

New Zealand.



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AN ACT to make Provision for aiding the Construction of Roads, Bridges, Title.
 and River Works. [15th September, 1882.]

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

1. The Short Title of this Act is "The Roads and Bridges Construction Act, Short Title.
 1882."

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

Interpretation.

"Road Board" means the Council, Board, Trustees, or the persons or body other than a County Council or Municipal Corporation having the management, control, or care of roads or highways under any Act or Ordinance:

"Council" means the Council of a county; and, in any county where the operation of "The Counties Act, 1876," is suspended, means the Road Boards of the Road Districts in such county, or any one or more of them, so far as regards the main roads or portions thereof in the road district over which it has jurisdiction:

"River Board" means any Board of River Conservators constituted under any Rivers Act:

"Local body" means the Council of a county, Road Board, or a River Board:

"House" means the House of Representatives:

"County" means a county under "The Counties Act, 1876," other than the counties mentioned in the Second Schedule of "The Counties Act, 1876.":

"Road district" means a district over which a Road Board as herein defined has jurisdiction:

"River district" means any district over which a River Board as hereinbefore defined has jurisdiction:

"Road" includes any bridge, or works necessary for the protection thereof, ferry, culvert, or drain which is connected with a road; and also any tramway, the property of the local body; and also wharves in a navigable river or arm of the sea:

"Main road" means such a road as the Minister shall, by notice published in the *Gazette*, declare to be a main road for the purposes of this Act, after a resolution of the House has approved such notice:

"District road" means a road other than a main road:

"River works" mean any protective works which a River Board may by law construct or undertake in its river district:

"Construction" means the making and completion of any road or river

work, and reconstruction in case of total or partial destruction by extraordinary damage, but does not include ordinary repairs or maintenance; but does include all engineering expenses and expenses of supervision connected with such making, completion, and reconstruction:

“Minister” means the person for the time being holding the office of Minister for Public Works:

“Treasurer” means the person for the time being holding the office of Colonial Treasurer.

PART I.

HOW FUNDS PROVIDED FOR MAIN ROADS.

£100,000 of Public Works Fund to be transferred to Main Roads Account.

3. In order to give effect to this Part of this Act during the financial year commencing on the first day of April, in the year one thousand eight hundred and eighty-two, the sum of one hundred thousand pounds, out of moneys at the credit of the Public Works Fund, shall be transferred to the credit of a separate account in the Public Works Fund, to be called the “Main Roads Account.”

£100,000 of Land Fund, after certain deductions, to be transferred to Main Roads Account.

4. In each financial year there shall be transferred from the Consolidated Fund to the Main Roads Account out of the moneys received during such year from the sale of Crown lands (hereinafter called “the Land Fund”), after deducting therefrom the sums following, that is to say,—

- (1.) All sums appropriated and paid from time to time for the expenses of the surveys and the administration of Crown lands;
- (2.) All sums paid for rates on Crown lands under any Act now or hereafter to be passed imposing rates on Crown lands;
- (3.) Any such deficiency as is referred to in the sixth section hereof;
- (4.) The one-third of the price of any block of land disposed of under Part III. of “The Land Act, 1877,” which is handed over to the County Councils or Road Boards under section fifty-nine of the last-mentioned Act;
- (5.) Twenty pounds per centum of the proceeds of the sale of Crown lands sold for cash which is appropriated for the making of roads to open up unsold Crown lands under sections sixty-two and sixty-three hereof;
- (6.) All other charges which by any Act heretofore passed and now in force are charged upon the Land Fund;

a sum not exceeding one hundred thousand pounds, or as much less as shall be received from such sales after making the said deductions.

Any balance of Land Fund remaining in excess of the said one hundred thousand pounds shall, at the close of each financial year, be transferred from the Consolidated Fund to and form part of the Public Works Fund.

Treasurer may make progress transfers from Land Fund to Main Roads Account.

5. The Treasurer may, during the currency of each financial year, from time to time transfer from the Consolidated Fund to the said Main Roads Account such sums, on account of the said one hundred thousand pounds mentioned in the last preceding section, as, on his estimate of the amount of Land Fund to be received during such year, may, in his opinion, be so transferred without incurring any risk of the Land Fund not reaching the amount required for the purposes specified in the fourth section hereof.

If surplus Land Fund not sufficient, deficiency a charge on next year's grant.

