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Hon. Mr. Dick.

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A BILL INTITULED

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

BE IT 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 is "The River Boards Act, 1883." Short Title.
2. "The Rating Act, 1876," in respect to boroughs where the said Act is in force, and "The Rating Act, 1882," in respect to all other places, are hereby respectively incorporated with this Act. Rating Acts incorporated.
3. In this Act, if not inconsistent with the context,— Interpretation.
 - "Local authority" includes the Council or Board having the administration of the affairs of a borough, town district, or road district; and includes a County Council in respect of any outlying district:
 - "Rateable value" means the rateable value under "The Rating Act, 1876," or "The Rating Act, 1882," whichever may be in force in the particular place to be rated:
 - "Ratepayer" means any person for the time being who is rated under this Act in respect of property generally or of lands only:
 - "River Board" or "Board" means a River Board constituted under this Act:
 - "River district" or "district" means a river district established under this Act, and includes a drainage district established under any Act hereby repealed:
 - "Tidal lands" means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring-tides:
 - "Tidal water" means any part of the sea or of a river within the ebb and flow of the tide at ordinary spring-tides:

When anything is required to be "published," or "publicly notified," or "public notice" of anything is to be given, it is meant that a notice thereof shall be published in some newspaper circulating in the county or river district; or where there is no such newspaper, then that printed placards containing the notice shall be affixed to public places in the county or river district.

PETITIONS.

4. The following provisions shall apply to all petitions under this Act:— Provisions as to petitions.
 - (1.) The signatures to any such petition shall be verified by the solemn declaration, in the form following, signed by some person or persons residing in the district to which such petition refers:— Signatures to be verified.
 - I, A.B., do solemnly declare that the signatures affixed to the above petition initialled by me [or which I have marked (*describing the mark*)] are the genuine signatures of the persons whose they purport to be, and that such persons are district electors of the [*naming the river district*] to which the petition relates [or are ratepayers of the river district to which the petition relates].

- Any person who forges any such petition or any signature thereto, or utters the same knowing it to be forged, or makes any such declaration knowing the same to be false, shall be liable to a penalty not exceeding fifty pounds.
- If petition objected to, inquiry to be made.** (2.) If it is represented to the Governor that any of the signatures to any such petition or declaration are false, or that any of the persons signing were not entitled so to sign, or that the statements in such petition are untrue, or that the provisions of this Act in respect to such petition have not been complied with, the Governor may cause an inquiry to be made, and may adjourn the consideration of such petition till the result of such inquiry is known. **5**
- Governor may order inquiry.** (3.) The Governor may appoint one or more persons to make such inquiry, who shall have all the powers in respect to the summoning of witnesses and their examination upon oath, and to calling for the production of books and papers touching such inquiry, as may be exercised by or under any law for the time being in force by Justices exercising summary jurisdiction. **10**
- Petition may be rejected if insufficiently signed.** (4.) The Governor shall not grant the prayer of any such petition if the result of any such inquiry as aforesaid proves that there are not sufficient true signatures to such petition to make up the number required by this Act. **15**

RIVER DISTRICTS. **20**(1.) *Existing Districts.* **25**

Existing river districts to be districts under Act.

5. All districts existing under the provisions of the Acts and Ordinances hereby repealed at the time of the commencement of this Act, the names whereof are set forth in the First Schedule hereto, shall, notwithstanding any defect in their constitution, be deemed to be river districts; and the Boards of Conservators for the said districts respectively appointed under such repealed Acts shall be deemed to be River Boards duly constituted under this Act, with the necessary change of names to conform with section *seventeen* hereof; and the following provisions shall apply to such river districts and Boards so constituted:— **30**

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

- (1.) Each river district, and the Corporation and Board thereof, shall, in respect of all property, rights, claims, obligations, liabilities, contracts, and engagements, and for all purposes whatsoever in law or equity, be deemed to be the same river district, Corporation, and Board as that existing in such district before the commencement of this Act. **40**
- (2.) Every member of such River Board, notwithstanding any defect in his election or appointment, and every person holding any office in any such Board, shall continue to hold such office until the day hereinafter appointed for the first general election of members. **45**
- (3.) If after the commencement of this Act any extraordinary vacancy shall occur in any such River Board, such vacancy shall be filled up in the manner hereinafter provided by this Act. **50**

Existing members to remain so till general election.

Extraordinary vacancies in existing Boards.

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(4.) All persons in office under any Board on the coming into operation of this Act shall continue to hold the same office without the necessity of a new appointment, but they may at any time be removed and others appointed in their stead if the Board shall think fit.

Existing officers to remain in office till removed.

(5.) Any valuation roll of rateable property, and any rate-book, and any ratepayers' or electors' list or roll in force, shall be deemed to be the valuation-roll and the rate-book and ratepayers' roll respectively of such river district until a fresh valuation-roll and ratepayers' book are made.

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

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

Existing subdivisions to remain.

(2.) New Districts.

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

Governor may, on petition, constitute river districts.

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

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

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

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

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

7. The Governor may also, subject to the aforesaid conditions, from time to time enlarge, alter, or diminish any district, or divide or redivide the same into subdivisions, or may abolish any district or any subdivision of a district.

Similarly may alter or abolish districts.

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

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

Validity of Proclamation.

Provision for first elections of new Boards, &c.

9. The Governor shall also, in the Proclamation creating a new district,—

- (1.) Determine the number of members who are to constitute the River Board for each such district, and may subdivide such district, and appoint the number of members to be elected for each such subdivision, and give a name thereto respectively; but in no case shall the number be less than five nor more than nine; 5
- (2.) Make all necessary appointments and regulations for the election of the first Board, and appoint a day for such election, and fix the time and place for its first meeting. 10

Borough to form separate subdivision.

