

Mr. Gray.

CHRISTCHURCH TRAMWAY DISTRICT.

[LOCAL BILL.]

ANALYSIS.

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A BILL INTITULED

Title.	AN ACT to facilitate the Construction, Administration, and Working of Tramways in and for the City of Christchurch and its Suburbs, and to consolidate the previous Acts relating thereto.	
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	5
Short Title.	1. The Short Title of this Act is "The Christchurch Tramway District Act, 1906."	
Tramway District and subdistricts.	2. (1.) The area of land comprised within the limits described in the <i>First</i> and <i>Second</i> Schedules hereto, including the City of Christchurch, and Boroughs of Woolston, New Brighton, and Sumner (as incorporated under "The Municipal Corporations Act, 1900"), the Road District of Spreydon, and such portions of the Road Districts of Avon, Heathcote, Riccarton, Templeton, and Halswell (as incorporated under "The Road Boards Act, 1882") as are therein included, shall for the purposes of this Act be and be deemed to be one district, to be called the "Christchurch Tramway District" (hereinafter referred to as "the said district").	10 15
Subdistricts.	(2.) The said district is subdivided into the following subdistricts, that is to say:—	20
	The "Central Subdistrict," meaning thereby the Central Sydenham and St. Albans Wards of the City of Christchurch:	
	The "Linwood Subdistrict," meaning thereby the Linwood Ward of the City of Christchurch:	
	The "Woolston-Sumner Subdistrict," meaning thereby the Boroughs of Woolston and Sumner, and such part of the Heathcote Road District as is or may hereafter be included in the Christchurch Tramway District:	25
	The "New Brighton Subdistrict," meaning thereby the Borough of New Brighton, and such part of the Avon Road District as is or may hereafter be included in the Christchurch Tramway District:	30
	The "Spreydon-Halswell Subdistrict," meaning thereby such parts of the Riccarton, Spreydon, and Halswell Road Districts as are included in the <i>First</i> Schedule hereto, and such parts of the Spreydon and Halswell Road Districts as may hereafter be included in the Christchurch Tramway District:	35
	The "Riccartern-Sockburn Subdistrict," meaning thereby such parts of the Riccarton and Templeton Road Districts as are included in the <i>Second</i> Schedule hereto, and such part of the Riccarton and Templeton Road Districts as may hereafter be included in the Christchurch Tramway District.	40
Governor may incorporate other boroughs, &c., with district.	3. The Governor may from time to time, and, upon the petition of the majority of the ratepayers of any borough or road district, or of any ward or portion of a ward of any borough or road district, shall, by Order in Council direct that any such borough, road district, or ward, or portion of a ward, as the case may be, shall thenceforth be incorporated with and form a portion of the said district; and upon such Order being gazetted, any borough, road district, or ward, or portion of a	45

ward so directed to be incorporated shall thenceforth be and be deemed to be incorporated with and form a portion of the said district; and the Board, in relation to tramways within any borough, road district, or ward, or portion of a ward so directed to be incorporated, shall have
5 the same property, and may exercise all or any of the powers, rights, duties, privileges, or authorities, which under or by virtue of this Act it may possess or exercise within the said district.

4. (1.) There shall be for the said district a tramway Board Tramway Board. (hereinafter referred to as "the Board"), which shall consist of nine
10 members, to be elected in manner hereinafter mentioned. The members of the Board shall be elected by electors as defined by this Act, for the said subdistricts as follows:—

Four members for the Central Subdistrict:

One member for the Linwood Subdistrict:

15 One member for the Woolston-Sumner Subdistrict:

One member for the New Brighton Subdistrict:

One member for the Spreydon-Halswell Subdistrict:

One member for the Riccarton-Sockburn Subdistrict.

(2.) The members for each of the said subdistricts shall be elected
20 by the electors on the subdivision of the electoral roll (hereinafter described) for that subdistrict. Such Board shall be a body corporate under the name of the Christchurch Tramway Board, with perpetual succession and a common seal.

(3.) The Board shall be a local authority within the meaning of
25 "The Tramways Act, 1894," and "The Local Bodies' Loans Act, 1891," and shall have and may exercise within the said district all and each and every of the powers conferred on a local authority by the said Acts respectively.

(4.) The said district shall be and be deemed to be "a district,"
30 and the Board's fund shall be deemed to be a "local fund," within the meaning of "The Local Bodies' Loans Act, 1891."

Election of Board.

5. (1.) The Secretary of the Board, or some other person appointed by the Board for the purpose, shall, on or before the fifth day
35 of April in each year in which a general election of members of the Board is to be held, make out in the prescribed manner and form a list to be called "the electors list" for the said district, setting forth separately for each of the said subdistricts of the said district the name, occupation, and address or the situation of the property of every person, male
40 or female, of the full age of twenty-one years who possesses any one of the following qualifications, that is to say:—

(a.) A freehold qualification, meaning thereby that he is the beneficial and duly registered owner of a freehold estate in land within the district of the capital value of not less than twenty-
45 five pounds, whether subject to incumbrance or not, and notwithstanding that any other person is the occupier thereof or any part thereof under any tenancy:

(b.) A rating qualification, meaning thereby that he is a person
50 whose name appears in the occupiers column in the rate-book prepared by or on behalf of the Board under the pro-

Electors list and
qualifications of
electors.

visions of this Act or "The Rating Act, 1894," or in the rate-book of any city, borough, or road district or part thereof comprised within the boundaries of the said district :

- (c.) A residential qualification, meaning thereby that he is, and for at least three months then last past has been, in occupation as tenant or subtenant, or as one of the several tenants or subtenants holding in joint tenancy or tenancy in common, of the whole or any portion of any house, warehouse, office, shop, or other building in the district under a tenancy the rent under which is at a rate of not less than ten pounds per year for the tenant or subtenant or, as the case may be, for each of the several tenants or subtenants :

Provided that where any tenant or subtenant shall sublet the whole or any portion of his premises the rent payable by him or them shall for the purposes of this section be deemed to be reduced by the amount of the rent payable to such tenant or subtenant, as the case may be, in respect of any subtenancy created by him.

