

New Zealand.



ANALYSIS.

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1884, No. 49.

Title.

AN ACT to consolidate the Laws relating to the Constitution of River Boards and the Construction of River Works.

[10th November, 1884.]

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

Short Title.

1. The Short Title of this Act is "The River Boards Act, 1884."

Rating Acts 1882 incorporated.

2. "The Rating Act, 1882," is hereby incorporated with this Act, in respect to all parts of river districts, and shall be in force therein; and this Act shall be read and construed subject to the interpretations contained in the said Act.

Interpretation.

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

"Clerk" means the clerk to a River Board as herein defined:

"Country lands" include all lands other than town lands as herein defined:

"Local authority" includes the Council or Board having the administration of the affairs of a borough, town district, or road district; and includes a County Council in respect of any outlying district:

"Ratepayer" means any person for the time being who is rated under this Act:

"River Board" or "Board" means a River Board constituted under this Act:

"River district" or "district" means a river district established under this Act, and includes a drainage district established under any Act hereby repealed:

"Tidal lands" means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring-tides:

"Tidal water" means any part of the sea or of a river within the ebb and flow of the tide at ordinary spring-tides:

"Town lands" include lands within boroughs, town districts, and the Township of Taradale as described in the First Schedule hereto.

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 river district; or, where there is no such newspaper, then that printed placards containing the notice shall be affixed to public places in the county or river district.

PETITIONS.

Provisions as to petitions.

4. The following provisions shall apply to all petitions under this Act:—

- (1.) The signatures to any such petition shall be verified by the solemn declaration, in the form following, signed by some person or persons residing in the district to which such petition refers:—

Signatures to be verified.

“I, A.B., do solemnly declare that the signatures affixed to the above petition 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 district electors of the [*naming the river district*] to which the petition relates [or are rate-payers of the river district to which the petition relates].”

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 not exceeding fifty pounds.

- (2.) If it is represented to the Governor 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, the Governor may cause an inquiry to be made, and may adjourn the consideration of such petition till the result of such inquiry is known.

If petition objected to, inquiry to be made.

- (3.) The Governor may appoint one or more persons 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; and any person interested shall be at liberty, by himself or his counsel, to appear before such persons, and make such statements and produce such evidence as he shall think material.

Governor may order inquiry.

- (4.) The Governor shall not grant the prayer of any such petition if the result of any such inquiry as aforesaid proves that there are not sufficient true signatures to such petition to make up the number required by this Act, 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.

Petition may be rejected if insufficiently signed.

RIVER DISTRICTS.

(1.) *Existing Districts.*

5. All districts existing under the provisions of the Acts and Ordinances hereby repealed at the time of the commencement of this Act, the names whereof are set forth in the Second Schedule hereto, shall, notwithstanding any defect in their constitution, be deemed to be river districts under this Act; and the Boards of Conservators for the said districts respectively appointed under such repealed Acts shall be deemed to be River Boards duly constituted under this Act,

Existing river districts to be districts under Act.

with the necessary change of names to conform with section seventeen hereof; and the following provisions shall apply to such river districts and Boards so constituted:—

Existing river districts, Boards, &c., for all purposes to be same districts, &c., as before Act.

(1.) Each river district, and the Corporation and Board thereof, shall, in respect of all property, rights, claims, obligations, liabilities, contracts, and engagements; and for all purposes whatsoever in law or equity, be deemed to be the same river district, Corporation, and Board as that existing in such district before the commencement of this Act.

Acts, &c., done by existing Boards validated.

(2.) Every such Board existing in any district at the commencement of this Act, notwithstanding any defect or irregularity in its constitution or in the election or appointment of any of its members, shall be deemed to be and to have been validly constituted, and the members thereof to have been duly elected or appointed, and all acts, matters, or things done or performed by any such Board before the commencement of this Act shall be deemed to be and to have been validly done or performed.

Existing members to remain so till general election.

(3.) Every member of such 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 officers to remain in office till removed.

(4.) All persons in office under any Board at the commencement 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 by-laws, &c., to continue in force.

(5.) All rules or regulations made by any Board, and in force at the commencement of this Act, shall continue in force until altered or repealed under this Act.

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

(6.) 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 river district until a fresh valuation-roll and ratepayers' book are made.

Existing subdivisions to remain.

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

(2.) *New Districts.*

Governor may, on petition, constitute river districts.

6. The Governor may, if he thinks fit, by Proclamation, declare any part of the colony to be a district under this Act from and after a day to be named in such Proclamation, and may divide such district into subdivisions, subject to the following conditions:—

(1.) That a petition is presented to the Governor signed by not less than two-thirds in number of the ratepayers in any part of the colony intersected or bounded by any river or rivers from the overflow of which damage may be apprehended, praying the Governor to constitute such district;

(2.) That such petition describes the boundaries and area of the district proposed to be so constituted ;

(3.) That such petition is publicly notified not less than one month before presentation.

In every Proclamation constituting a district the Governor shall fix the name by which such district and its subdivisions shall be known.

The Governor may cause inquiry to be made, in such manner as he shall think fit, into the subject-matter of any petition as aforesaid, and may alter the proposed boundaries of any district, and proclaim the same in its amended form.

7. Every borough and town district comprised within a district constituted under this Act shall, respectively, form a separate subdivision of such district.

Borough and town district to form separate subdivision.

8. The Governor in the Proclamation creating a new district,—

(1.) Shall give a name to such district, and to the several subdivisions thereof, if any, and determine the number of members who are to constitute the Board, or to be elected for each subdivision thereof, as the case may be, subject however to the provisions of section sixteen ; and

Provision for first elections of new Boards, &c. Roll of electors.

(2.) Shall appoint a day for the election of the first Board, and fix the time and place for its first meeting ; and shall appoint such Returning-Officer, and make such other appointments, as may be necessary ; and generally do all things necessary in or towards the carrying out of such election.

For the purposes of the first election of the Board of a new district every person who, immediately before the constitution of such district, was entitled to vote at an election for any riding of a county, or for any road district, town district, or borough, or for any part thereof respectively, which is included in the river district, shall be entitled to vote at such first election.

Such person as the Governor may appoint shall make a roll of electors for the district by placing thereon the names of all persons entitled to vote as aforesaid, and in such roll shall assign to each elector the votes he would be entitled to exercise under this Act ; and in any case where a property lies partly within and partly outside of a river district, may apply to the Colonial Secretary to be furnished with an assessment of such first-mentioned part of such property, to enable him to complete such roll.

(3.) *Union of Districts.*

9. The Governor may, if he thinks fit, by Proclamation, declare any two or more river districts comprising one continuous area to be united and to form one district, under such name as he thinks fit ; subject, however, to the following conditions :—

Districts may be united.

(1.) That a petition from each of the districts proposed to be united, signed by not less than one-third of the ratepayers thereof, is presented to the Governor praying him to unite such districts ;

(2.) That such petitions are publicly notified in such districts before being presented to the Governor ;

- (3.) That no counter-petition, signed by not less than one-third of the ratepayers of any one of such districts, is presented to the Governor within two months after the date of such public notification, praying him not to assent to the prayer of the first petition.

Governor to fix number of Board of united district.

10. The Governor shall, in any Proclamation uniting two or more districts, assign a name to the united district, and fix the number of persons, not in any case less than five or more than nine, who are to constitute the Board for the new district.

Boards of districts united to be dissolved.

