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

House of Representatives,
10th August, 1885.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Stout.

RIVER BOARDS ACT 1884 AMENDMENT.

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A BILL INTITULED

AN ACT to amend "The River Boards Act, 1884."

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

5 1. The Short Title of this Act is "The River Boards Act 1884 Amendment Act, 1885." It shall be read and construed with "The River Boards Act, 1884" (herein referred to as "the said Act").

10 2. Whenever under the said Act a petition is required to be signed by not less than a certain number of ratepapers, or not less than a certain proportional part of all the ratepapers,—

(1.) In any river district, or any portion of a river district; or

(2.) In any district or portion of a district or area in the colony which it is proposed to form into or to incorporate with a river district, or to form a part of a river district,

15 —the number of votes to which each ratepayer signing such petition is entitled to exercise under the said Act in relation to the rateable property in respect whereof he signs the said petition, or the number of votes to which he would be entitled under the said Act if such rateable property were within a river district, as may be the case,
20 may be set after his name in such petition, and the number of signatures to the said petition shall be deemed to be the total number of such votes, or the proportional part of all the votes on the ratepayers' roll of the river district, as the case may be.

No. 89—5.

Title.

Short Title.

Petitioners may set after their names number of votes they may be entitled to exercise.

New clauses.

Board may remove
weeds, drift-wood,
&c., from river beds.

3. Every River Board may remove from any river, stream, or watercourse, or from the bed thereof, all weeds, refuse, and other growth, and all drift-wood, logs, trees, branches, and other timber which may be lodged in the bed or against the banks thereof, and be calculated to impede the free flow of water therein in its natural channel, and may dispose of the same respectively towards recouping the cost of such removal. And for the purpose aforesaid every Board shall by its servants have the free right of ingress, egress, and regress on any land on the banks of any such river, stream, or watercourse. 5

Nothing in this section contained shall be deemed to authorize any River Board to dispose of any timber floated down any river or stream under the provisions of "The Timber-Floating Act, 1884." 10

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

4. 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. 15

Penalty for not
removing trees, &c.,
impeding flow of
water.

In the event of any such owner or occupier failing to comply with such order within fourteen days from the receipt thereof, he shall be liable to a penalty not exceeding *five* pounds for every day during which such order is not obeyed, and a further sum equal to the cost incurred by the Board in removing, lowering, or trimming any such tree, shrub, or bush, or any part thereof; and the said cost shall be a charge on the land, and may be recovered as rates are recovered under "The Rating Act, 1882." 20 25

River Board may
borrow, without
taking poll, for
paying off loans.

5. Every River Board constituted under the said Act may raise a special loan by resolution, without taking a poll thereon as provided in the said Act, for the following purposes:—

- (1.) To repay any liabilities existing at the time this Act comes into force and incurred for any purpose for which a special loan may be raised: 30
- (2.) To pay off or consolidate any special loans heretofore or which may hereafter be raised. Such repayment or consolidation may be effected in such manner and on such terms and conditions as the Board thinks fit; but the annual charge on the river district shall not be thereby increased. 35

New clauses.

6. Every River Board may agree with any creditor to extend the time for payment of any principal or interest now or hereafter owing by it, and may convert a loan raised under any of the Acts or ordinances repealed by the said Act into a loan under the said Act and this Act, and may issue and deliver to a creditor in respect of any such loan debentures and coupons under the seal of the said Board. 40 45

7. A debenture and coupon may be issued under the said Act and this Act, in the form or to the effect set forth in the Schedule hereto, and shall operate as a charge on the special rates of the Board.

8. No person who, or body corporate which, has already lent or may hereafter lend money to a River Board shall be concerned to

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inquire whether such Board required to borrow such money, or be affected by the non-application or misapplication thereof.

9. A Board may, in anticipation of its current revenue, from time to time borrow moneys at interest from a bank by way of overdraft, but the amount of such overdraft shall never at any time exceed the total amount of the income of the Board for the year ending the 31st March previous.

4. 10. Notwithstanding anything contained in section eighty-eight of the said Act, the Board of any district may by special order direct that all rates to be made and levied by it under the said Act shall be collected by the officers of the Board, or in manner as the Board shall direct.

Board may by special order direct rates to be collected by its officers.

In any such case the Board may make all appointments and do all things necessary for or towards the collection of such rates, and so long as any such special order as aforesaid remains in force in any district the provisions of sections one hundred and five to one hundred and eight, both inclusive, of the said Act shall be deemed to be suspended in such district.

New clause.

11. A Receiver, when appointed under the said Act, may, in respect of making, levying, and recovering of rates, both general and special, exercise all powers of a River Board and of a local authority respectively, and may himself make, raise, and collect such rates, or require such local authority to do so, and the neglect or omission to elect members of such local authority shall not affect the powers of such Receiver.

5. 12. Notwithstanding anything contained in section one hundred and thirty-six of the said Act, the Trustees appointed under section four of "The Clutha River Trust Reserves Act, 1874," to receive the proceeds of all sales of endowments made under such Act, and which they are now by law required to invest, may nevertheless pay not exceeding one-third of the price of any of the lands in such endowments as may be sold on deferred payments under the provisions of "The Land Act, 1877," and one-third of the payments made from time to time by the selectors thereof to the County Council or Road Board of the district within which the land sold is situated, in the manner provided, and subject to all the conditions prescribed in section fifty-nine of "The Land Act, 1877," as if such lands were Crown lands.

Clutha River Reserves Trustees may pay part proceeds of sales of land to local bodies.

And the aforesaid Trustees may, subject to approval of the Governor, expend in road making, for the benefit of such endowments, a sum not exceeding five shillings per acre out of the proceeds of sales of any such endowments as may be disposed of otherwise than on deferred payments.

And apply part proceeds in road making.

6. 13. The Second Schedule of the said Act is hereby amended in relation to the constituencies by which the Clutha River Board is to be elected, by the omission of all the words in the fifth column thereof in a line with "The Clutha River Board."

Constitution of Clutha River Board altered.

The Clutha River Board shall consist of seven members, to be elected as follows:—

One by the Borough Council of Balclutha; one by the county electors of each of the following four ridings of the County of Clutha,

viz., Clydevale, Pomahaka, Richardson, and South Molyneux; and one by the county electors of each of the following two ridings of the County of Bruce, viz., Balmoral and Matau.

New clause.

14. Section seventy-nine of the said Act is hereby repealed,

New Schedule.

SCHEDULE.

FORM OF DEBENTURE.

The River Board Loan of [*state loan*].
Debenture for £

Issued under "The River Boards Act, 1884," and amendments thereof.

N.B. The holder of this debenture has no claim in respect thereof upon the Government of the Colony of New Zealand, or the revenues of such colony.

ON presentation of this debenture at [*place of payment*] on or after the day of 188 , the bearer hereof will be entitled to receive £

Interest on this debenture will cease after the day when the payment falls due, unless default is made in payment.

Issued under the seal of the River Board the day of 188 .
(L.S.) Chairman.

Clerk.

FORM OF COUPON.

Debenture No. of the River Board.

Issued under "The River Boards Act, 1884," and the amendments thereof.

ON presentation of this coupon at [*place of payment*] on or after the day of 188 , the bearer hereof will be entitled to receive £

(L.S.) Chairman.

Clerk.