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

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

- (4.) The electors list shall be prepared in separate subdivisions, one for each subdistrict as defined in section *two* of this Act.

Electoral roll.

- 6. (1.) The electors list shall be corrected, completed, and authenticated in the prescribed manner and time, and thereupon shall become the electoral roll (in subdivisions as aforesaid) of the said district, and shall remain in force until another electoral roll comes into force for the said district.

- (2.) Until the making of the electoral roll in the year one thousand nine hundred and *nine*, the Christchurch Tramway District electoral roll in force immediately before the coming into operation of this Act shall be the electoral roll for the said district.

Elector with more than one qualification.

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

Provided that any person having more than one qualification, or having a qualification in more than one of the said subdistricts, may at any time during the triennial making and correcting, and before the completion and authentication, of the electoral roll, or when his name is being placed upon a supplementary roll, but not afterwards, select the qualification or subdistrict in respect of which his name is to be entered ; but if he shall not so select, the Secretary of the Board, or other person charged with the preparation of the electors list, shall make such selection.

Objections to electoral roll.

- 8. (1.) Any person may, at and in the prescribed time, manner, and form, lodge with the Board an objection under his hand to the electoral roll on either of the following grounds :—

- (a.) That any person whose name is on the said roll in respect of any qualification does not possess such qualification at the time when the objection is lodged :

(b.) That any person whose name is not on the said roll possesses the necessary qualification at the time when the objection is lodged, and is entitled to have his name inserted.

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

9. (1.) The Board shall from time to time, whether upon any objection as aforesaid or of its own motion, amend the electoral roll for the said district by adding to such roll the name of any person who then in fact possesses the necessary qualification but is not entered thereon, and by erasing therefrom the name of any person who does not then in fact possess the necessary qualification but is entered thereon. Correction of roll.

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

15 (3.) The functions conferred upon the Board by this section shall be exercised by the Secretary or other officer of the Board when the Board is not actually sitting.

(4.) In particular, but without affecting the general operation of this section, the Board shall hold a sitting on one of the last seven days in May in each year in which a general election of members of the Board shall be held, and of which due notice shall be given in three consecutive issues of a newspaper circulating in the district; and at that sitting, or any adjournment thereof, shall amend the district electoral roll by adding or erasing names and making all necessary corrections as hereinbefore provided, to the intent that as far as may be the roll may correctly set forth the name, address, and occupation of every person then possessing the requisite qualification, and of no other person.

10. (1.) Any person aggrieved with any decision or act of the Board, or the Secretary or other authorised person as aforesaid, touching the district electoral roll may, in the prescribed manner and within the prescribed time, appeal therefrom to a Stipendiary Magistrate, who shall hear and determine the appeal, and may order such alterations in and additions to the roll to be made as he thinks just. Appeal by person aggrieved.

35 (2.) All such alterations and additions shall be made by the Secretary or other authorised person as aforesaid, and initialled by the Stipendiary Magistrate.

(3.) All additions required to be made after the completion of the said roll shall be made on supplementary electoral rolls, which shall be corrected, completed, and authenticated in the same manner as in the case of the electoral roll, and thereupon shall become supplementary electoral rolls and shall form parts of the electoral roll.

11. (1.) The electoral roll shall be deemed to be closed at five o'clock in the afternoon of the fourteenth day preceding the day appointed for any election or poll, and shall continue closed until the election is completed or the poll taken. Roll closed fourteen days before elections.

(2.) Except pursuant to appeal under this section in cases where the appeal was pending at the time when the roll was closed, no alteration or addition shall be made in or to the electoral roll for the district whilst it is closed as aforesaid.

12. Every person whose name appears on the electoral roll for the time being in force for the said district shall be an elector for the Electors.

purposes of this Act, and shall be entitled subject to the provisions of this Act to vote—

(a.) At every poll taken for an election under this Act; and also

(b.) At every poll taken on any proposal which under this Act or any other Act is submitted to the votes of the electors of the said district: 5

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

Election or poll determined by majority of votes.

13. (1.) Every elector shall have one vote and no more at each poll at which he is entitled to vote. The majority required to determine any such election or poll of ratepayers shall be a majority of the valid votes cast at the poll. 10

(2.) All elections and all polls on proposals other than elections shall be conducted in accordance with the provisions of "The Local Elections Act, 1904" (which shall be deemed to be incorporated herewith): 15

Provided always that the majority required to determine any such election or poll shall in every case be a majority of the valid votes cast at the poll, and that all polls shall close at seven o'clock in lieu of at six o'clock in the afternoon of the day appointed. 20

General election.

14. The present members of the Board shall hold office until the next general election of members of the Board. The next general election of the whole of the members of the Board shall be held on the last Thursday in June in the year one thousand nine hundred and nine, and on the same day in every succeeding third year thereafter all members of the Board shall go out of office, and on every such day a fresh general election of members of the Board shall be held. 25

Vacancy in Board.

15. Whenever any casual vacancy shall occur in the Board, such vacancy shall be notified to the Board by the Secretary, and the Board shall at its next subsequent ordinary meeting proceed by nomination and ballot to fill such vacancy. No person shall be nominated or elected to fill a casual vacancy whose name does not appear on the electoral roll as herein defined; and the member so elected shall hold office until the next general election of the Board. 30

Retiring members may be re-elected.