11. Upon such union the Boards of the original districts shall be dissolved, and the Governor shall make provision for the election of the first Board of the united district and for its first meeting in the same manner as in the case of a new district.

Property, &c., of districts united to vest in new district.

12. When any two or more districts are united,—

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

Governor to provide for first elections, &c.

13. For the purposes of the first election of the Board of a united district, every person who, immediately before such union, was entitled to vote in any district included in the united district shall be entitled to vote in the united district ; and the Governor shall make all such appointments, and generally do all things necessary in or towards the carrying-out of such election.

(4.) *Alteration of Districts.*

Governor may alter or abolish districts.

14. The Governor may also, subject to the provisions of section six, *mutatis mutandis*, on petition signed by not less than two-thirds in number of the ratepayers of the district, from time to time enlarge, alter, or diminish any district, or divide or redivide the same into subdivisions, or may abolish any district or any subdivision of a district.

When any district is altered under this section the Governor shall, in the Proclamation making such alteration, make such redistribution of the members of the Board, or vary the number thereof within the limits hereinafter mentioned, as he shall think fit, and do all requisite things for the conduct of any election which may become necessary through such alteration.

The publication in the *Gazette* of any Proclamation constituting, altering, or abolishing a district shall be conclusive evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such Proclamation have been complied with.

RIVER BOARDS.

(1.) *Number of Members of the Board. Elections.*

15. In every river district there shall be a River Board, consisting, in districts not divided into subdivisions, of not less than five nor more than nine members, and, in districts divided into subdivisions, of the members for each subdivision, but so that there shall be not less than five nor more than nine members of the Board, nor less than one nor more than three members for each subdivision.

Constitution of Board.

16. Every such Board shall be a corporation under the name of "The _____ River Board," having perpetual succession and a common seal, with power to make, alter, and renew the same, to purchase, take, hold, and transfer property, real and personal, and to sue and be sued, plead and be impleaded, in any Court of law or equity, and to do and suffer all other acts and things which a body corporate may lawfully do and suffer.

Board incorporated.

17. The Boards existing at the commencement of this Act shall be constituted in the manner and consist of the persons mentioned in the fourth and fifth columns of the Second Schedule hereto, and set opposite the name of each Board, as follows:—

Election of existing Boards.

The number of members mentioned in the fourth column of the said Schedule shall be elected as mentioned in the fifth column of the said Schedule.

18. Subject to the last-preceding section, the members of the Board of a district shall be elected by the ratepayers of the district.

By whom members elected.

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

19. The provisions of this Act respecting election of members shall have no application in any case where the members of a local authority—

Provision where a local authority forms or elects Board.

(1.) Form the Board; and in such case the Board so constituted shall be and become a River Board within the meaning of this Act, and continue to perform the functions of such Board from time to time without complying with the provisions of this Act in relation to such election:

(2.) Elect any member of the Board; in which case the local authority shall conduct the election in manner as it shall determine; but, in case of failure in making such election, an extraordinary vacancy shall be created, and the Governor shall nominate a person to be member of the Board to supply such vacancy.

20. If at any time it shall be made to appear to the Governor that a local authority or association electing or appointing a member or members of the Board has ceased to exist, or has been incorporated with or united to some other local authority or association, the Governor may, by Order in Council, declare what other local authority or association shall return a member in lieu of the authority or association so ceasing to exist or being incorporated or united as aforesaid.

Governor in Council may declare what bodies shall return members in certain cases;

If any such authority or association becomes divided into two or more like bodies, the Governor in Council may order that the original bodies or associations and the new bodies or associations shall unite

or that two or more bodies may unite in electing a member.

in electing or appointing a member or members of the Board, as the case may be.

Change of name not to affect right of body to elect.

If the name of any such local authority or association is changed, but such body or association shall in other respects remain unaltered, such change of name shall not affect the right of such body or association to elect a member.

Conditions on which Board may alter number of members.

21. The Board may at any time after the creation of the district, by special order, from time to time divide any undivided district into subdivisions, or increase or diminish the number of any subdivisions, and change the names thereof, and may abolish the whole or any of such subdivisions, and fix or vary the number of members to be elected for each district or any subdivision, but subject to the provisions of section sixteen.

(2.) *Dissolution and Reconstitution of Boards.*

Governor, on petition, may dissolve and reconstitute a Board.

22. Any Board may, by a resolution to be passed by an absolute majority of the members of such Board, request the Governor in Council to dissolve such Board, and the Governor may dissolve such Board accordingly.

In voting upon any resolution under this section the Chairman shall have only a deliberative and not a casting vote.

Corporation to continue, and property of Board dissolved to belong to new Board.

23. When a Board is dissolved under the last preceding section, then, on such day as the Governor in Council shall fix, an election of a new Board shall be held, and the following provisions shall apply:—

- (1.) The new Board, when elected, shall be deemed to be the same corporation as that of the Board which was dissolved (herein referred to as "the former Board");
- (2.) All property, real or personal, belonging to the former Board shall become vested in the new Board, and shall be deemed to have been so vested on the day of the dissolution of the former Board;
- (3.) All rates or other moneys payable to the former Board shall become payable to the new Board;
- (4.) All the liabilities and engagements of the former Board shall become liabilities and engagements of the new Board;
- (5.) All actions, suits, and proceedings pending by or against the former Board may be carried on and prosecuted by or against the new Board.

Governor may appoint a person to make inquiries into property of Board.

24. In the exercise of the powers given to him by section twenty-two, the Governor may appoint a fit person or persons to make all such inquiries, and examine and inspect all books, papers, and accounts as may be necessary to ascertain the debts and liabilities of the Board at the time of its dissolution or immediately prior to such time, and what property was or is vested in it; and all expenses incident to the making of such inquiries shall be defrayed by the Board out of its funds.

Penalty for refusing information, &c.

If any Board about to be dissolved, or the Chairman or any member or officer of any such Board, shall refuse to give information to any person so appointed, or to produce any books, papers, or accounts in its or their custody or possession; or

If any person who was the Chairman, or a member or officer of any Board at the time of its dissolution, shall at the time of such dissolution or at any time thereafter refuse to give information or produce any books, papers, or accounts as aforesaid ;

Every person so offending shall be liable to a penalty not exceeding fifty pounds.

25. The members of any Board elected at any special election held under the provisions of section twenty-three shall hold office until the election of their successors at the then next triennial election, and no longer. But if such triennial election is to be held within twelve months of the time of any special election held as aforesaid, then it shall not be necessary to hold such triennial election, but the new Board elected as aforesaid shall continue in office until the election of their successors at the triennial election succeeding the triennial election first mentioned.

Term of office of members returned at a special election.

(3.) *Conduct of Elections.*

26. "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 river district constituted or to be constituted under this Act.

"Regulation of Local Elections Act, 1876," incorporated.

27. On the second Tuesday in January, one thousand eight hundred and eighty-five, 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.

General election in month of January, 1885, and afterwards every three years.

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

Who qualified to be member.

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

Who disqualified to be member.

- (1.) A bankrupt or insolvent who has not obtained his final order of discharge ;
- (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 ;
- (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.

30. Every person of the full age of twenty-one years, whose name appears on the valuation-roll of a borough, town district, outlying district, or road district, or of any subdivision thereof, within the limits of a river district,—

Who are ratepayers

- (1.) As the occupier of any property in a district where rates are levied on all property therein ;
- (2.) As the owner of any lands in a district where rates are levied on lands only—

shall be a ratepayer so long as such roll is in force and his name so appears thereon.