6. If at the end of any year it shall be found that the Land Fund has not reached an amount sufficient to cover the amounts transferred by the

Treasurer in accordance with the last preceding section, then the amount of such deficiency shall form a first charge on the amount directed to be transferred to the Main Roads Account for the ensuing year.

AS TO GRANTS IN AID OF MAIN ROADS.

7. The Minister, by notice published in the *Gazette*, at the request of any Council, before the thirty-first day of March in any year, may declare which roads are main roads for the purposes of this Act; but such roads shall not thereby become main roads till after a resolution of the House has been passed approving the same:

How roads made main roads under this Act.

Provided that any roads declared by a resolution of the House passed during the present session to be main roads for the purposes of this Act shall be main roads, notwithstanding that this Act may not have been passed at the time of the passing of such resolution:

Proviso.

Provided further, that any such resolution may provide that in lieu of any road mentioned in the resolution as first proposed, some other road within the same county to be specified in such resolution as passed shall be a main road, and thereupon it shall be deemed to be such for the purposes of this Act.

8. The Council of any county through which the whole or any portion of a main road passes shall, if it applies for and obtains a grant under this Act for the construction of the whole or any portion of such road, have, in respect of the whole or such portion, all such powers and authorities as if the same was or were county roads within the meaning of "The Public Works Act, 1882."

County Council to have like powers over main roads as over county roads.

9. When a Council desires aid under this Act for the construction of a main road, or any portion thereof, it shall cause proper estimates of the cost of the work to be prepared, together with plans and specifications where necessary, in such manner as the Minister may direct.

When Council desires aid, estimates and plans to be prepared.

10. The Council shall submit such estimates, plans, and specifications (if any) to the Minister, and may make application to the Minister for a grant, out of the Main Roads Account, of the total cost of construction, of which one-fourth shall be repayable by it as hereinafter appears.

Estimates, &c., to be submitted to Minister.

11. The Minister shall consider the application, and, if made in accordance with this Act, and if the Minister has satisfied himself that the estimates of cost of construction so submitted to him as aforesaid are reasonable, he shall inform the Council that the application will be granted either for the whole sum applied for or for such portion thereof as may be granted in accordance with the provisions of this Act, subject to the proposal being carried at the poll as hereinafter provided.

Minister may grant application, subject to consent of rate-payers.

12. The Council shall then give the notices, and take a poll of the rate-payers in the county as hereinafter provided, and, if the proposal be carried in accordance with this Act, the Council shall proceed to make and levy a special rate, to be made as provided by this Act, which shall be sufficient to repay one-fourth of the amount granted as aforesaid within ten years, by ten equal yearly payments without interest, payable on the first day of May in each year.

Poll of ratepayers. If proposal affirmed, special rate to be levied.

13. Upon such poll being taken, if the Minister be satisfied that the proposal is carried as aforesaid, and after the Council has made the special rate as aforesaid, the Minister shall forward to the Treasurer a certificate of the amount of the grant.

If proposal carried, Minister to certify amount of grant.

14. Thereupon, if the Council agree to accept such grant, the Council shall execute and deliver to the Treasurer a debenture in the form or to the effect set forth in the First Schedule hereto for each of the payments referred to in the

Council to deliver debentures for one-fourth of advance.

twelfth section hereof, which shall constitute a debt due by the local body to Her Majesty.

The first of such debentures shall come due on the first day of May which shall first ensue after the date when the amount of the grant or the first instalment thereof is paid or agreed to be paid over by the Treasurer.

Upon delivery of debentures, Treasurer to pay over money subject to conditions.

15. Upon receipt of the said debentures the Treasurer shall, without further appropriation, and by such instalments as the Minister shall think fit, and subject to such conditions for ensuring the proper application of the said sum as the Minister shall think fit, pay over to the Council the said sum so granted, or such lesser sum as may be agreed to be taken by it, or as may be found sufficient to pay the actual cost of construction, to be used in the construction of such road.

Council may take up debentures before due.

16. The Council may take up any one or more of such debentures at any time before they become due.

If whole amount not required, debentures may be reduced.

17. If, on the completion of the construction of such road, it shall be found that all the moneys applied for are not required or have not been paid over to the Council by the Treasurer, then the Controller and Auditor-General, upon being informed in writing by the Treasurer of the amount actually paid to such Council, and that the remainder of the amount applied for is not required, shall proportionately, or as nearly so as may be, reduce each of such before-mentioned debentures by indorsing upon each a memorandum signed by himself, stating that such debenture is reduced by the amount to be stated in such memorandum.

