

New Zealand.

ANNO TRICESIMO PRIMO

V I C T O R I Æ R E G I N Æ .

No. 26.

AN ACT to establish a general Board of Works for the Electoral Districts of Timaru and Gladstone.

[10th October 1867.]

WHEREAS by an Ordinance of the Provincial Council of the Province of Canterbury intituled "The Municipal Council Ordinance Session XIV. No. 2" a Municipal Council was established for the township of Timaru in the said Province And whereas by another Ordinance of the said Province intituled "The Road Districts Ordinance 1864" certain Road Districts were created within the electoral districts of Timaru and Gladstone in the said Province for the construction and management of roads therein and respectively called

The Geraldine District
The Levels District
The Waimate District
The Mount Cook District

And whereas it is expedient to establish a general Board of Works within the said electoral districts and to appropriate for the uses of the same a certain proportion of the territorial revenue arising within the said districts

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

1. The Short Title of this Act shall be "The Timaru and Gladstone Board of Works Act 1867."

2. The electoral districts of Timaru and Gladstone shall for the purposes of this Act be deemed to be one entire district and are hereinafter referred to as "the district."

3. There shall be for the district a general Board of Works which shall consist of persons to be appointed as hereinafter mentioned and such board of works is hereinafter referred to as "the board."

4. The Road Board for each Road Board District within the district and the Municipal Council of Timaru shall respectively annually on the first day of December in each year or on the following day if the said first day of December shall be a Sunday appoint two persons being ratepayers within their respective districts to be members of the board.

5. Four members of the board shall be a quorum and the board shall be deemed to be constituted so soon as four members shall have been appointed and subject as hereinafter mentioned the members of the board shall continue in office until a new board shall have been appointed.

Timaru and Gladstone Board of Works.

Member of retiring board may be appointed member of new board.
Member of new board may resign his seat.

Disqualification.

In case of vacancy Road Board or Municipal Council to appoint qualified person to fill vacancy.

Board to appoint officers.

Board to appoint times and places of meeting.

Three members of board may call special meeting. Fourteen days' notice.

Appointment of chairman.

Board to have power to carry out works of general utility under written contract.

Votes and resolutions to be entered in a book.

Chairman of board to sue and be sued upon contracts.

Action by or against chairman shall not abate by death resignation or removal of chairman.

Board shall satisfy out of first moneys at their disposal judgments in any action against chairman.

Members of board not to be parties to any contract.

6. Any member of the retiring board may be appointed a member of the new board.

7. Any member of the board may resign his seat by notice in writing directed to the chairman of the Road Board or of the Municipal Council respectively by whom he shall have been appointed.

8. Any member of the board refusing to act or being absent from the district for three months or becoming bankrupt or convicted of any infamous offence shall cease to be a member of the board.

9. In case any vacancy shall occur the Road Board or Municipal Council as the case may be by which he was appointed shall appoint another qualified person to supply the vacancy until the expiration of the current year.

10. The board may appoint a secretary treasurer and other necessary officers and fix the salary to be paid to each.

11. The business of the board shall be transacted at meetings to be held at such times and places as the board shall appoint.

12. Any three members of the board shall have power to convene a special meeting and the secretary shall on receiving a written instruction to that effect give to the members of the board notice of such special meeting and of the business to be transacted thereat but no special meeting shall be convened under less than fourteen days' notice.

13. At the first meeting of the board in each year a chairman being a member of the board shall be appointed who shall be chairman for the year next ensuing unless he shall resign or become disqualified as herein mentioned in which case a new chairman shall be forthwith elected but in the absence of the chairman of the board at any meeting another member of the board present shall be elected chairman for that meeting.

14. The board shall have power to carry out all such works of general utility within the district as they shall think fit but no such work shall be carried out except under contract in writing.

15. All questions before the board shall be decided by a majority of votes and all resolutions shall be entered in a book kept for that purpose.

16. All contracts for works entered into by the board shall be in the name of the chairman of the board who shall sue and be sued upon such contracts in his own proper name in like manner as if such contracts were personal contracts by the chairman but no execution upon mesne or final process in any action upon or arising out of such contract shall be issued or enforced against the person or property of such chairman.

17. No action by or against the chairman of the board upon or in relation to any such contract shall abate by the death of the chairman party to the same or by reason that he has ceased to be chairman of the board but the same may proceed upon the newly elected chairman being made a party to the said action by suggestion either as plaintiff or defendant as the case may be in lieu of the chairman so dying or ceasing to be chairman as aforesaid.

18. In case any money shall become payable under any judgment order or decree in any action against such chairman it shall be the duty of the board to pay and satisfy the same out of the first moneys at the disposal of the board.