31. Every ratepayer shall be entitled to vote at every election of a member of the Board, but, if the district is subdivided, then only

As to number of votes for each ratepayer.

at elections of members of the Board for each subdivision in which he is a ratepayer, according to the following scale, that is to say,—

- (1.) If his rateable property, whether in one or more tenements, is valued on any valuation roll at not more than one thousand pounds, he shall have one vote :
- (2.) If such property is so valued at more than one thousand but not more than two thousand pounds, he shall have two votes :
- (3.) If such property is so valued at more than two thousand but not more than three thousand pounds, he shall have three votes :
- (4.) If such property is so valued at more than three thousand but not more than seven thousand five hundred pounds, he shall have four votes :
- (5.) If such property is valued at more than seven thousand five hundred pounds, he shall have five votes.

In any case where there is more than one person appearing on the valuation roll as the occupier of any one property, then, for the purpose of voting, only the person whose name appears first on such roll shall be deemed to be entitled to vote in respect of such property.

When members come into office or cease to hold office.

32. 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.

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

33. 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.

New election on failure to elect.

34. Whenever there is a failure from any cause whatever to elect a member or members of a River Board at any election, then a new election shall be held, as provided in "The Regulation of Local Elections Act, 1876."

How office of member becomes vacant.

35. 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.

Vacancies not to invalidate acts of Board.

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

Penalty for acting when disqualified.

37. Any person who shall act as a member of the Board without being duly qualified, or after he has become disqualified, shall incur a penalty not exceeding fifty pounds for every such offence, to be recovered by any person, with costs of suit, in any Court of competent jurisdiction ; and in any proceeding for the recovery of such penalty

the burden of proving his qualification shall be upon the person against whom such proceeding is taken.

38. 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 to show cause, on a day and at an hour to be stated in the summons, why he should not be adjudged to be ousted of the same.

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

39. 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.

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

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

In such proceedings Resident Magistrate may exercise power as in civil cases.

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

Before whom affidavits sworn.

42. No questions which may be tried under the provisions of this part of this Act shall be tried in the Supreme Court; and no proceedings in the Resident Magistrate's Court hereunder shall be removable into the Supreme Court by *certiorari* or otherwise.

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

43. The Governor, by Order in Council notified in the *Gazette*, may extend the time allowed for the holding of any election or meeting of the Board, or for the doing of any act, matter, or thing, whether the day may have passed on which the same ought to have been held or done, or not, and to adopt or cause to be adopted such measures as may be necessary to remove any obstacle of a technical or formal nature by which the carrying-out of the provisions of this Act may be impeded, and to supply any deficiency which may be required to be supplied in order to enable the said provisions to be duly carried out.

Governor may extend time for holding elections, &c.

(4.) *Proceedings of the Board.*

44. The Board shall be deemed to be a local body within the meaning of "The Rating Act, 1882," and shall also be deemed to be a local authority within the meaning of "The Public Works Act, 1882."

Board deemed to be a local body for rating purposes and public works.

45. All acts which shall be done by the Board at any meeting thereof, or by any person acting as a member of the Board, shall, notwithstanding that it may afterwards be discovered that some defect existed with regard to the election or appointment of any member or members of such Board, or of any person or persons so acting as aforesaid, or that he or they was or were or had become disqualified, be as valid as if every such person had been duly elected or appointed, and was duly qualified to be and to act as a member of such Board.

Acts, &c., of Board to be valid notwithstanding irregularity.

46. The Board shall have an office wherein to hold their meetings and transact business in some convenient place, the situation

Offices of Board,

- whereof shall be publicly notified, and shall cause proper minutes to be taken and kept of the proceedings of each meeting.
- 47.** 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.
- One person may hold two or more of any offices under the Board.
- 48.** At the first meeting of the Board of a new district, and at the first meeting of every Board ensuing after the second Tuesday in January in every year, the Board shall elect one of its members to be Chairman.
- 49.** 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.
- 50.** 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.
- 51.** In the case of an equality of votes the Chairman, or member acting as Chairman, shall have a second or casting vote.
- 52.** 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 from 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.
- 53.** 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.
- 54.** 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.
- 55.** 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.
- 56.** 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.
- 57.** 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
- Proceedings.
Board may appoint,
&c., officers.
- When Chairman
elected.
- When Chairman
comes into office.
- When Chairman
absent from meet-
ing.
- Chairman to have
casting vote.
- As to resignation,
&c., of Chairman.
- As to notice of
ordinary meetings.
- How questions de-
cided at Board.
- As to quorum of
Board.
- Members cannot
vote where inter-
ested.
- As to adjournment
of meetings.

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.

58. 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.

59. 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.

60. Any resolution of a meeting of the Board may be revoked or altered at a subsequent meeting by the vote of the members present at such subsequent meeting, or of a majority of them:

As to revocation or alteration of resolutions.

Provided that notice of such subsequent meeting, and of the proposal to revoke or alter such resolution, shall be given to each member of the Board seven days at least before such subsequent meeting.

61. 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.

62. 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 each of 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.

63. Upon the passing of any special order made by any Board, 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 publicly notified, and shall only take effect from the date of such notification, or from some day after the notification specified in such special order.

Special orders to be notified.

64. Subject to the foregoing provisions, the Board may from time to time make, alter, and revoke regulations for the conduct of its proceedings and convening the meetings of the Board.

Rules for conduct of business.

65. The Clerk shall keep the minutes of the proceedings 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; and the minutes of the proceedings of every meeting shall be read at the next succeeding meeting of the Board; and, if approved by the Board, or when amended as directed by the Board, shall be signed by the Chairman of such succeeding meeting.

As to minutes of Boards.

Minutes to be evidence of proceedings.

66. The minutes of proceedings of the Board, 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.

Minute-book and books of account to be open to inspection of ratepayers.

67. All minutes of meetings, and books of account, and transactions of the Board shall at all reasonable times be open to the inspection of any ratepayer or of any holder of the debentures of the Board, and any person refusing or obstructing any such inspection shall be liable to a penalty not exceeding five pounds.

POWERS AND DUTIES OF BOARDS.

(1.) *Contracts.*

Board may contract for execution of works, &c.

68. The Board may enter into any contract with any person for doing anything which is authorized by this or any other Act to be done by the Board, or which is necessary for the purposes of this Act.

If any contract shall be for the execution of any work, it 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.

Mode of entering into contracts

69. Any contract which, if made between private persons,—
Firstly, must be by deed,
Secondly, must be in writing, signed by the parties thereto,
Thirdly, may be made verbally without writing,
when made with the Board—

In the first case shall be in writing under the seal of the Board ;

In the second case shall be signed by two members of the Board on behalf and by direction of such Board ;

In the third case may be made verbally without writing by the Chairman, or by any two members of the Board on behalf and by direction of such Board ; but no verbal contract shall be made for any sum exceeding twenty pounds :

and all such contracts may be varied and discharged in the same manner respectively.

Contracts over £20 to be by tender.

70. No contract, the amount whereof exceeds twenty pounds, shall, except in cases of urgent necessity, be made except after public tender, of which due public notice shall be given ; but the Board shall not be compelled to accept the lowest or any tender.

Contracts of Board to bind body corporate.

71. All contracts duly made according to the provisions herein contained shall be effectual in law, and shall be binding on the Board and all other parties thereto, their successors, heirs, executors, or administrators, as the case may be.

Actions or suits may be maintained on contracts.