16. Every member of the Board going out of office shall be capable of being re-elected; but no person shall be capable of being elected unless his name shall, at the date of his nomination, be entered upon the electoral roll. 35

Persons incapable of being members of Board.

17. The following persons shall be incapable of being elected to or being members of the Board:— 40

(a.) Any person holding any office or place of profit under or in gift of the Board:

(b.) Any person concerned or participating (otherwise than as a shareholder in an incorporated company, or in an association or partnership consisting of more than twenty persons) in any contract with or work to be done or the supply of goods for the Board, if the payment for such contract or work or supply exceeds ten pounds altogether in any year: 45

Provided that the leasing of land to or from the Board, or the lending of money to the Board, or the holding of any debenture issued by the Board shall not constitute a disqualification under this subsection: 50

(c.) Any person as described in subsections three, four, five, and six of section fifty-one of "The Municipal Corporations Act, 1900."

18. Any disqualified person who shall act as a member of the Board shall be liable to a penalty not exceeding *fifty* pounds for each and every such act done by him whilst so disqualified, which penalty may be recovered, with costs of suit, in any Court of competent jurisdiction; and no person who shall be or become disqualified shall be capable of recovering from the Board any sum in respect of work done, or material supplied, or services rendered; and should the Board pay any such amount to any member, or on account or for the benefit of any member, the said amount shall be deemed to be moneys unlawfully paid away, and may be recovered at any time as a debt by the Controller and Auditor-General from any member or members of the Board who either directly or indirectly sanctioned the payment thereof with knowledge of such disqualification.

Disqualified persons

19. A member of the Board shall in and for each year be chosen by the Board as its Chairman, and there shall also be a Deputy Chairman chosen in the same way, who shall act in the absence of the Chairman or when his office is vacant; and the offices of Chairman and Deputy Chairman shall be from time to time filled by the Board as they become vacant, and at all meetings the Chairman, Deputy Chairman, or acting Chairman, as the case may be, shall have an original and casting vote. A Chairman and Deputy Chairman respectively shall hold office until a new Chairman has been appointed.

Chairman of Board.

20. The Board may from time to time vote and pay the Chairman of the Board a salary not exceeding the sum of one hundred and *five* pounds per annum.

Salary of Chairman.

21. The Board may from time to time vote and pay to each member of the Board, exclusive of the Chairman, a fee or sum of one pound one shilling in respect of each meeting of the Board, or a committee of the whole of the Board attended by him:

Members' remuneration.

Provided always that no member shall be entitled to receive such payment in respect of any meeting unless he is present at the time appointed for the holding of such meeting or within fifteen minutes thereafter:

Provided also that no member shall be entitled to be paid or to receive a greater sum than *fifty-four* pounds *twelve* shillings during any year of office.

40 Committees, and Proceedings of Board and Committees.

22. The whole of Parts VII and VIII of "The Municipal Corporations Act, 1900," shall apply, except in so far as the same are altered or modified by anything herein contained, and, *mutatis mutandis*, shall be read into and form part of this Act.

Committees, &c.

45 Officers.

23. The Board may appoint, for such period and on such terms as it thinks fit, Returning Officers, engineers, secretaries, clerks, and other officers, servants, and workmen:

Appointment of officers.

Provided that one person may, if the Board thinks fit, fill several offices.

By-laws.

Board may make
and revoke by-laws.

24. The Board may from time to time make, alter, and repeal by-laws for all such purposes as are expressly provided for by "The Tramways Act, 1894," or by this Act, and all such other by-laws as may in the opinion of the Board be reasonable, requisite, or necessary for the protection of its property and interests, or for the good government or management of its affairs. 5

By-laws made by
Board to supersede
those made by local
authority.
Manner in which
by-laws shall be
made.

25. The power to make by-laws vested in the Board shall supersede any power possessed by the several municipal or other local governing authorities within the district to make similar by-laws. 10

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

(a.) They shall be made by special order only :

Provided that in publicly notifying the resolution making such order it shall not be necessary to set forth the whole of the proposed by-law if the object or purport of the same is stated, and if a copy of the proposed by-law is deposited at the office of the Board, or at some other place in the district which shall be specified in the notification, and is open to the inspection of the public during office hours for at least seven days immediately preceding the meeting at which the said resolution is to be confirmed : 15 20

(b.) They shall have the seal of the Board affixed thereto :

(c.) They shall come into force on a day to be named therein, or in the special order making the same, which shall not be earlier than fourteen clear days after the making of such order : 25

(d.) They shall be published in the New Zealand Government *Gazette* within fourteen days after confirmation of the special order making the same : 30

(e.) They may, within three months after such publication, be disallowed by the Governor. 30

Penalty for breach
of by-laws.

27. (1.) Every person guilty of a breach of any by-law made under this Act shall be liable to a penalty not exceeding *five* pounds, or, where the breach is a continuing one, then to a penalty not exceeding *ten* shillings for every day during which such offence continues. 35

(2.) But the Board may, after conviction for the continuing breach of any by-law, apply to the Supreme Court for an injunction to restrain the further continuance of such breach by the person or persons so convicted. 40

(3.) The continued existence in a state contrary to any by-law of any work or thing shall be deemed a continuing offence within the meaning of this section.

(4.) A copy of any such by-law sealed with the seal of the Board shall be received in all Courts as evidence thereof, and that the same has been made in accordance with this Act. 45

Validity of by-law
may be tested.