Thereafter such debenture shall, for all purposes whatsoever, be deemed to be a debenture only for the sum which shall be the difference between the original sum for which it was given as aforesaid and the sum by which it has been reduced as aforesaid.

If Council find one-fourth, remainder may be paid without poll, &c.

18. If the Council applying for such aid is itself prepared to supply the one-fourth of the said cost of construction, then the Minister, upon being satisfied on that point, may, subject nevertheless to the other conditions imposed by this Act, forward his certificate as aforesaid for the three-fourths of the said cost of construction; and in respect of an application such as referred to in this section it shall not be necessary to take a poll as aforesaid, or levy a special rate.

If Council find portion of one-fourth, debentures to be proportionately reduced.

19. If the Council is prepared to supply a portion of the one-fourth of the said cost of construction, then the amount of the total sum for which debentures have to be given, as provided by section fourteen hereof, shall be reduced by the amount of that portion of the said one-fourth cost which the Council shall itself so supply.

Conditional aid to boroughs for constructing bridges on a main road.

20. The Council of a borough established under any Act relating to Municipal Corporations, the inhabitants of which at the time of the last census were returned as numbering less than four thousand, may apply for and obtain aid for the construction of a bridge on a main road upon the same terms and conditions as a Council may; and all the provisions of this Act relating to applications for grants in aid of the construction of main roads, and the granting of the same, and the making and levying of the special rate to secure the repayment of a portion of such grant, shall, *mutatis mutandis*, apply to an application made and granted by virtue of this section, and to the making and levying of a special rate to secure the repayment of a portion of such grant.

PART II.

HOW FUNDS PROVIDED FOR DISTRICT ROADS AND RIVER WORKS.

£100,000 of Public Works Fund to be transferred to District Roads and River Works Account.

21. In order to give effect to this Part of this Act during the financial year commencing on the first day of April, one thousand eight hundred

and eighty-two, the sum of one hundred thousand pounds shall, out of the moneys at the credit of the Public Works Fund, be transferred to the credit of a separate account in the Public Works Fund to be called "The District Roads and River Works Account."

22. The Governor in Council may, on the application of the Minister, authorize from time to time the Treasurer to borrow, and the Postmaster-General, or the Government Insurance Commissioner, or any Board now or hereafter established in his place, or the Public Trustee, or the Commissioners of the Public Debts Sinking Fund, out of any funds under their control respectively, to lend to the Treasurer, any sum or sums not exceeding one hundred thousand pounds, which sum or sums so borrowed shall be paid into the Public Account, to be placed to the credit of the said District Roads and River Works Account.

Governor in Council may authorize loan of £100,000 for District Roads, &c., Account.

But at no one time shall there be advanced from all or any of the said sources more than one hundred thousand pounds.

23. For all sums so borrowed the Treasurer shall give a debenture in the form or to the effect set forth in the Second Schedule hereto, to be signed by the Treasurer and countersigned by the Controller and Auditor-General, for the repayment of the same on such date as may be arranged and stated in such debenture, with interest thereon at a rate not exceeding five pounds per centum per annum, payable on such days as may be arranged and stated in such debenture, which debenture shall entail no personal liability whatsoever on the Treasurer or Controller and Auditor-General.

Treasurer to give debentures for sums borrowed.

24. The Treasurer shall from time to time, without further appropriation, pay out of any moneys for the time being to the credit of the District Roads and River Works Account, to the persons entitled thereto, the principal and interest payable on any such debenture at the rate and on the days mentioned therein.

Treasurer may pay principal and interest on the debentures.

25. If at any time there are not sufficient funds in the District Roads and River Works Account to make such payments, the Treasurer shall, without further appropriation, advance the same out of the Consolidated Fund.

If funds insufficient payments may be made out of Consolidated Fund.

But he shall, without further appropriation, repay any such advances to the Consolidated Fund out of the District Roads and River Works Account so soon as funds shall accrue therein.

26. The Treasurer may from time to time, without further appropriation, but subject nevertheless to the provisions of the second paragraph of the last preceding section, repay out of any moneys for the time being to the credit of the said District Roads and River Works Account the whole or any part of the amount secured by any such debenture before the time fixed for the repayment of the same as aforesaid has arrived.