72. 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 Board or the other parties failing in compliance therewith, as might have been maintained and recovered had such contract been made between private persons only.

Board may compound for breach of contract.

73. The Board may compound with any person for such sum of money or other recompense as it thinks fit in respect of the breach of any contract or of any penalty incurred thereunder, or of any debt

due to the Board, whether before or after any action or suit is brought for or in respect of the same.

(2.) *River Works.*

74. All rivers, streams, and watercourses within any river district constituted under this Act shall, whether the same be navigable or be altered by the ebb and flow of the tide or not, so far as may be requisite for the construction or maintenance of any works necessary to prevent or lessen any damage which may be occasioned by the overflow or the breaking of the banks of the same, be to all intents and purposes within and subject to the jurisdiction of the Board. Rivers under control of Board.

Nothing in this section contained shall be construed to authorize a River Board to exercise jurisdiction within any district which may be within the jurisdiction of any Harbour Board.

75. The Second and Third and Fourth Parts of "The Public Works Act, 1882," are hereby incorporated with this Act, and shall be read with this Act as if the words "River Board" and "river works" had respectively been inserted in the aforesaid Parts in the place of the words "local authority" and "local works" respectively. Parts of Public Works Act incorporated.

And the whole of the provisions of the aforesaid Parts of the said Public Works Act shall be read and construed for the purposes of this Act accordingly.

76. In addition to the powers granted by sections one hundred and twenty-four and one hundred and twenty-five of "The Public Works Act, 1882," to Boards of River Conservators in relation to public works, every River Board may take land required for any river works which such Board is by this or any special Act authorized to undertake in the manner provided by the Second Part of "The Public Works Act, 1882." And all such works shall be deemed to be local works within the meaning of the aforesaid Act. Power to take lands.

77. Every River Board may take any earth, stone, boulders, gravel, sand, or other material off, from, or out of any land for the purpose of using the same in or about any river works in the manner provided by the Second Part of "The Public Works Act, 1882." Power to remove soil, &c.

78. The Board shall, in addition to any other powers given to them by this Act, have and possess the following powers, that is to say,— Power to enter on lands, &c.

- (1.) They may, without any previous agreement with the owner or occupier of any land within the district, upon giving twenty-four hours' notice, enter upon any such land, whether the same shall be Crown lands or not, and take levels of the same.
- (2.) They may enter upon, take, and hold any such land for the purposes of this Act.
- (3.) They may from time to time make, maintain, alter, or discontinue any defence works or any other works whatsoever upon any land to be taken as aforesaid, or upon any land bounded or intersected by any stream or river under their control or within their jurisdiction, or upon any such stream or river, for the purpose of preventing or lessening any damage which may be threatened, or which may actually have occurred by the overflow of any such streams or rivers, or from the breaking of the banks of the same.

- (4.) They may from time to time divert, impound, or take away any water from any such streams or rivers, or alter the course of the same.
- (5.) They may for any of the purposes aforesaid, at all reasonable times, by themselves, their servants or workmen, and with or without carriages loaded or unloaded, enter into and pass through and over any lands within the district, for the purpose of carrying out any works to be constructed under the provisions of this Act, and for the purpose of maintaining and repairing any existing works, doing thereby no unnecessary or avoidable damage to such lands.
- (6.) They may lay or deposit upon any such lands any materials whatsoever, to be used in the maintenance or construction of any such works, and may erect thereon any temporary shelter for any workmen or persons engaged in such maintenance or construction, causing thereby as little damage or inconvenience as may be.

Board may order trees, &c., impeding stream to be removed.

79. The Board may order the occupier, or, in case there is no occupier, then the owner of any land on the bank of any stream or river within its jurisdiction, to remove any tree, shrub, or bush, or any part thereof hanging in the water and impeding the free flow thereof, or to lower or trim any part of a tree, shrub, or bush overhanging a stream or river and likely to fall therein.

Property &c., vested in Board.

80. All lands, buildings, erections, works, and other things which shall have been or which shall hereafter be respectively taken, purchased, obtained, erected, constructed, and made by or by the order, or which are or shall be within or under the view, cognizance, or management of any Board, with the several conveniences and appurtenances thereunto respectively belonging; and also

All goods, tools, utensils and materials, and things whatever had and to be had, bought, procured, or provided by or by the order of, or which are or shall be within or under the view, cognizance, or management of, such Board; and

All rates and other moneys raised or levied by virtue of this Act, shall be and the same are hereby vested in, and shall be deemed to be the property of, the Board.

Power to recover property and prosecute for damage.

81. The Board is hereby empowered to bring or cause to be brought any action or actions, or to prefer or order the preferring of any indictment against any person who shall dig up, break, or pull down, damage or destroy, injure, spoil, steal, take or carry away, or wilfully and wrongfully buy or receive any such lands, buildings, erections, works, goods, tools, utensils, materials, money, and things whatsoever as aforesaid, or any part thereof.

Board may contract with other local authority or Minister for Public Works.

82. The Board may from time to time contract, upon such terms and conditions as it may see fit, with any other local authority 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 any of the contracting parties of any of the things hereinbefore provided for, or of any matter or thing which the Board of the river district or such other local authority is by law empowered to do, control, and manage,

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

83. The Board may join with any other one or more local authorities 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 of its district; and such contract may provide for the apportionment of the cost of such works among the local authorities parties thereto in such proportions as shall be thought fair and equitable by the parties thereto.

Board may join with other local authorities in making contracts.

84. Any local authority to whom, under any contract made in pursuance of either of the two last-preceding sections, the control, conduct, management, or supervision of any works may be intrusted shall have in respect thereof all the powers which the other local authorities, 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 local authorities parties as to such contract.

85. 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, or under the control of any local authority, without the consent in writing of the Minister for Public Works or of such local authority.

Board not to interfere with Government public works.

86. 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, or any local authority, under any Acts of the General Assembly authorizing the erection, construction, or maintenance of any such public works.

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

87. Nothing in this Act contained shall authorize any River Board to commence or construct any river works or place any pile or other structure in, on, over, through, or across tidal lands or a tidal water without the sanction of the Governor in Council first obtained. And the provisions of "The Harbours Act, 1878," sections one hundred and fifty-four, one hundred and fifty-five, one hundred and fifty-six, one hundred and fifty-seven, one hundred and fifty-eight, one hundred and fifty-nine, one hundred and sixty, shall apply to all applications for sanction to do works, and to all works that may be executed under this Act.

Board not to construct works on tidal waters without consent of Governor.

(3.) Rates.

88. The Board of every river district may, from time to time, as it thinks fit, by special order, direct general rates to be made and levied within its district for carrying into effect the general purposes of this Act, and fix the amount thereof; and such rates shall be made, levied, and collected on behalf of the Board by the local authorities within the river district in manner as hereinafter mentioned.

Power to levy general rates.

But the total amount of such rates made for any one year shall not exceed six farthings in the pound on the rateable value of property in the district.

Rate to be property-rate either uniform or according to classification.

89. General rates may be levied on all rateable property in the district, as the Board may by special order direct from time to time, in manner following, that is to say,—

- (1.) On an uniform scale ; or
- (2.) On a graduated scale according to the classification of the lands in the district.

Any such special order may be revoked or varied from time to time, at the discretion of the Board.

Property assessments to be valuation rolls for rating purposes.

