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*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and having this day passed as now printed is transmitted to the LEGISLATIVE Council for its concurrence.*

*House of Representatives,  
18th September, 1878.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.

*Mr. De Lautour.*

## Mount Ida Water-race Trust.

### ANALYSIS.

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### A BILL INTITULED

AN ACT to constitute a Trust Board of Management Title.  
for the Mount Ida Water-race.

**W**HEREAS the water-race in the Provincial District of Otago Preamble.  
known as the Mount Ida Water-race has been constructed and heretofore maintained by the Government, and it is expedient for the better management thereof that its control should be handed over to a local Board; the Council of the County of Maniototo, wherein the said water-race is situate, not being able at present to undertake the control thereof:

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 Mount Ida Water-race Trust Act, 1878," and it shall commence and come into operation on and after the thirty-first day of December, in the year one thousand eight hundred and seventy-eight. Short Title.

2. The term "water-race" in this Act shall have the same meaning as is given to the said term by the one hundred and ninety-ninth section of "The Public Works Act, 1876." Interpretation.

The term "Minister" means the Minister for Public Works.

#### TRUST CREATED.

3. For the purpose of control and management of the Mount Ida Water-race, and for the other purposes hereinafter mentioned, there shall be constituted a Trust, and such Trust shall be and is hereby created a body corporate, and shall, by the name of "The Mount Ida Water-race Trust," have perpetual succession and a common seal, with power to do and suffer all such things as Corporations may do and suffer, and to hold land, and to sue and be sued, plead and be impleaded. Constitution of Trust.

Members of Trust.

4. The Mount Ida Water-race Trust (hereinafter called "the Trust"), shall consist of the Chairman of the Maniototo County and the Mayor of the Borough of Naseby, as *ex officio* members, and of three other members, to be respectively appointed on or before the seventh day of *January* in each year, in manner following, that is to say,— 5

- (1.) One member shall be appointed by the Governor;
- (2.) The Councils of the County of Maniototo and Borough of Naseby shall respectively elect one member, who may or may not be a member of either of such Councils. 10

Elected members.

5. The aforesaid elections shall be had in such manner and at such times as the Chairman of the County and the Mayor of the Borough shall respectively direct, but so that the elections of the members of the Trust shall be completed within the first seven days of each year. 15

If from any cause whatever a member shall not be elected by one or both of the said Councils respectively, the Governor may forthwith nominate a member or members of the said Trust for such Councils respectively failing to elect as aforesaid, and such member or members shall hold office in all respects as if he or they had been elected 20 members.

Validity of proceedings not to be affected by irregularities.

6. All acts done by any meeting of the Trust, or by any person acting as a member of the Trust, shall, notwithstanding it may be hereafter discovered that there was some defect in the election or appointment of any such Trust or persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if any such person had been duly elected or appointed and was qualified to be a member. 25

Retiring members eligible for re-election.

7. Any retiring member shall be eligible for re-election.

Vacancies by death, resignation, &amp;c.

8. If any member die, or by notice in writing signed by him and delivered to the Chairman, or Clerk of the said Trust, resign his office, or shall be ousted by any Court from his office, or shall be absent from three successive ordinary meetings of the said Trust without leave obtained from the said Trust in that behalf, or become otherwise legally incapacitated, then the office of such member shall be vacant, and every such vacancy shall be supplied by a fresh nomination or election, as the case may be, and any member so appointed or elected shall hold office till the next annual election. 30 35

Appointment of Chairman, and first meeting.

9. The annual meeting of the Trust shall be held on the *third* Monday in *January* of each year; and at the first and every such annual meeting the Trust shall appoint a Chairman, who shall hold office for one year. 40

In case of vacancy in the office of the member who shall be appointed Chairman, the Trust shall forthwith appoint another Chairman in his place; and in the case of absence of the Chairman of the Trust at any meeting, another member shall be appointed Chairman for that meeting. 45

First meeting and quorum.

10. The first meeting of the Trust shall be held in such place in the Borough of Naseby as the Governor shall appoint; and at that and every other meeting of the Trust three members shall be a quorum. 50

All questions at any meeting shall be decided by open voting, and by a majority of members present; and in the case of an equality of votes, the Chairman shall have a second or casting vote.

Minutes of proceedings.

11. All votes and resolutions shall be entered in a book to be kept for that purpose, and the minutes and proceedings of every meeting shall be read at the next meeting succeeding, and if approved by the Trust, or when amended as directed by the Trust, shall be signed by the Chairman of such succeeding meeting. 55

Power to appoint officers, make by-laws,

12. The said Trust shall have and exercise the following powers, that is to say,— 60

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- (1.) Shall appoint and employ a Treasurer or Secretary, a Manager, Surveyors, and workmen, as the said Trust shall deem expedient.
- 5 (2.) Shall appoint some person, not being a member of the said Trust, as Auditor, who shall in the month of January in each year audit and inspect the books of the said Trust.
- (2-3.) Shall make, and from time to time alter or repeal, by-laws providing for the meetings and conduct of the business of the said Trust, and for the due carrying out of the purposes of the said Trust.
- 10 (3-4.) Shall determine what officers employed by the Trust shall be required to give security of fidelity, and the amount thereof in each case.

*New Clause.*

15 13. The Governor shall appoint some person to be Auditor of the accounts of the Trust, and such accounts when audited shall be laid before Parliament by the Minister.

Governor to appoint Auditor.