Treasurer may repay debentures at any time.

AS TO LOANS FOR DISTRICT ROADS AND RIVER WORKS.

27. When any local body desires to obtain an advance for or towards the construction of any district roads or river works within its jurisdiction, it shall make application for that purpose to the Minister, and all the provisions of sections nine to seventeen both inclusive shall, *mutatis mutandis*, apply to such application, with the following exceptions:—

How loans granted for district roads and river works.

- (1.) The whole of the payment by the Treasurer to the local body under this Part of this Act shall be repayable to Her Majesty.
- (2.) The special rate to be levied in such case shall be sufficient to pay fifteen equal yearly instalments, each of which shall be equal to *nine* pounds per centum on the whole amount applied for by the local body.
- (3.) The debentures to be given by the local body to the Treasurer shall each be for one such instalment.

PART III.

GENERAL PROVISIONS AFFECTING GRANTS-IN-AID AND ADVANCES.

As to custody of debentures given by local bodies.

28. All the debentures executed by Councils, Road Boards, or River Boards, and delivered to the Treasurer under this Act, shall be retained in the custody of the officers appointed to retain the custody of securities for public moneys by "The Public Revenues Act, 1878," in accordance with the provisions of that Act.

Controller and Auditor-General may be appointed a receiver.

29. For the purpose of obtaining payment of any such debentures not paid at maturity thereof, the Controller and Auditor-General may from time to time make, in the name and on behalf of Her Majesty, application for the appointment of a receiver of the special rate on which any overdue debenture is secured, in the manner prescribed by "The Rating Act, 1882."

How moneys received from local bodies dealt with.

30. Any moneys which are received, either by the Treasurer or by a receiver as mentioned in the last preceding section, from any local body, in repayment of any moneys advanced to such local body by way of loan, shall be paid into the Public Account; to the credit of the Main Roads Account, if originally paid out of such account, or otherwise of the District Roads and River Works Account; and either applied in the repayment to the Consolidated Fund or to the debenture-holders of the moneys advanced in pursuance of sections twenty-five or twenty-two respectively hereof, or advanced again to local bodies in accordance with the provisions of this Act.

Repairing of extraordinary damage deemed construction.

31. Where extraordinary damage has been done to a main road or any other road, or to any river works, by flood, tempest, or accident, the repairing of such damage shall be deemed to be construction.

Rebuilding of worn bridge on main road deemed construction.

32. When any bridge on a main road requires to be entirely rebuilt the Treasurer may, on the certificate of the Minister as aforesaid, advance out of the moneys for the time being to the credit of the Main Roads Account to the Council or Councils in whose county or counties such bridge is, the whole or any portion which it or they may apply for of the cost of the construction of the new bridge, upon the same terms and subject to the same conditions in all respects as advances are hereby authorized to be made for district roads:

Provided that no certificate shall be given for the making of such advance, save under the last preceding section, unless the Minister is satisfied that the necessity for the rebuilding of such bridge has only arisen through fair wear and tear.

Applications made prior to 1st January, 1883, simultaneous.

33. All applications under this Act made prior to the first day of January, one thousand eight hundred and eighty-three, shall be deemed to have been made simultaneously on that day.

Simultaneous applications in future.

34. All applications under this Act made in any year after this year shall be made prior to the thirtieth day of June in such year, and all so made shall be deemed to have been made simultaneously on that day.

Applications in respect of extraordinary damage may be granted at any time.

35. Notwithstanding the provisions of the last two preceding sections, all applications for aid in the construction of works, the necessity for which has arisen through extraordinary damage, or which are made under the proviso to section forty-six hereof, may be granted at any time in the year if there are funds available, and subject to the other provisions of this Act.

Poll may be taken prior to sending in of application.

36. Notwithstanding the provisions of this Act, the poll of the ratepayers herein provided for may be taken prior to the time of the sending in of the application to the Minister:

When application deemed to lapse.

37. All applications granted shall be deemed to have lapsed unless the poll be taken and the proposal carried, and debentures handed over within three

months from the time of the forwarding by the Minister of the certificate referred to in the thirteenth section hereof.