90. For the purpose of making such rates, the Property-Tax Commissioner shall, on request, furnish to each River Board assessment rolls of the valuation made under "The Property Assessment Act, 1879," of all property within the district, and such rolls shall be the only valuation upon which rates may be levied under this Act and for the purposes thereof.

Tenant may recover rates against landlord in certain cases.

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

Boards of subdivided districts may levy separate rates.

92. The Board of every river district divided into subdivisions may from time to time, either in lieu of or in addition to any general rate made under section eighty-eight, direct rates, to be called "separate rates," to be made and levied equally upon all rateable property within every or any subdivision of such river district, and so that the "separate rates" to be levied in each subdivision may vary from those in other subdivisions.

Estimate of proposed separate rate to be open to public inspection.

93. Before making any such separate rate the Board shall cause an estimate to be prepared of the proposed expenditure of such rate, 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 within such portion, 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 inspection of all ratepayers.

Limit of separate rating power.

94. No separate rates made in any one year in any subdivision shall, together with the general rates levied therein, exceed the amount limited in respect of general rates in the district.

Power to levy special rates on whole district.

95. For the purpose of providing the interest and sinking fund upon any loan raised or hereafter to be raised by the Board, the Board may, if it thinks fit, direct special rates to be made and levied within the district, and the Board may from time to time amend a special rate by increasing or diminishing the same if necessary, so that the annual produce thereof shall suffice to provide the interest and sinking fund on account of any such loan or loans.

96. No such special rate shall be quashed by any proceeding in any Court or otherwise. Special rate not to be quashed.

(4.) *Classification of Lands for Rating.*

97. Within districts where rates are to be levied on lands according to their classification the Board from time to time, as it shall think fit, may classify or cause to be classified all lands in the district, both town lands and country lands, into the following two or three classes, at the discretion of the Board, that is to say,— Classification of town lands and country lands.

- (1.) Lands liable to great actual damage;
- (2.) Lands liable to less actual damage;
- (3.) Lands indirectly liable to damage.

And the rates shall be levied upon the several classes of land aforesaid in such proportion as the Board in each case may appoint. Levying of rates

98. The Board may from time to time, by warrant under their hands, at a meeting to be held for that purpose, appoint one or more fit person or persons to examine and report upon all lands to be classified, or to classify the same in manner aforesaid; and such person or persons shall, within thirty days after the delivery to him or them of the warrant of appointment, report to the Board thereon; and the classification of such lands shall thereupon forthwith be made, either by the Board or by such person or persons as aforesaid as the Board may direct. Report on lands to be classified.

99. When any classification is made as aforesaid the Chairman shall sign the same at a meeting of the Board; and the Board shall immediately thereafter cause public notice of such classification to be given, and of the place where the same may be inspected for a period of twenty-one days; and the person in whose custody such classification-list shall be shall permit the same to be inspected by the owner or occupier of any land included therein during office-hours. Classification to be published.

100. Any person who thinks himself aggrieved by such classification may appeal against the same on the grounds following, and no other:— Appeal against classification.

That the classification does not fairly specify the actual liability to damage of the land of the appellant;

That any land liable to be classified is omitted from the classification, or is not fairly classified.

101. A notice of appeal setting forth the matter objected to, and the cause of objection, must be given to the Clerk of the nearest Resident Magistrate's Court, within seven days next after the expiration of the twenty-one days appointed for the publication of the classification-list; and not less than seven clear days' notice of such appeal must be given to the Board before the time of hearing appeals. Notice of appeal to be given.

102. Within three days after the expiration of such seven days as last aforesaid, in case any notices of appeal shall have been given as aforesaid, the Resident Magistrate of the aforesaid Court shall give public notice of a day for the hearing of such appeals, and such appeals may be heard at the Resident Magistrate's Court, to be notified in such notice; and such Court may, after hearing such appeals, cause the classification to be amended in such manner as may appear to it to be reasonable, and the Resident Magistrate shall sign such Hearing of appeals.

amended classification, and the determination of the said Court shall be final and conclusive.

Costs of appeal.

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

Classification evidence of liability of person named therein.

104. Every classification-list, when signed by the Board as aforesaid in case there be no appeal, and when signed by the Court as aforesaid after any appeal, shall, for the purpose of any proceedings for the recovery of rates payable under this Act, be conclusive evidence of the liability of the person named therein; and every such list shall remain in force until another is made under the provisions of this Act.

(5.) *Collection of Rates by Local Authorities.*

Local authorities to collect general rate within their respective jurisdictions. Adjustment of rate on capital value to annual value.

105. When the Board shall, by special order, have directed any general rate to be levied and have fixed the amount in the pound of such rate, according to "The Rating Act, 1882," it shall cause a copy of such special order to be forwarded separately to each local authority within the limits of whose jurisdiction the river district or any part or parts thereof may be situate.

- (1.) Every such local authority shall forthwith proceed to make, levy, and collect such rate in the part or parts of the river district within their jurisdiction in such manner, as nearly as may be, and with such powers, and the rate shall be payable by and recoverable from such persons and in such manner, in every respect as if the limits of the jurisdiction of such local authority were coincident with such part or parts of the river district, and as if the rate were to be levied by such local authority for their own purposes under the powers of rating then by law vested in them.
- (2.) When any person is liable to be rated in respect of property lying partly within and partly without the river district, the local authority within whose jurisdiction such property is situate shall deduct, from the amount of the rates that would be levied on the property if it were wholly within the district, such part as they may, in their absolute discretion, think fit.
- (3.) Any local authority may, for the purpose of collecting any such rate, make an adjustment thereof so as to admit of its being collected under "The Rating Act, 1876," in districts where the said Act is in force, upon the basis that one shilling in the pound upon the annual value shall be deemed to be equivalent to three farthings in the pound upon the capital value of any property.

Separate and special rates to be collected in similar manner.

106. The same proceedings shall be had for making, levying, collecting, and recovering any separate or special rate as are hereinbefore enacted and set forth for making, levying, collecting, and recovering general rates, but as if the words "portion of the river district" were substituted for the words "river district."

Rates to be handed to River Board less cost of collection.

107. All such rates shall be held by every local authority as trustee for the River Board of the district, and shall be handed over to such Board as collected.

Every such local authority shall be entitled to retain all reasonable costs and expenses incurred in and about making and levying, collecting, and recovering the same, and a reasonable remuneration for clerical and other work. If any dispute shall arise as to the amount so to be retained or otherwise in relation thereto, the same shall be decided by such person as the Governor may appoint for the purpose.

108. If any local authority shall refuse or neglect to make and levy, and to take all necessary steps to collect and recover, any such rate as aforesaid, every member thereof at the time of such neglect or refusal shall be liable to a penalty not exceeding fifty pounds.

Local authority to be liable to penalty for neglect to collect rate.

(6.) *Borrowing Powers.*

109. All moneys raised or purporting to have been raised under any of the Acts hereby repealed shall be deemed to be borrowed under this Act, and to have been lawfully borrowed, and the repeal of any of the aforesaid Acts shall not affect the terms upon which any such moneys were borrowed.

Loans under repealed Acts deemed loans hereunder.

110. The Board may from time to time, as occasion shall require, for the purposes of this Act, borrow on the security of the special rates, and take up at interest any sum or sums of money to be raised by the issue of debentures under the seal of the Board.

Board may borrow on security of special rates by issue of debentures.

111. The Board shall not exercise any of its borrowing powers without the consent of a majority of the votes exercisable at the election of members of the Board.

Borrowing powers, how to be exercised

112. The poll shall be taken in the following manner :—

Poll of ratepayers, how taken.