19. No member of the board shall hold any office of profit under the board nor shall any member of the board whilst he is such member or for a period of six calendar months after he shall have ceased to be a member enter into a contract with the board nor shall any person for the time being holding any contract with the board accept a seat as

Timaru and Gladstone Board of Works.

member of the board and any person infringing this provision shall be liable to forfeit the sum of two hundred pounds to be recovered before any Resident Magistrate at the suit of any person who shall sue for the same and every such contract shall be *ipso facto* void and of none effect except as against the party so contracting with the board.

20. For the purpose of providing the board with the means of carrying on such works as aforesaid the Colonial Treasurer shall from time to time pay over to the board out of such part of the Land Fund as shall under the provisions of "The Public Revenues Act 1867" become payable to the Provincial Account of the Province of Canterbury one gross fourth part of so much of the said Land Fund as shall arise within the district from the sale of Crown Lands instead of paying the same to the said Provincial Account as by the said Act provided.

Board to be endowed with one-fourth gross territorial revenue accruing within district.

21. It shall also be the duty of the Colonial Treasurer to pay over to the board the full amount to be realized by the sale of debentures to the amount of thirty thousand pounds part of the debentures intended to be issued pursuant to certain Ordinances of the Superintendent and Provincial Council of the Province of Canterbury intituled respectively "The Canterbury Loan Ordinance 1862" and "The Canterbury Loan Ordinance Amendment Ordinance 1863" or of the debentures intended to be issued pursuant to an Act of the General Assembly intituled "The Public Debts Act 1867" in lieu of such debentures the amount to be paid over to the board under the provisions of this section shall be expended as follows viz.—

£30,000 of debentures when realized to be made over to board.

Not more than eight thousand pounds for Timaru harbour works to be constructed in accordance with the recommendations and under the control of the marine engineer of the General Government.

Appropriation of debentures.

Not more than three thousand pounds for the construction of a bridge over the Opihi River and the balance for the construction of a bridge over the Rangitata River.

22. It shall be lawful for the Superintendent of the said Province of Canterbury if he shall think fit to commit to the board the expenditure of any moneys appropriated to the construction and maintenance of specific public works within the district and to pay over the same to the account of the board to be appropriated for such purpose in such manner as the Superintendent shall think fit.

Superintendent may commit to board expenditure of moneys for specific public works.

23. Except for roads bridges or other works undertaken and constructed or to be undertaken and constructed within the said district or for reserves which the Superintendent is duly authorized to make for public purposes under any existing Act Ordinance or Regulation it shall not be lawful for such Superintendent or Superintendent and Provincial Council under the forty-second or forty-third clause of "The Waste Land Regulation of the Province of Canterbury" to reserve grant sell or dispose of or otherwise take or alienate any portion of the Waste Lands of the Crown within the said district except upon payment to the Board of Works of one-fourth part of the gross amount that would have accrued if such land had been sold under the said Regulations.

Conditions for alienation of Crown Lands.

24. After providing for the cost of all works contracted for during the year the board shall pay over and divide the residue of any moneys at their disposal arising from the proportion of the Land Fund payable to them pursuant to this Act to and amongst the said Municipal Council and Road Boards respectively in such proportions as they shall think fit for the public uses of such Council and Road Boards respectively.

Moneys unexpended by board to be paid over to Road Boards and Municipalities.

25. The board shall in books to be kept by them for that purpose enter true accounts of all sums of money by them received and paid and of the several matters in respect whereof such sums shall have

Books to be kept and accounts audited.

Timaru and Gladstone Board of Works.

been received and paid All such accounts with all vouchers and papers relating thereto together with a full abstract or balance sheet thereof signed by three at least of the members of such board shall yearly fourteen days before the expiration of the current year of office of the board be submitted by the board to and examined and audited by the Provincial Auditor of the said Province.

Abstract of balance sheet to be published in Provincial Government Gazette.

26. A copy of such abstract or balance sheet so audited as aforesaid shall within fourteen days after the audit of the same be transmitted to the Superintendent of the said Province of Canterbury and by him forthwith published in the *Government Gazette* of the said Province.

Board to furnish report of all works carried out during year to Superintendent to be published in Provincial Government Gazette.

27. It shall be the duty of the board at the same time also to transmit to the Superintendent of the said Province a full report of all works contracted for and carried out by the board during the then past year and such report shall also be forthwith published by the Superintendent in the said Provincial *Government Gazette*.

Moneys due from retiring board with accounts &c. to be paid and delivered to new board.

28. All moneys found by the auditors to be due from any retiring board together with all such books of account vouchers and papers shall be forthwith paid and delivered over to the board for the time being.

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