38. If at any time there shall not be sufficient funds at the credit of either the Main Roads Account or the District Roads and River Works Account respectively to enable the Minister to grant certificates for grants as applied for to all the bodies who have applied for the same, the Minister shall grant certificates for grants, *pro rata*, out of each such account to the bodies who have so applied, and who shall be willing to comply with the conditions referred to in the next paragraph of this section, according to the amount at the credit of each of the said accounts respectively.

Order in which Minister grants certificates.

Before grants such as are referred to in the preceding portion of this section are made, the Minister may prescribe such conditions providing for the completion of some portion of the work for which the moneys were applied for as may be arranged between the Minister and the local body, and as may insure that the expenditure of the portion only of the amount applied for which may then be able to be granted shall be beneficial.

39. Applications in cases of extraordinary damage shall have priority over other applications for aid to construct main or other roads, or river works; and the Minister shall be the sole judge as to the nature of the damage and the necessity for priority.

Applications in cases of extraordinary damage to have priority.

40. When it appears to any local body that any main road, district road, or river work is for the special benefit of any particular portion of the district in which such local body has jurisdiction, then such local body may, by a special resolution, define such portion of the district; and the poll above referred to shall only be taken of the ratepayers of such portion, and the said special rate shall only be levied on the ratepayers of such particular portion.

Rates may be made in special portions of districts.

41. The Minister shall only refuse and shall refuse a certificate under this Act upon the ground that the applicants have not complied with the terms of this Act, or on the ground that there is no money then available.

Grounds on which Minister may refuse certificate.

42. A refusal on one occasion under the last preceding section shall not preclude further application at a future date.

Subsequent application after refusal.

43. Two or more local bodies may make a joint application for aid under this Act for the construction of a road of which there are portions in each or any one or more of their districts, provided they agree as to how the advance and also the special rate to secure its repayment shall be apportioned.

Two or more local bodies may make joint application.

44. Any local body may make an application for aid under this Act for the construction of a road or of river works of which either the whole or any part is out of the district of such local body; but the Minister, before granting a certificate for such application, shall satisfy himself that the local body so applying has made the necessary arrangements with the local body or bodies in whose district or districts such road or river works is or are situate for the construction of such road or of such river works.

Local body may make application for works outside its district.

45. Any one or more local bodies may make one application in respect of several roads or works.

One application may be made for several works.

46. If the moneys granted on any one application shall be found to be insufficient to complete the work in respect of which the application was made, another application may be made hereunder for the further amount required:

Conditions on which applications may be made for further advance for same work.

Provided that if the amount so required be not greater than five pounds per centum of the amount originally applied for, and if the necessity for such further expenditure has, in the opinion of the Minister, arisen from some accident or unforeseen cause, not occasioned by the neglect or default of the local body who applied for the advance, such further application may be granted,

a further special rate may be made and levied, the debentures for the further amount may be executed and delivered, and the amount paid over, without the necessity of taking a poll of the ratepayers.

Members of local body personally liable for improper dealings with money

47. If any local body which has obtained money under this Act for the construction of a road or river work applies or suffers such money or any part thereof to be applied to any other purpose, or applies or suffers to be applied any moneys received in respect of a special rate otherwise than in payment of the debentures in respect of which such special rate was levied, except when such debentures are fully paid, all such moneys so improperly applied shall be deemed to be a debt jointly and severally due to the Crown from each and all of the members of the local body who consented to such improper application and may be recovered from such members, or any one or more of them, in any Court of competent jurisdiction in accordance with the provisions of "The Crown Suits Act, 1881"; without prejudice, nevertheless, to all other rights and remedies under this Act for the payment of the debentures given by such local body in accordance with this Act.

Minister and Treasurer to report yearly to General Assembly.

48. The Minister and the Treasurer shall every year lay before the General Assembly, within fourteen days after the first day of meeting thereof, a report of all matters done under this Act, showing what applications have been made to the Minister under this Act, and for which of them he has granted and to which he has refused his certificate as aforesaid, and also showing what sums have been borrowed by the Treasurer, and what sums have been granted or advanced, or refused, or failed to be granted or advanced by the Treasurer, and to what local bodies, and for what purposes.

AS TO THE POLL OF THE RATEPAYERS.

Notice to be given by local body applying for aid.