- (1.) Notice of the intention of the Board shall be given by the publication at least once a week for four successive weeks, in some newspaper circulating in the district, of a notice showing the amount proposed to be borrowed, the purpose and the term for which it is to be borrowed, the amount of any rate required to be levied to provide the interest and sinking fund (if any) thereon, and 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 notices.
- (2.) A separate poll shall be taken for each borough within the district; and outside of boroughs the poll shall be taken either separately or collectively as the Board shall appoint, according to the rolls best available for the purpose.
- (3.) The Chairman shall appoint a Presiding Officer for each place where a separate poll is to be taken, and give him seven days' notice requiring him to take the poll upon the day appointed.
- (4.) The Presiding Officer shall, upon the day so appointed, proceed to take the poll in the manner hereinafter provided.
- (5.) The voting-papers shall be printed in the form following, setting forth the notification mentioned in this section :—

“ PROPOSAL to borrow £ , for the repayment of which

a rate of _____ in the pound is required to be levied
 [Insert the notice required by the first subsection of this section].

“ 1. I vote for the above proposal.

“ 2. I vote against the above proposal.”

- (6.) 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 shall not erase.
- (7.) Every voter shall be entitled to vote according to the scale mentioned in section thirty-one.
- (8.) All the provision 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.
- (9.) Whenever any such resolution is carried, the Chairman shall send a notice thereof to the Colonial Secretary, who shall publish the same in the *Gazette*; and such notice, so published, shall be in favour of the lender conclusive evidence that the raising of the loan to which it refers has been duly authorized under the provisions of this Act.

Result of poll to be declared.

113. 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 or rejected, as the case may be.

If borrowed money not paid when due, Receiver may be appointed.

114. If any money, or any instalment of principal or interest of money, which has already been or which hereafter may be borrowed by the Board from any person or body corporate upon the security of the special rates to be raised in the district, is not paid at the time appointed for the payment thereof, the person or body corporate holding such security may apply to a Judge of the Supreme Court by petition in a summary way for relief; and the Judge shall, if satisfied of the truth of the matters alleged in such petition, appoint a Receiver of such rates within the district the Board of which is liable for the payment of the principal and interest secured by such rate.

Board's powers as to rates to vest in Receiver.

115. The Receiver shall have all the powers of a duly-constituted Board under this Act in respect of the making, levying, and recovery of rates, both general and special; and the neglect or omission to elect members of such Board shall not affect the powers of such Receiver.

Rates to vest in Receiver.

116. All the rates within the district that are liable for the principal and interest secured thereby, and that are specified in the order of the Judge in that behalf, shall, from the date of such order, vest in the Receiver, and shall cease to be vested in the Board.

Receiver to give security.

117. Every such Receiver shall, before entering on his office, give such security for the faithful discharge of the duties thereof as the Judge directs.

Application of money by Receiver.

118. All moneys received by the Receiver shall be applied only under the order of a Judge of the Supreme Court, as follows:—

- (1.) In payment of the expenses of the application and order;
- (2.) In payment of such remuneration to the Receiver, and of such expenses of his office, as the Judge directs;

(3.) In the payment of the principal and interest of the loan or loans in respect of which the Receiver is appointed ;

(4.) The residue, after payment of the above, in payment into such bank as the Judge directs to the credit of the Board : and the Receiver shall account for all such moneys as the Judge directs.

119. When all the principal and interest of the loan or loans in respect of which the Receiver was appointed have been paid, or at any time by an order of a Judge of the Supreme Court upon the application of the Board, the powers of the Receiver shall cease and shall revert in the Board, and the Receiver shall forthwith pay any moneys in his hands to the Board, or as the Judge directs.

When loan paid, Receiver's powers to cease.

(7.) *Control of Moneys and Audit.*

120. Every Collector or other person appointed to receive any rate levied under the provisions of this Act shall give to the Board sufficient approved security for the faithful execution of his office, and for the duly accounting for all moneys received by him on behalf of the Board.

Board to take security from officers.

121. Every person receiving any moneys on behalf of the Board, amounting to five pounds and upwards, shall, within seven 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 the credit of the Board.

Moneys of Board to be paid into bank in seven days.

122. The Clerk shall keep full and true accounts, in which he shall enter every sum received and every sum paid on account of the Board in the order of date of each such receipt and payment.

Clerk to keep accounts.

123. The Board may require from the Clerk, at any time and from time to time, a full and particular statement of the accounts, assets, and liabilities of the Board.

Board may require statements of accounts at any time.

124. On or before the fourteenth day of April in each year the Clerk shall prepare and send to one of the auditors a yearly balance-sheet, being an abstract of all the transactions in the accounts during the year ending on the thirty-first day of March previous, together with a statement of the whole assets and liabilities of the Board upon the said thirty-first day of March ; and the Board shall, in the month of May, hold a special meeting for considering such balance-sheet and settling the same, and when so settled the Chairman shall sign the balance-sheet so settled.

Balance-sheet up to 31st March to be sent to Auditor before 14th April.

125. If the financial year of any existing Board has hitherto terminated on 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 fourteenth day of April, one thousand eight hundred and eighty-five, 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 hundred and eighty-five.

Provision where financial year has hitherto not terminated on 31st March.

126. The Board shall cause such balance-sheet and detailed statement of account to be published or posted in some public place for the information of the ratepayers.

Balance-sheet to be publicly notified.

127. The accounts of the Clerk shall be audited by one or more independent auditors to be appointed by the Governor.

Auditor to examine accounts.

Moneys not accounted for to be debt due to Board.

128. 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.

Persons refusing to deliver up moneys and papers may be imprisoned.

129. If any officer of the Board or other 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 already 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 property, 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 officer or person to render such accounts, or to deliver up such matters or things, or to pay such balance as hereby required.

And if such officer or person neglects or refuses to obey such order he may be committed to prison by any Justice for any period not exceeding six months.

Proceedings for penalties not to prejudice other remedies.

130. No such proceeding against or dealing with any officer or person as aforesaid shall deprive the Board of any remedy which it might otherwise have against any such officer or person or against any surety of such officer, or shall exempt any officer or person from any criminal proceedings to which he might otherwise be liable.

SPECIAL PROVISIONS.

County River Boards.

Governor may proclaim County Council to be River Board of any existing district.

131. The Governor, if he thinks fit, may by Proclamation declare the Council of any county to be the River Board in respect of any river district the limits whereof are entirely included within the limits of such county, subject to the conditions following:—

- (1.) That a petition of the majority of the ratepayers of the river district is presented to the Governor in that behalf, after such petition has been previously publicly notified in the district for not less than thirty days; and
- (2.) That a resolution of the County Council to be affected by such petition, concurring in the prayer thereof, is transmitted to the Governor.

Similarly as to new districts.

132. On the proposed constitution of a new river district, it shall be sufficient if the matter of the above-mentioned petition be included in any petition presented to the Governor praying him to constitute such district; and in such case a separate petition shall not be necessary, but the resolution of the Council shall be indispensable in all cases.

Effect of Proclamation.

133. Every Proclamation issued under the last preceding section shall take effect on a day certain, to be specified therein; and on the coming into effect of such Proclamation—

- (1.) All provisions of this Act which relate to the election of members of River Boards, their number, their continuance in office or retirement therefrom, shall be suspended from operation within the district for the whole time wherein the Proclamation aforesaid remains in force.