28. (1.) If any elector of the said district desires to question the validity of any by-law or part of a by-law made by the Board under this Act, and pays to the Registrar of the Supreme Court the sum of *five* pounds as security for the costs of proceedings hereinafter mentioned, it shall be lawful for such elector to apply to the Court or a Judge thereof for an order calling upon the Board to show cause why such by-law or 50

part thereof should not be quashed or varied for some ground or grounds to be stated in such order.

(2.) Upon the hearing of the matter the Court or Judge may quash or amend the by-law or make such order with or without costs as to the
5 Court or Judge seems fit. *

(3.) Nothing in this section shall be applicable to an elector being appellant from any conviction or order under any by-law under this Act.

10 29. The Board shall cause printed copies of all by-laws to be kept at the office of the Board, and to be sold to any elector or ratepayer applying for the same at a reasonable charge. Copies of by-laws to be on sale.

Valuation Roll and Rating.

15 30. For the purpose of rating, the valuation roll and the rate-book for the said district shall be compiled in separate subdivisions, one for each subdistrict as defined in section *two* of this Act, from the valuation rolls and rate-books respectively of the said City of Christchurch and the boroughs and road districts within the district; and a copy of any valuation roll or rate-book, or part thereof, in force in any such city, borough, ward, or road district, certified as correct by the
20 Mayor or Town Clerk of such city or borough, or by the Chairman or Clerk of such Road Board, shall be conclusive so far as it extends, and shall be receivable as evidence in proof of the facts therein appearing. Valuation roll.

25 31. The Board may, at its option, and from time to time, either make, levy, and collect its own rates in manner provided for the making and collection of rates by "The Rating Act, 1894," which for all purposes of this Act is deemed to be incorporated herewith, or the Board may by special order fix the amount of any rate or rates, and direct the same to be made, levied, and collected by the several local bodies named in such special order, and it may exercise the option or options hereby given
30 in different ways as to the several city, boroughs, or road districts within the district. Collection of rate may be delegated.

32. When the Board shall by special order have directed any rate to be levied, and shall have fixed the amount in the pound of such rate according to the provisions hereof, and shall have determined that the
35 same shall be collected by the said city or boroughs or road districts respectively, or any of them, within its or their respective districts, it shall cause a copy of such special order to be forwarded separately to each such local authority within the district which it desires to make or collect such rates, whereupon the following duties shall arise, and the
40 following consequences shall ensue:— Provision on delegation.

(a.) Every such local authority shall proceed to make, levy, and collect such rate in the part of the district within its jurisdiction as nearly as may be, and with such powers, and the rate shall be payable by and recoverable from such persons,
45 and in such manner in every respect as if the rate were levied by such local authority for its own purposes under the powers of rating then vested in them:

Provided that no limitation of the rating-powers of any local authority shall be deemed to affect any such rate.

50 (b.) Every such local authority shall be entitled to retain all reasonable costs and expenses incurred in and about the making,

levying, collecting, and recovering the same, and reasonable remuneration for clerical and other work.

- (c.) Such costs, expenses, and remuneration may form the subject of an agreement between the Board and any such local authority; but if any dispute shall arise as to the amount so to be retained, or otherwise in relation thereto, the same shall be decided by the Controller and Auditor-General, or some other person to be from time to time appointed by the Governor in that behalf. 5
- (d.) Each such local body collecting any rate or part of a rate on behalf of the said Board shall furnish the Board monthly, and on the seventh day of each month, with an account showing particulars of such rate collected by such local body up to and inclusive of the last day of the then preceding month, and shall pay over to the Board the amount shown by such account to have been so collected, after deducting the amount of such costs, expenses, or remuneration, as hereinbefore provided. 15

Contracts and Works.

Contracts and works.

33. In respect of contracts and works authorised by this Act, the Board may exercise all the powers and authorities conferred upon the Councils of cities and boroughs by Part XX of "The Municipal Corporations Act, 1900," which said Part of the said Act shall, *mutatis mutandis*, be read into and form part of this Act. 20

Powers of the Board.

Power to work tramways.

34. Subject to the provisions of "The Tramways Act, 1894," the Board shall have full power and authority to construct, equip, maintain, and work tramways within the said district, and to carry goods and passengers thereon, and for such purposes and every or any of them the Board shall be and be deemed to be a "local authority" within the meaning of the said last-mentioned Act and "The Public Works Act, 1894." 25 30

Power to sell electricity and run drags, &c.

35. The Board may also—

- (a.) Supply and sell electricity, whether for lighting, power, or other purposes, within or without the district, subject, however, within the City of Christchurch, to the previous consent of, and upon such terms and conditions as may from time to time be required by, the Mayor, Councillors, and Citizens of the said city. 35
- (b.) Carry passengers and goods for hire on any public roads within or without the district, in vehicles drawn or propelled by horse, animal power, or mechanical traction of any kind, not being carriages with flange-wheels for running on tram-rails. 40

Board's liability as common carrier limited.

36. In respect of passengers carried on any tramway or in any vehicle belonging to or under the control of the Board, or carried by the Board under the provisions of paragraph (b) of the *last preceding* section, 45

the Board shall have the same liability, obligations, rights, and protection as in the case of common carriers of passengers :

Provided nevertheless as follows, that is to say:—

- 5 (a.) Every claim or demand for damages in respect of loss of life or injury to the person (whether in the case of a passenger or not) caused by any default, negligence, or wrongful act of the Board, or any person employed by the Board, shall be enforced against the Board as provided in this section and not otherwise, and the maximum sum recoverable
10 in each action shall in no case exceed two thousand pounds.
- (b.) No such action shall be maintained unless it is commenced within six months after the cause of action arose, nor unless at least one month before the action is commenced the plaintiff gives notice in writing to the Board stating the cause
15 of action, the Court in which the action is to be brought, the amount claimed, and the full name and address of the plaintiff.
- (c.) In any such action the Board may plead a general denial, and may also without notice give any special matter in defence
20 at the trial :
- Provided that nothing herein contained shall be deemed to prevent the Judge adjourning the case at his discretion.
- (d.) The Board may make special arrangements with any person,
25 or any public or private company, or with any Government Department for insuring the Board against all or any of its liabilities under this section.