20 ~~13-14.~~ 14. No member of the said Trust shall hold any office of profit or emolument under the said Trust, nor shall such member contract with the said Trust.

Disqualification.

Any member offending against the provisions of this section shall be disqualified from holding office in the said Trust, and his office shall not be vacant; and the member so offending shall be liable to a penalty not exceeding *fifty* pounds, to be recovered summarily before any *two* Justices of the Peace.

Penalty on members being contractors.

30 14-15. The Trust 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 been received and paid.

Books to be kept.

35 All such accounts, with all vouchers and papers relating thereto, together with a full abstract or balance-sheet thereof, signed by at least three members of the Trust, shall yearly, within one week after the thirty-first *December* in each year, be submitted to the Auditor appointed by the Trust as hereinbefore provided.

Such abstract and balance-sheet, together with the Auditor's report thereon, shall, in the month of *February* in each year, be publicly notified in some newspaper having general circulation within the County of Maniototo.

40 15-16. All moneys of the Trust amounting to five pounds and upwards shall, within three days after they shall have come to the hands of the proper officers of the Trust, be paid into such bank as the Trust shall from time to time appoint for that purpose; and no such money shall be drawn out of such bank save by cheques signed at a meeting of the Trust by the Chairman or presiding member, and countersigned by the Treasurer of the Trust, or such other person as the Trust shall appoint.

All sums of money upwards of five pounds to be paid into bank.

MOUNT IDA WATER-RACE TRANSFERRED TO TRUST.

50 16-17. From and after the day of the commencement of this Act the Mount Ida Water-race shall cease to be vested in Her Majesty, and shall become vested in the Trust constituted under this Act.

Mount Ida Water-race vested in Trust.

55 17-18. The said Trust shall, in respect of the aforesaid water-race, have and be subject to all the rights, powers, obligations, and liabilities which the Governor or the Minister had or was subject to under the provisions of "The Public Works Act, 1876," in respect of the said water-race, previous to its transfer under the authority hereof.

Obligations of Trust in respect thereof.

18-19. The Trust shall have all the powers which may be exercised by the Minister under Part VIII. of "The Public Works Act, 1876," and sections two hundred and six to two hundred and eleven inclusive

Powers of Trust as to management, &c.

of the aforesaid last-mentioned Act, are hereby incorporated with this Act, and shall be read with this Act as if the word "Trust" had been substituted originally therein instead of the word "Minister," wherever the same occurs: *Provided that any regulations made by the Trust under the two hundred and eighth section of the last-mentioned Act shall not come into force until the same shall have been approved by the Minister and notified in the Gazette.* 5

Trust to keep water-race in repair.

19.—20. The said water-race shall be kept in good repair by and at the expense of the Trust; and if not so kept in good repair to the satisfaction of the Minister, the Governor may from time to time cause the same to be repaired out of any moneys appropriated by the General Assembly and payable to the said Trust. 10

Moneys to be paid to Trust.

20.—21. All moneys accruing from the said water-race shall be paid to the Trust and form part of the Trust funds; and the said Trust is hereby empowered to sue for and recover all moneys due in respect of any matters connected with the said water-race and unpaid at the time of the commencement of this Act and thereafter. And all moneys so accruing shall be applied by the Trust in and towards the management and maintenance of the said water-race, and the construction of necessary works connected therewith. 15 20

Trust may extend or complete race.

21.—22. The Trust may, out of any surplus moneys at any time remaining in their hands, after paying all costs and charges incident to the maintenance of the said water-race, or out of any moneys appropriated by the General Assembly for the purposes of the Trust, make any extension of the said water-race, or complete the same, subject in every case to the approval by the Minister of the proposed extension or completion. 25

Public moneys appropriated may be paid to Trust.

22.—23. In case moneys shall be appropriated by the General Assembly for the maintenance, extra construction, or extension of the said water-race, the same shall not be paid over to the Trust except upon the sanction of the Minister, addressed to the Colonial Treasurer authorizing such payment. 30

Appropriation of surplus funds.

23.—24. In case the revenue arising from the water-race in any year shall exceed the costs and liabilities in respect of the same, there may be paid to the several members forming the Trust any sum as honorarium for their services, not exceeding *twenty-five* pounds; and all moneys remaining in the hands of the Trust after such payment shall be paid into the Public Trust Office, and shall be dealt with in manner provided by the Acts regulating that office. 35

#### *New clause.* 40

Report of proceedings to be laid before Parliament.

25. The Trust shall in the month of May in each year make a report of their proceedings to the Minister, who shall lay the same before Parliament as soon as may be after the beginning of the then next session.

Water-race may be transferred to Maniototo County.

24.—26. Notwithstanding anything in this Act contained, the Governor may at any time transfer, in manner provided by the two hundred and seventeenth section of "The Public Works Act, 1876," the said water-race to the Corporation of the County of Maniototo, if the said Corporation make application to the Governor in that behalf, and from and after the date of the Proclamation making such transfer, the Trust established under this Act shall be dissolved, and the provisions of this Act shall cease to have any operation: 45 50

Provided that any transfer to be made as aforesaid shall be made on terms whereby the members of the Trust in office at the time of such transfer, and all other members of the Trust, shall be fully discharged and acquitted of all claims and liabilities in respect of such water-race, their own default excepting: Provided also that upon any such transfer as aforesaid, a sum equivalent to the sums paid from time to time into the Public Trust Office, as provided in clause *twenty-three* of this Act, shall be paid to the County of Maniototo. 55 60