49. When a local body has applied for aid under this Act, and the Minister has granted his certificate to such application, unless such application be within the terms of the eighteenth section hereof, it shall publicly notify once in each week, in some newspaper circulating in the county or district, for four successive weeks, a notice setting forth—

- (1.) The particular work proposed to be undertaken, and the estimated cost thereof;
- (2.) The amount of the yearly payments required to be made by such local body, and the amount of the special rate required to meet them;
- (3.) That the plans, specifications, and detailed estimates of the cost of such proposed work may be seen at the office of such local body during ordinary business hours;
- (4.) The day on which the poll is to be taken, which shall not be less than one week from the publication of the last of such notifications.

How poll taken.

50. The poll shall be taken as follows :—

- (1.) The Chairman shall give seven days notice in writing to the Returning Officer of the local body, requiring him to take the poll upon the day appointed.
- (2.) The Returning Officer shall, upon the day so appointed, proceed to take the poll in the manner provided by "The Regulation of Local Elections Act, 1876," for taking a poll at any election, and shall provide voting papers and all things necessary for taking the poll; and all expenses of and attending the taking of such poll shall be borne by the local body.
- (3.) The voting papers shall be printed in the form in the Third Schedule hereto, setting forth the notification mentioned in the forty-ninth section hereof.

- (4.) The voter shall erase one or other of the said lines, and his vote shall be deemed to be given according to the one of the said lines which he leaves un erased.
- (5.) All the provisions of "The Regulation of Local Elections Act, 1876," as regards taking a poll, shall, so far as they are applicable, and except as by this Act otherwise provided, apply to the taking a poll on the proposal mentioned in the said notification.

51. In any county, road district, or river district in which there are any Crown lands which, under the provisions of "The Crown and Native Lands Rating Act, 1882," are liable for the payment of rates by the Colonial Treasurer out of the Consolidated Fund, the Council of such county may, by some person appointed by it for the purpose, vote at the taking of the poll hereinbefore mentioned, and in so voting may exercise one vote for every five thousand pounds of rateable value of the Crown lands as appearing on the valuation roll of the county, road district, or river district.

Power of voting of County Council.

52. As soon as conveniently may be after the result of the poll has been ascertained, the Returning Officer shall give public notice of the number of votes recorded for and against the proposal as above provided, and shall declare the proposal to be carried if, of those ratepayers who voted, a majority in number voted for it, if the rateable values of the properties in respect of which they are rated as appearing on the valuation rolls of such local body are collectively greater than such rateable values of those voting against the proposal; otherwise he shall declare it to be rejected.

Result of poll, how declared.

53. The Returning Officer shall, immediately after such declaration, forward to the Minister, through the post, a certificate of the result of the poll.

Returning Officer to forward certificate of result to Minister.

54. In the case of any local body applying for aid under this Act, the ratepayers of the district of which do not exceed one hundred in number, it shall be lawful for a special rate under this Act to be made without giving the notification mentioned in section forty-nine hereof, or taking the poll mentioned in section fifty hereof, if the consent of at least three-fourths of such ratepayers, the rateable values of whose properties as appearing on the valuation rolls of such local body are collectively greater than such rateable values of those ratepayers who do not so consent to the levying of such special rate, be testified by their signatures in writing, in such manner as the Minister shall direct, and to his satisfaction in all respects.

How notice of poll dispensed with where ratepayers do not exceed one hundred.

AS TO MAKING A SPECIAL RATE.

55. The local body shall, for the purposes of this Act, make a special rate at a meeting of the local body specially called for the purpose, which shall be an annually recurring rate, and shall be payable yearly, on the first day of March in each year, the first payment thereof being made payable on the next first day of March ensuing the making thereof, and shall be levied year by year without further proceedings by the local body until the loan in respect of which such special rate was made is paid off.

Special rate, how made.

56. The local body shall from time to time, on the written request of the Controller and Auditor-General, amend a special rate by increasing the same if necessary, so that the annual produce thereof shall suffice to provide the yearly payments on account of the loan secured therein.

Amount of special rate, when increased or diminished.

57. The local body may from time to time amend a special rate by diminishing the same, provided the annual produce thereof shall suffice to provide the yearly payments on account of the loan secured thereby.

Amount of special rate when diminished.

But no special rate shall be diminished without the written consent of

the Controller and Auditor-General, and then only for so long a period as he shall approve.

No special rate capable of being quashed.

"Rating Act, 1882," to apply, and references to same how construed.