- (2.) The County Council for the time being in office shall be the River Board for the river district, and shall have and may exercise all the functions, powers, and duties granted to such Board by this Act, subject as follows:—

The Council may exercise all such powers and duties, in addition to their ordinary jurisdiction under "The Counties Act, 1876;" and their proceedings as a River Board shall be regulated under such last-named Act, instead of under this Act; excepting that—

All property within the river district rateable under this Act shall be rated thereunder, and not under "The Counties Act, 1876;" but the rates when collected shall be paid into a separate account in the County Fund, and may be administered under "The Counties Act, 1876," but shall be applied only for the purposes for which the same were levied.

- (3.) Every County Council constituted a River Board shall have not only the powers of such Boards under this Act, but also all powers granted to such Boards under any other Act of the General Assembly.

134. The Governor, if he think fit, may revoke any Proclamation in whole, or as to so much thereof as declares a County Council to be a River Board; whereupon all suspended provisions of this Act shall be revived and come into operation again on the day of the coming into effect of such Proclamation in the river district affected thereby.

Proclamation may be revoked.

Clutha District.

135. All lands described in the schedule to "The Clutha River Trust Reserves Act, 1874," set aside as endowments under the said Act upon the trusts and for the purposes expressed or implied in "The Clutha River Conservators Board Act, 1875," and remaining undisposed of, shall be deemed to be set aside upon the same trusts and for the same purposes under this Act; and the Clutha River Board constituted under this Act shall hold the said lands for the purposes aforesaid.

Clutha River trust reserves deemed to be reserved under this Act.

136. The said lands may be sold, dealt with, or otherwise disposed of, from time to time, in the same manner as Crown lands within the Otago Land District may be dealt with, either under "The Land Act, 1877," and any Act amending the same, or under "The Mines Act, 1877," subject, however, to any license or lease for pastoral or other purposes, affecting the same.

Trust lands to be disposed of as Crown lands.

- (1.) All rents, license-fees, or other moneys payable under or in respect of any license or lease of the said lands, or any portion of them, shall be paid to the Receiver of Land Revenue, and shall, within one month from the date of such payment, be paid by him to the Clerk or Treasurer of the Clutha River Board aforesaid; and the receipt of such Clerk or Treasurer, countersigned by a member of the said Board, shall be a sufficient discharge to the aforesaid Receiver in respect of any such payment.

Rents to be paid to Board.

- (2.) All moneys received from the sale of any of the said lands shall be paid and accounted for by the Receiver of Land

Purchase-moneys to be invested on trust for purposes of Act.

Revenue to the Trustees appointed under "The Clutha River Trust Reserves Act, 1874," who shall invest such moneys in public securities of the colony, or such other securities as the Governor shall approve, in trust for the purposes for which such aforesaid lands were set apart.

- (3.) The Governor may from time to time remove any Trustee appointed as aforesaid and appoint another in his place, or may appoint any new Trustee in the place of one dying or resigning his office, or becoming incapable.

Application of rents of reserves.

137. All moneys received by the Board last aforesaid in respect of the aforesaid lands shall be under the control of such Board, and shall be applied and disposed of for the purposes of this Act in such manner as the said Board may from time to time determine.

Provision for drainage, sewerage, &c., of Balclutha.

138. The Clutha River Board shall grant to the Borough Council of Balclutha, for the benefit of the inhabitants thereof, full rights, privileges, and easements of drainage and sewerage in, through, over, and under all lands which have been conveyed to or vested in or are under the control of the said Board by virtue of any Act hereby repealed or of this Act, and shall expressly reserve such rights, privileges, and easements in any lease granted by the said Board of such lands or any part thereof.

Inch Clutha District.

Inch Clutha Road Board to have charge of all administration of the river district.

139. The Road Board of the Inch Clutha Road District for the time being in office shall be the River Board of the Inch Clutha River District constituted under this Act, under the name of "The Inch Clutha River and Road Board."

- (1.) The aforesaid Road Board may exercise all the powers, functions and duties of a River Board under this Act.

- (2.) All moneys received under this Act may be paid by the aforesaid Road Board into the Road District Fund, to form part of such fund together with the moneys paid into such fund under "The Road Boards Act, 1882."

All moneys to be amalgamated in the Road Board Fund, and applied indifferently to road or river works.

- (3.) All the moneys aforesaid shall form one amalgamated fund, and may be appropriated by the Inch Clutha River and Road Board to such road works or river works as they may consider of most pressing necessity, irrespective of the source whence such moneys respectively came, or under which Act they were received.

- (4.) All accounts of moneys received or paid, all audit of accounts, and all matters relating to the property of the River Board under this Act, shall be kept and regulated by "The Road Boards Act, 1882," and not by this Act.

Publication of notices relating to Inch Clutha.

140. All matters required to be published within the Island of Inch Clutha, as forming a district, or subdivision of a district of any sort, or relating thereto in any respect, may be published in some newspaper printed at Balclutha, and such publication shall be deemed to be sufficient compliance with the requirements of any provisions of this or any other Act in that regard.

Hutt District.

Governor in Council may appoint

141. Whereas it has been made known to the Governor that, through inadvertence, the time fixed for the election of a new Board

of members for the Hutt River District has been allowed to pass, and no such election has been held, and the former members having vacated their office, no members of the Board exist, and there is no sufficient provision in the existing law to meet any such case:

election of new Board as if Board had been dissolved under this Act.

For the rectification thereof, Be it therefore enacted, as follows:—

- (1.) The River Board of the Hutt District is hereby declared to be and to have been dissolved as and from the day of the expiration of the term of office of the members elected at the last general election of such Board.
- (2.) The Governor in Council is hereby authorized to appoint a day whereon an election of a new Board for the Hutt District shall be held, and such election shall be deemed a special election within the meaning of sections twenty-three and twenty-five of this Act.
- (3.) All property, liabilities, engagements, functions, duties, and powers of the Board dissolved as aforesaid shall become vested in the new Board, and shall be deemed to have been so vested from the day of dissolution of the former Board, in manner as is mentioned in section twenty-three of this Act.
- (4.) The Governor at any time after the passing of this Act may, in respect of the River Board of the Hutt District, appoint inquiries to be made into the property of the Board, as provided in section twenty-four of this Act, in the same manner as if the Board had been dissolved under section twenty-three of this Act.
- (5.) Sections twenty-three, twenty-four, and twenty-five of this Act are hereby incorporated with this section, and shall be read, *mutatis mutandis*, together therewith.

MISCELLANEOUS.

142. 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.

How notices shall be sent.

- (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.
- (3.) A notice required to be sent to a River Board must be sent to the office of such River Board.
- (4.) Every notice required to be sent by a River 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.
- (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.

143. 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.

Who to represent Board in proceedings in Court.

144. 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.

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

145. 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.

Penalty for obstructing Board.

146. 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.

Misnomer, &c., not to invalidate Proclamations.

147. 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 operations of this Act with respect to the subject of such description, provided the same shall have been designated so as to be understood.

Local authority may levy rate when Board refuses.

148. In case any River Board shall neglect or refuse to direct the making and levying a general rate in any year, it shall be competent for the local authority in any separate subdivision of the district to levy a special rate in the manner herein provided, and to expend the moneys arising therefrom in protective works within such district:

Act not to affect moneys already borrowed under repealed Acts.