30 37. All the rights, powers, duties, and authorities which are now and which would or may at any time hereafter (but for the passing of the Acts hereby repealed and of this Act) be vested in or exercisable by the said Councils of the said city or boroughs, or the Board of the said road districts, or any or either of them, in relation to tramways, or the authorising, constructing, maintaining, working, leasing, ordering, governing, or controlling tramways or persons or things in relation to
35 tramways within the said city, boroughs, or road districts respectively, shall now and henceforth vest in and be exercisable only by the said Board throughout the said district.

Powers of local authority relating to tramways to vest in Board.

40 38. For the purposes of the said tramways and of any other tramways which it may acquire or construct or propose to construct, and for any other purpose connected with or incidental to the ownership or use of the tramways, or the exercise of any power or performance of any duty devolving upon the Board under this Act, the Board shall have full power and capacity to purchase, take, acquire, hold, manage, buy, sell, rent, lease, and deal with lands and hereditaments within or without
45 the district of any tenure, and all classes of personal property (including therein the acquisition, holding, management, leasing, and otherwise dealing with endowments), and with full power to make all kinds of contracts connected with or incident to the carrying-out of the objects of this Act.

Power to acquire land, &c.

50 39. The Board shall pay the costs, charges, and expenses of preparing, promoting, and passing this Act.

Cost of preparation of Act, &c., and of printing rolls.

General Rates.

General rate.

40. The Board may from time to time, as it thinks fit, make and levy a general rate, not exceeding in any one year *threepence* in the pound, on all rateable property within the district, on the annual rateable value thereof, or *three-sixteenths* of a penny in the pound on the capital value thereof, as respectively defined in "The Rating Act, 1894." 5

Annual estimates.

41. Before making any general rate the Board shall cause an estimate to be prepared of the proposed expenditure of the Board during the period for which the rate is to be made, showing any sums already available for such purpose, the additional sum required, the total rateable value of the property on the valuation roll, and the general rate thereon necessary to raise the money required; and such estimate, being approved by the Board, shall be publicly notified in the district one week before making the proposed rate. 10

Liability of
Riccarton-Sockburn
Subdistrict and rest
of district for loans.

42. (1.) No rateable property in that part of the district included in the *Second* Schedule hereto, or the owner or occupier of any such property, as such owner or occupier, shall be liable to be rated for the loans of two hundred and fifty thousand pounds and one hundred thousand pounds or either of them raised under the provisions of "The Christchurch Tramways District Act, 1902"; and all such property, and the owners and occupiers thereof, are hereby absolutely exempted from liability in respect of any and every such loan or loans. 15 20

(2.) No rateable property in that part of the said district included in the *First* Schedule hereto, or the owner or occupier of any such property, as such owner or occupier, shall be liable to be rated for the loan of fifty-five thousand pounds raised under the provisions of "The Christchurch Tramways District Act 1902 Amendment Act, 1903"; and all such property, and the owners and occupiers thereof, are hereby absolutely exempted from liability in respect of such loan. 25

Power to Board
when using
electricity as a
motive power.

43. For the purpose of using electricity as a motive power where authorised by any authorising order, the Board may, in addition to any powers conferred on it by or in virtue of section eighteen of the *Second* Schedule to "The Tramways Act, 1894," do any of the following things:— 30

(a.) May do all or any of the things in the said section eighteen specified without as well as within the said district: 35

(b.) Lay, subject to liability to pay compensation to any person or company whose land or any right therein is taken or injuriously affected, do all or any of the things in the section mentioned in or over the land of any person or corporation, or, with the permission of the Minister for Public Works, in or over any Crown lands: 40

Provided that such compensation shall be assessed in manner provided by "The Public Works Act, 1894."

Special loan proposal.

44. Section twelve of "The Local Bodies' Loans Act, 1901," shall not apply to any special loan proposed to be raised by the Board, and in lieu thereof the following provision shall apply to every special loan proposed to be raised by the Board under the powers contained in the said Act:— 45

The proposal to borrow such money shall be deemed to be carried if the total number of valid votes recorded at the poll in favour of the proposal shall exceed in number those recorded against the same, and the Board may proceed with the proposal 50

accordingly, otherwise the proposal shall be deemed to be rejected.

45. (1.) For the purpose of providing the interest and sinking fund upon any loan raised or to be raised, or debentures issued or to be issued, under the provisions of the Acts hereby repealed or of this Act, the Board shall have power, subject to the provisions of section forty-two hereof, notwithstanding the provisions of any existing or future general Act, by special order or orders, to make and levy a special rate or special rates upon all lands, buildings, and other rateable property within the said district, according to the annual rateable value thereof or the capital value thereof, as the Board shall from time to time determine.

Power to levy special rate.

(2.) It shall be lawful for the Board in any year, notwithstanding the provisions of section five of "The Local Bodies' Loans Amendment Act, 1902," to pay the interest on and sinking fund of any such loan out of its ordinary or general revenue; and in such case it shall not be necessary to levy such special rate, and every such loan and the amount of every debenture and coupon representing the same shall be a debt of the Board.

46. There shall be created a sinking fund of ten shillings per centum per annum for the redemption of each and every loan raised under any Act hereby repealed or under this Act.

Sinking fund.

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

Judge not deemed interested on account of liability for rates.