58. No special rate under this Act shall be capable of being quashed by any proceedings in any Court or otherwise.

59. All the provisions of "The Rating Act, 1882," not inconsistent with this Act, shall, as far as applicable, apply to a special rate under this Act; and the references in this Act to "The Rating Act, 1882," shall be construed to mean the Act passed by that name, whether the same be passed or come into operation after the passing of this Act or not.

In the case of any such rates requiring to be made prior to the thirty-first day of March, one thousand eight hundred and eighty-three, "The Rating Act, 1876," shall apply until the provisions of "The Rating Act, 1882," have become applicable.

If local body pay debentures out of ordinary revenue, they need not collect special rate in certain cases.

60. Notwithstanding the provisions of this Act, in any case where a special rate is made hereunder, which is leviable over the whole of the district of the local body making the same, if the local body prefers to do so, it may pay out of its ordinary revenue any one or more of the debentures given by it hereunder, and which are secured on such special rate; and as to any year in which such local body shall so pay such debentures, it may abstain from levying the said special rate, but without prejudice to all rights of levying the same in future years if the debentures be not so paid as in this section referred to.

Provisions of last section apply where separate rate levied over district coterminous with that in which special rate levied.

61. The provisions of the last preceding section shall, *mutatis mutandis*, apply to authorize payments of debentures issued by local bodies under this Act out of any separate rate levied under "The Roads Boards Act, 1882," or "The Counties Act 1876 Amendment Act, 1882," where the portion of the county or road district over which the special rate under this Act is levied is coterminous with the portion of the county or road district in which the separate rate is levied as aforesaid.

PART IV.

AS TO ROADS ON UNSOLD CROWN LANDS.

Twenty per cent. of proceeds of land sold to be applied in making roads on unsold lands.

62. There shall in each financial year be expended, in accordance with appropriation by Parliament, in the construction of roads to open up Crown lands about to be offered for sale, an amount equal to twenty pounds for every hundred pounds received from the sale of Crown lands sold for cash in the preceding financial year.

Minister or local bodies may contract for construction of roads.

63. The Minister of Lands, in accordance with such appropriation, may enter into, or authorize the entering into by local bodies, of contracts for the construction of such roads as are provided for in this Part of this Act, to an extent not exceeding the amount mentioned in the preceding section.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

Sec. 14.

FORM OF DEBENTURE TO BE GIVEN BY LOCAL BODIES.

[Name of local body.]

Debenture for £ _____, issued under "The Roads and Bridges Construction Act, 1882."

ON presentation of this debenture at the office of [Here state name of local body], on the _____ day of _____, 18 _____, the said [Here repeat name of local body]

will pay to the bearer hereof, for the purpose of paying into the Public Account of the colony, to be credited to [*Here state name of account under above Act into which moneys payable under Act*], the sum of [*Herein state amount payable in words*].

Issued under the corporate seal of [*Here state name of local body*], this day of _____, 18 ____.

(L.S.) Chairman.

Witness to signature of Chairman, and affixing of seal—

A.B.,
[*Occupation and Address.*]

SECOND SCHEDULE.

FORM OF DEBENTURE TO BE GIVEN BY COLONIAL TREASURER.

Sec. 23

Debenture for £ _____, issued under "The Roads and Bridges Construction Act, 1882."

ON the _____ day of _____, 18 ____, or such earlier date as the Colonial Treasurer shall think fit, the Colonial Treasurer will pay to [*Here state official name of officer from whom money borrowed*] the sum of £ _____; and will also, on the day of the months of _____ and _____ in each year, while the above-mentioned sum or any part thereof shall remain unpaid, pay to the said [*Here repeat official name of officer from whom money borrowed*] interest on the said sum of £ _____, or so much thereof as shall for the time being remain unpaid, at the rate of £ _____ per centum per annum.

The Colonial Treasurer may also repay the said sum of £ _____ by instalments of not less than £ _____ from time to time at any time or times prior to the said _____ day of _____, 18 ____.

Colonial Treasurer.

Countersigned :

Controller and Auditor General.

THIRD SCHEDULE.

FORM OF VOTING-PAPER FOR SPECIAL RATES.

Sec. 50.

"The Roads and Bridges Construction Act, 1882."

PROPOSAL to levy a special rate, upon which a poll will be taken on the day of _____, 18 ____. [*Insert the notice referred to in the forty-ninth section of this Act.*]

1. I vote *for* the above proposal.
2. I vote *against* the proposal.