SECOND SCHEDULE.

FORM OF DECLARATION TO THE GENUINENESS OF THE SIGNATURES TO PETITIONS.

I, A.B., do solemnly declare that the signatures affixed to the above petition [or initialled by me, or which I have marked (*describing the mark*)], are the genuine signatures of the persons whose they purport to be, and that such persons are resident householders of the District of [*Name the district*].

By Authority : GEORGE DIDSBUY, Government Printer, Wellington.—1882.

658