48. No objection shall be allowed in any Court to any rate which the Board or a Receiver shall purport to strike, make, or levy under the provisions of the Acts hereby repealed or of this Act, or which shall or may form the security for the debentures or coupons issued thereunder; and no informality or irregularity, whether in form or in substance, in the making, striking, or levying of such rate, or in the election or appointment of any body or person acting in connection therewith, shall be allowed by any Court as a defence to any action or proceedings for the recovery of such rate, or be entertained as a ground for quashing such rate or restraining the recovery thereof.

Objection to rate struck not allowed as a defence.

49. (1.) The Board may, in anticipation of its revenue receivable under its general account and from any special or separate account, from time to time borrow moneys from its banker by way of overdraft, or from any corporation or persons by way of temporary loan.

Overdraft.

(2.) It shall not be lawful for the Board to borrow or receive moneys as in this section mentioned at a higher yearly rate of interest than six per centum, or to enter into any engagements or contracts whereby the total liabilities of the Board (exclusive of all loans lawfully raised and debentures lawfully issued) shall, at the end of the month of March in any year, exceed, exclusive of any moneys borrowed, the amount of the income of the Board for such year.

Limitation.

50. During the first year's currency of any loan raised under any Act hereby repealed or under this Act, or whilst any work for which such loan has been or shall hereafter be raised is being constructed, interest upon such loan may be paid out of loan-money; and it shall not be necessary during that period to set aside the sinking fund:

Payment of interest out of loan-money.

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

Accounts and Audit.

Accounts and audit.

51. The provisions contained in Part XV of "The Municipal Corporations Act, 1900," relating to accounts and audit, shall apply, and, *mutatis mutandis*, shall be read into and form part of this Act :

Provided always that the following clause shall apply in lieu of section one hundred and sixty-four of such Act :—

"The Board shall keep the following accounts :—

- "(1.) A Revenue Account, showing all receipts and expenditure not required by this Act to be shown in any special account, and showing the profit and loss of the undertaking, exclusive of interest, sinking fund, special and general rates. 10
- "(2.) A Net Revenue Account, showing the balance of the Revenue Account, and showing interest, sinking funds, special and general rates.
- "(3.) An Appropriation Account, showing the balance of the Net Revenue Account and disposition of the same. 15
- "(4.) A Balance-sheet, showing assets and liabilities, including loan-moneys and sinking fund.
- "(5.) Separate accounts of all moneys raised or levied for or apportioned or allocated to or held in trust for any special purpose." 20

Board's Fund.

Particulars of fund.

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

- (a.) All moneys received by way of capitation grant from the General Government, or by appropriation of Parliament, or under or in pursuance of any Act : 25
- (b.) All rates made and levied by the Board under this or any other Act :
- (c.) All rents, income, and profits from property or operations of the Board : 30
- (d.) All fines, penalties, and forfeitures recovered under the provisions of this Act or any Act hereby repealed, or any by-law made under this Act or under any such repealed Act, for any offences committed within the district, except so much thereof as may by law be payable to any prosecutor or informer : 35
- (e.) All moneys received by way of loan as provided in this Act :
- (f.) All other moneys which may become the property of the Board.

Moneys to be paid into bank.

53. All moneys belonging to the Board shall be paid into such bank as the Board from time to time appoints and publicly notifies (hereinafter called "the bank"). 40

Moneys paid to separate account.

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

Separate account for Riccarton-Sockburn Subdistrict.

55. The Board shall keep a separate account of all moneys raised or levied for or appropriated or allocated to the special purposes of constructing a tramway for that part of the said district described in the *Second* Schedule hereto from the point known as the Hospital Corner in the City of Christchurch along the Riccarton Road to Riccarton and the Riccarton Racecourse, and such loop lines and extensions of such 45 50

tramway and other works incidental thereto as the Board may deem necessary or expedient; and such accounts shall be credited with the income, profits, or moneys arising or resulting from the working of the said line of tramway and other works aforesaid, and shall be debited
 5 with the costs and expenses of maintaining and working the said line of tramway and other charges incidental thereto (including such proportion as the Board may from time to time determine of the rent of offices, remuneration of members of the Board, salaries and wages of officers, servants, and workmen, and office expenses generally), and also
 10 with the interest and sinking fund of the loan of fifty-five thousand pounds authorised by "The Christchurch Tramways District Act 1902 Amendment Act, 1903"; and if in any year there shall be a surplus after payment of all such payments and charges as aforesaid, such surplus may at the option of the Board be used or applied as to the
 15 whole or any part or parts thereof in one or both of the following ways, that is to say:—

(a.) Be accumulated as the reserve to meet any deficiency that may occur in any subsequent year or years; and

(b.) Be applied towards extending, equipping, altering, or improving the said tramway or any work or works incidental thereto.

20 56. Notwithstanding the provisions of section fifty-five hereof, it shall be lawful for the Board by special order to discontinue the keeping the separate account mentioned in the said section, and thereafter to include the accounts of that part of the said district described in the
 25 *Second* Schedule hereto, both as to capital and income, in and in the same manner in all respects as the accounts of the other portions of the said district; and immediately on the passing of such special order the following provisions shall take effect:—

Separate account
may be closed.

(a.) A meeting of the ratepayers as defined by section two of "The
 30 Local Bodies' Loans Act, 1901," of that portion of the said district described in the *Second* Schedule hereto shall be called by the Chairman of the Board by not less than seven clear days' notice in some newspaper circulating in the said district, for a day not more than ten days after such notice, at such hour,
 35 and at such convenient place within the said portion of the said district, as shall be stated in the said notice. The Chairman or some member of the Board appointed by him shall preside at such meeting. If the member to preside is not present or does not preside, the meeting shall appoint its chairman. At such meeting ten ratepayers shall form a
 40 quorum.