149. Nothing in this Act contained shall affect the terms upon which any money has been borrowed under the Acts hereby repealed, and, notwithstanding such repeal, the Acts, ordinances, and enactments hereby repealed shall remain in full force in respect of any moneys borrowed, and debentures issued, and any sinking funds created thereunder respectively: Provided that all such moneys, debentures, and sinking funds shall respectively be applied for the purposes and to the objects originally enacted in that behalf.

Repeal.

150. The several Acts, enactments, and Provincial Ordinances specified in the Third Schedule hereto are hereby repealed.

But all rates levied and all penalties incurred under the said Acts, enactments, or ordinances, or either of them, may be recovered and enforced under this Act, unless its provisions are not adapted for the purpose, in which case they may be recovered and enforced as if this Act had not been passed.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

TOWNSHIP OF TARADALE, HAWKE'S BAY.

ALL that piece of land situate in the Provincial District of Hawke's Bay, in the Colony of New Zealand, containing by admeasurement one hundred and thirty acres,

more or less, being Suburban Section fifty-four and part of Suburban Sections numbers fifty-two and fifty-three on the Government plan of the Meanee District. Bounded towards the North by Suburban Section fifty-five on the said plan, three thousand five hundred links; towards the East by Suburban Section forty-seven two thousand links, by a line crossing the Taradale and Meanee Road one hundred links, and by Suburban Section forty-eight, one thousand seven hundred links; towards the South by other portions of Suburban Sections fifty-two and fifty-three, three thousand five hundred links; and towards the West by a public road, three thousand eight hundred links: be all the aforesaid linkages more or less; as the same is delineated on the plan deposited in the Survey Office, Napier.

SECOND SCHEDULE.

EXISTING RIVER and DRAINAGE DISTRICTS and BOARDS of RIVER CONSERVATORS constituted River Districts and River Boards respectively under this Act.

Name of River District.	Corporate Name of Board.	Date of Constitution, and Boundaries.	Number of Members of Board.	Members by Election and by whom elected.
HAWKE'S BAY. Taradale ..	"The Taradale River Board"	May 17, 1877; <i>N.Z. Gazette</i> , 1877, page 566	Five ..	Ratepayers of the district.
WELLINGTON. Hutt ..	"The Hutt River Board" ..	Dec. 27, 1878; <i>N.Z. Gazette</i> , 1879, page 6	Five ..	Ratepayers of the district.
Waiohine ..	"The Waiohine River Board"	Dec. 6, 1875; <i>Wellington Gazette</i> , 1875, page 184	Five ..	Ratepayers of the district.
MARLBOROUGH. Kaikoura ..	"The Kaikoura River Board"	Sept. 8, 1876; <i>Marlborough Gazette</i> , 1876, page 26	Five ..	Ratepayers of the district.
Lower Wairau ..	"The Lower Wairau River Board"	May 7, 1874; <i>Marlborough Gazette</i> , 1874, page 15	Five ..	Ratepayers of the district.
Pukaka ..	"The Pukaka River Board" ..	Jan. 16, 1879; <i>N.Z. Gazette</i> , 1879, page 91	Five ..	Ratepayers of the district.
Spring Creek ..	"The Spring Creek River Board"	Mar. 25, 1874; <i>Marlborough Gazette</i> , 1874, page 10	Five ..	Ratepayers of the district.
CANTERBURY. Mandeville and Rangiora	"The Mandeville and Rangiora River Board"	May 7, 1873; <i>Canterbury Gazette</i> , 1873, page 179	Five ..	Ratepayers of the district.
North Rakaiā ..	"The North Rakaiā River Board"	Jan. 5, 1872; <i>Canterbury Gazette</i> , 1872, page 53	Five ..	Ratepayers of the district.
South Orari ..	"The South Orari River Board"	May 31, 1872; <i>Canterbury Gazette</i> , 1872, page 141	Five ..	Ratepayers of the district.
South Waimakariri	"The South Waimakariri River Board"	Jan. 30, 1869; <i>Canterbury Gazette</i> , 1869, page 11; <i>N.Z. Gazette</i> , 1880, page 1567	Nine ..	One to be elected by the ratepayers of each of the following nine sub-districts, named respectively the North-east Christchurch, South-east Christchurch, North-west Christchurch, South-west Christchurch, Sydenham, Avon, Heathcote, Riccarton, and Lincoln.
OTAGO. Clutha ..	"The Clutha River Board" ..	Oct. 21, 1875; "The Clutha River Conservators Board Act, 1875"	Seven	One by the Borough Council of Balclutha; one by each of the Boards of the following five road districts: Clutha, Pomahaka, Clydevale, Inch Clutha, and Balmoral; & one by the county electors of the Matau Riding of the County of Bruce.
East Taieri ..	"The East Taieri River Board"	Oct. 10, 1878; <i>N.Z. Gazette</i> , 1878, page 1386	Five ..	Ratepayers of the district.
Henley ..	"The Henley River Board" ..	Jan. 27, 1879; <i>N.Z. Gazette</i> , 1879, page 133	Five ..	Ratepayers of the district.
Inch Clutha ..	"The Inch Clutha River and Road Board"	April 18, 1878; <i>N.Z. Gazette</i> , 1878, page 478	..	The Inch Clutha Road Board for the time being in office is the River Board.
West Taieri ..	"The West Taieri River Board"	Dec. 24, 1870; <i>N.Z. Gazette</i> , 1870, page 525	Seven	Ratepayers of the district.

THIRD SCHEDULE.

ACTS AND PROVINCIAL ORDINANCES REPEALED.

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

- 1868, No. 40.—The Hawke's Bay and Marlborough Rivers Act, 1868.
 1870, No. 67.—The Hawke's Bay and Marlborough Rivers Act 1868 Amendment Act, 1870.
 1872, No. 52.—The Hawke's Bay and Marlborough Rivers Acts Amendment Act, 1872.
 1879, Local, No. 19.—The Marlborough River Districts Union Act, 1879.
 1879, Local, No. 20.—The Hawke's Bay and Marlborough Rivers Act 1868 Amendment Act, 1879.
 1881, No. 5.—The Hawke's Bay and Marlborough Rivers Act 1868 Amendment Act, 1881.
 1870, No. 68.—The Canterbury Rivers Act, 1870.
 1873, No. 15.—The Canterbury Rivers Act 1870 Amendment Act, 1873.
 1877, Local, No. 49.—The Canterbury Rivers Act 1870 Amendment Act, 1877.
 1880, Local, No. 14.—The Canterbury Rivers Act 1870 Amendment Act, 1880.
 1881, Local, No. 9.—The Canterbury Rivers Act 1870 Amendment Act, 1881.
 1882, Local, No. 16.—The Canterbury Rivers Act 1870 Amendment Act, 1882.
 1876, No. 11.—The Hawke's Bay Rivers Act, 1876.
 1879, Local, No. 10.—The Hawke's Bay Rivers Act 1876 Amendment Act, 1879.
 1876, No. 4.—The Wellington Rivers Act, 1876.
 1878, Local, No. 22.—The Inch Clutha Act, 1878.
 1880, Local, No. 6.—The Inch Clutha Act 1878 Amendment Act, 1880.
 1883, No. 36.—The Counties Acts Amendment Act, 1883. *In part, namely, sections fifty-one, fifty-two, and fifty-three.*

(2.) *Act of the Province of Nelson.*

- 1872, Sess. 22, No. 3.—The Rivers Act, 1872.

(3.) *Ordinance of the Province of Otago.*

- 1870, Sess. 27, No. 316.—The Management of Rivers Ordinance, 1870.