(b.) The Chairman of the Board shall, if required by resolution
 45 passed at such meeting, cause a poll of such ratepayers to be taken on the proposal to close the separate account as aforesaid:

(c.) If no such resolution be passed at such meeting, or if there is
 50 no quorum at such meeting within thirty minutes of the hour appointed for such meeting, then the proposal to close the separate account shall be deemed to have been carried, and the Board shall and may proceed to close the said separate account as aforesaid:

(d.) If such resolution as aforesaid shall be passed, then such further proceedings shall be taken regarding the proposal to close

the separate account as aforesaid as are provided by sections ten and eleven of "The Local Bodies' Loans Act, 1901," in respect of proposals for loans.

- (e.) If the total number of valid votes recorded at the poll in favour of the proposal to close the separate account as aforesaid is greater than the number recorded against it, the proposal shall be deemed to be carried, and the Board may proceed accordingly; but if the proposal is not carried the Board shall not so proceed. 5
- (f.) As soon as conveniently may be after the close of the meeting, if no poll shall be required, or after the poll, as the case may be, the Chairman of the Board shall forward to the Auditor a copy of the special order and (if a poll shall have been taken) a notice of the number of votes recorded for and against the proposal, together with a statutory declaration by the Chairman that the proposal was duly carried or rejected, as the case may be; and, if the proposal shall have been carried, the said special order, notice, and declaration of the Chairman shall be forthwith gazetted. 10 15
- (g.) The *Gazette* containing the special order, notice, and declaration of the Chairman shall be conclusive evidence that all steps, matters, and things required by this Act preliminary to the closing of the said separate account as aforesaid have been taken, done, and complied with, and that the said separate account may be lawfully closed as aforesaid. 20 25

How moneys drawn from bank.

57. No moneys shall be drawn out of the bank except by authority of the Board, and all moneys shall be paid by the Board in cash, or by cheque signed by the Secretary of the Board and countersigned by any two of such members of the Board as the Board from time to time authorises to sign cheques, and shall not be paid otherwise. 30

Moneys not to be paid by promissory note.

58. All moneys paid or purporting to be paid by the Board by promissory note or bill shall be deemed to have been moneys unlawfully paid within the meaning of section one hundred and seventy-one, Part XV, of "The Municipal Corporations Act, 1900," and may be recovered in manner as in the said section mentioned. 35

Miscellaneous.

Miscellaneous provisions.

59. The provisions of sections numbered four hundred and twenty-five, four hundred and twenty-six, four hundred and twenty-seven, four hundred and twenty-eight, and four hundred and thirty of "The Municipal Corporations Act, 1900," shall apply, and, *mutatis mutandis*, shall be read into and form part of this Act. 40

Struck out.

Protection of tram-lines, &c.

60. Any person who, being the driver of a traction-engine, wagon, cart, carriage, or other similar vehicle, shall drive or permit the same to run between the rails or upon or along or within six inches of any rail of any tram-line, except in the act of crossing the same or whilst compelled so to do by the exigencies of the general traffic of the street or road on which such tram-line is situated, shall be liable to a penalty not exceeding *five* pounds. 45

Repeal.

61. The following Acts are hereby repealed: "The Christchurch Tramways District Act, 1902," and "The Christchurch Tramways District Act 1902 Amendment Act, 1903," but the repeal of the said Acts or either of them shall not affect— 50

- (a.) The validity, invalidity, effect, or consequences of any proceedings theretofore taken, begun, or had under the repealed Acts or either of them in respect of the raising of the loan of one hundred thousand pounds or the debentures issued or to be issued in respect of the said loan ; or
- (b.) The validity, invalidity, effect, or consequences of anything at the time of such repeal already done or suffered ; or
- (c.) Any then existing status or capacity ; or
- (d.) Any existing by-law or regulation theretofore made under the repealed Acts or either of them ; or
- (e.) Any right, interest, or title theretofore acquired, accrued, or established, or any remedy or proceeding in respect thereof ; or
- (f.) The proof of any past act or thing.
62. Notwithstanding the repeal of the Acts mentioned in the *last preceding* section hereof, every by-law and regulation made under the repealed Acts or either of them shall remain and be in force until superseded by by-laws made under this Act, and shall, moreover, be as valid and effectual as if made under this Act, and shall be proved, tested, and enforced in manner herein provided ; and all proceedings, acts, matters, and things taken or begun in respect of the said loan of one hundred thousand pounds before such repeal may be completed ; and every power and act which may be necessary to complete, carry out, or compel the performance of any subsisting contract or agreement which may have been lawfully made, entered into, or commenced under the said Acts or either of them may be exercised and performed in all respects as if the said Acts had not been repealed ; and all offences committed, or penalties or forfeitures incurred, before such repeal may be prosecuted, punished, and enforced as if the said Acts had not been repealed.

Saving of existing
by-laws, &c.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

ALL that area in the Canterbury Land District bounded towards the north generally by Sawyer's Arms Road from the Fendalton and Sawyer's Arms Junction Road to the Christchurch-Hurunui Railway line; thence by that railway-line to Northcote Road; thence by Northcote Road to North Road; thence by North Road to Winter's Road; thence by Winter's Road to Hill's Road; thence by Hill's Road to the north-western corner of Section No. 1052, Christchurch Survey District; thence by Sections Nos. 1052, 1139, and 7671 to the Canal and Road Reserve, across that reserve, and by Sections Nos. 1131, 1053, 8007, and 3950 to Bottle Lake Road; thence by Bottle Lake Road to Cemetery Road; thence by the road forming the northern boundaries of Sections Nos. 18184, 5675, 5624, and 5673, intersecting Section No. 5492, forming the northern boundaries of Sections Nos. 3672, 5155, 6757, and 6856, intersecting Reserve No. 1579, and forming the northern boundaries of Sections Nos. 33181, 32867, and 17573, and the southern side of that road produced to the sea; thence towards the north-east generally by the sea to Godley Head; thence towards the south generally by the Lyttelton Harbour to the Borough of Lyttelton; thence by the Borough of Lyttelton as described in the *New Zealand Gazette* No. 53, 17th September, 1885, to Mount Pleasant Road, near the south-western corner of Section No. 247A, Block II, Sumner Survey District; thence by the said Mount Pleasant Road to the north-eastern corner of Section No. 1319, Christchurch Survey District; thence by the said Section No. 1319, Section No. 248A, Reserve No. 40, and Section

No. 19 to the road forming the southern boundary of Section No. 77; thence by that road to the Christchurch - Lyttelton Railway line; thence by that railway-line to Opawa Road near the bridge over the Heathcote River; thence by Opawa Road to Martin's Road; thence by Martin's Road to Hill's Road; thence by Hill's Road to the road running east from Trig. Station Q; thence by that road and the road forming the eastern boundaries of Sections Nos. 5863, 2116, 11465, and 2135, Christchurch Survey District, to the south-eastern corner of the last-mentioned section; thence by Sections Nos. 34655, 1935, 34653, and 2047 to Dyer's Pass Road; thence by Dyer's Pass Road to the south-eastern corner of Section No. 2046; thence by the southern boundary-line of the said Section No. 2046 to its westernmost corner; thence by a right line to the southernmost corner of Section No. 549; thence by the south-western boundary-line of the said Section No. 549 and its production to the Heathcote River; thence by the Heathcote River to the Plantation and Road Reserve; thence by the Plantation and Road Reserve to Sutherland's Road; thence towards the west generally by Sutherland's Road to Milne's Road; thence by Milne's Road to Lower Lincoln Road; thence by Lower Lincoln Road to Dunbar's Road; thence by Dunbar's Road and Eagleson's Road to the road forming the western boundary of Section No. 327, Christchurch Survey District; thence by that road and Middle Lincoln Road to the Lincoln and Riccarton Junction Road; thence by the Lincoln and Riccarton Junction Road to the Southern Railway line; thence easterly by the said railway-line to Cutler's Road; thence northerly along Cutler's Road to the southern boundary of Section No. 153; thence easterly passing Sections 153, 153A, 155, 145, and 10 to the West Town Belt; thence northerly along the said West Town Belt to Fendalton Road; thence by that road to the Christchurch - Hurunui Railway line; *thence by the said Christchurch - Hurunui Railway line* to Wairarapa Road; thence by Wairarapa Road to the Fendalton and Sawyer's Arms Junction Road; thence by the Fendalton and Sawyer's Arms Junction Road to the Sawyer's Arms Road, the place of commencement. Also all that area of land, part of the Heathcote Road District, comprised within the following boundaries: Commencing at the junction of Opawa Road and Martin's Road; thence by the north-west side of Martin's Road to Hill's Road; thence by the south-west side of Hill's Road to the road running west to Trig. Station Q; thence generally easterly by the southerly side of Hill's Road to its junction with Opawa Road; thence northerly along the easterly side of Opawa Road to Gadd's Road; thence along the southerly and easterly side of Gadd's Road to the Christchurch - Lyttelton Railway line near Woolston Station; thence by the south-west boundary of the railway-line ~~land~~ to Opawa Road near the bridge over the Heathcote River; thence by the north-east side of Opawa Road to Martin's Road, the point of commencement. The said area including the full width of the roads forming the boundary thereof: as the same is delineated in the plan marked P.W.D. 20630, deposited in the office of the Minister for Public Works, at Wellington, in the Provincial District of Wellington, and therein bordered red.

SECOND SCHEDULE.

ALL that area in the Canterbury Land District commencing at the corner of Alliance Street and the West Belt, being the south-eastern corner of Section 10; thence extending northerly along the western side of the said West Belt to Fendalton Road; thence north-westerly along the Fendalton Road to the Christchurch - Hurunui Railway line; thence southerly along the railway-line to the Waimari Stream; thence generally in a north-westerly direction along the Waimari Stream and the Coringa Road to the Kaiapoi Junction or Russley Road; thence south-westerly along the last-mentioned road to Yaldhurst Road; thence westerly along the Yaldhurst Road to a point north-west of and 40 chains distant from the Hornby Junction Road; thence south-westerly in a straight line to the north-west corner of Section 1490; thence southerly along the north-west boundaries of Sections 1490, 1305, and Gilberthorp's Road to Factory Road; thence across Factory Road and along the western boundary of Section 1792 to the South Road, and westerly along the South Road to a point in line with the south-west boundary of Section 1605; thence across South Road, and south-easterly along the said south-western boundary of Section 1605 to Shand's Road; thence south-westerly along Shand's Road to a point opposite the south-western boundary of Section 1239; thence south-easterly across Shand's Road and along the south-west boundaries of Sections 1239,

1238, 1247, 1501, 1511, and northerly along the south-east boundary of Section 1511 to Chapel Road; thence south-easterly along Chapel's Road to the Middle Lincoln Road; thence north-easterly along Middle Lincoln Road and north-westerly along the Lincoln - Riccarton Junction Road to the South Railway line; thence easterly along the railway-line to Cutler's Road; thence northerly along Cutler's Road to the southern boundary of Section 153; thence easterly, passing Sections 153, 153A, 155, 145, and 10 to the commencing-point.

By Authority: JOHN MACKAY, Government Printer, Wellington.—1906.