10. Every borough comprised within a district constituted under this Act shall form a separate subdivision of such district.

(3.) *Union of Districts.*

Districts may be united.

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

- (1.) That a petition from each of the districts proposed to be united, signed by not less than one-third of the ratepayers thereof, is presented to the Governor praying him to unite such districts; 20
- (2.) That such petitions are publicly notified in such districts before being presented to the Governor;
- (3.) That no counter-petition, signed by not less than one-third of the ratepayers of any one of such districts, is presented to the Governor within two months after the date of such public notification, praying him not to assent to the prayer of the first petition. 25

Governor to fix number of Board of united district.

12. The Governor shall, in any Proclamation uniting two or more districts, assign a name to the united district, and fix the number of persons, not in any case less than five or more than nine, who are to constitute the Board for the new district. 30

Boards of districts united to be dissolved.

13. Upon such union the Boards of the original districts shall be dissolved, and the Governor shall make provision for the election of the first Board of the united district and for its first meeting in the same manner as in the case of a new district. 35

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

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

- (1.) All property, real or personal, belonging to either of the original districts shall become vested in the Board of the new district; 40
- (2.) All rates or other moneys payable to the Board of either of such districts shall become payable to the Board of the new district;
- (3.) All the liabilities and engagements of either of such Boards shall become liabilities and engagements of the Board of the new district; 45
- (4.) All actions, suits, and proceedings pending by or against either of such districts may be carried on and prosecuted by or against the Board of the new district. 50

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

Governor to provide for first elections, &c.

RIVER BOARDS.

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

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

Constitution of Board.

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

Board incorporated.

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

Election of existing Boards.

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

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

By whom members elected.

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

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

Provision where a local authority forms or elects Board.

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

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

21. The Board may, by special order, from time to time divide any district into subdivisions, or increase or diminish the number of any subdivisions, and fix or vary the number of members to be elected for each district or any subdivision, but so that the provisions of section *sixteen* shall be complied with.

Conditions on which Board may alter number of members.

(2.) *Conduct of Elections.*

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

22. "The Regulation of Local Elections Act, 1876," is incorporated with and shall be read as part of this Act, and shall be in force in every river district constituted or to be constituted under this Act.

General election in month of January, 1884, and afterwards every three years.

23. On the second Tuesday in January, one thousand eight hundred and eighty-four, and on the same day in every third year thereafter, all the members of the Board shall go out of office, and a general election of members shall take place.

Who qualified to be member.

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

Who disqualified to be member.

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

- (1.) A bankrupt or insolvent who has not obtained his final order of discharge;
- (2.) Any person attainted of treason, or convicted of felony, perjury, or of any infamous crime, unless he has obtained a pardon or has served his sentence;
- (3.) Any person of unsound mind;
- (4.) Any person holding any office or place of profit under or in the gift of the Board;
- (5.) Any person being concerned or participating, other than as a shareholder in an incorporated company, in any contract with, or work to be done for, the Board.

Who are ratepayers.

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

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

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

As to number of votes for each ratepayer.

27. Every ratepayer shall be entitled to vote at every election of a member of the Board, but, if the district is subdivided, then only at elections of members of the Board for each subdivision in which he is a ratepayer.

Every ratepayer shall be entitled to vote in manner following, that is to say,—

When the amount of rate payable by the voter shall be—	40
Under two pounds 	One vote.
Above two pounds and under five pounds 	Two votes.
Above five pounds and under fifteen pounds	Three votes.
Above fifteen pounds and under thirty pounds	Four votes.
Above thirty pounds and under fifty pounds	Five votes.
And for every additional fifty pounds 	One vote.

Votes forfeited if rates not paid.

But no ratepayer shall be entitled to vote at any such election unless he shall have previously paid all rates then due by him in respect of his qualification.

When members come into office or cease to hold office.

28. Every member of the Board shall come into office on the day of his election, and shall cease to hold office on the day his successor comes into office. Any member who ceases to be such member may immediately, or at any time thereafter, be re-elected a member, if not otherwise disqualified.

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29. If any person is elected to be a member of the Board for two or more subdivisions, he shall, at the first meeting of the Board thereafter, elect, or, in default thereof, the Board shall elect, for which of such subdivisions he shall serve; and there shall be deemed to be an extraordinary vacancy in the office of member for any other subdivision for which he was elected.

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

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

New election on failure to elect.

31. Any member of the Board may resign his office by writing under his hand addressed to the Chairman or the Clerk; and in such case, or in case of his death, incapacity, or ouster from office, or if he absent himself without leave of the Board from four consecutive ordinary meetings thereof, his office shall be vacant, and such vacancy shall be deemed to be a casual vacancy.

How office of member becomes vacant.

Every casual vacancy occurring in the Board as mentioned in this section shall be filled up by duly-qualified persons to be elected by the Board, but any person so elected by the Board shall retain his office so long only as the member in whose place he shall have been elected would have been entitled to retain the same.

Filling up casual vacancies.

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

Vacancies not to invalidate acts of Board.

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

Penalty for acting when disqualified.

34. Upon prima facie proof, by affidavit or otherwise, that the Chairman or any member of the Board is or has become incapable under the provisions of this Act of holding his office, the Resident Magistrate of the Resident Magistrate's district within which is the place where the Board usually holds its meetings may grant a summons, calling upon the person holding such office to show cause, on a day and at an hour to be stated in the summons, why he should not be adjudged to be ousted of the same.

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

35. If upon the return of such summons it appears to such Resident Magistrate, upon affidavit or oral evidence upon oath, that such person is incapable under the provisions of this Act of holding the said office, such Resident Magistrate may adjudge such person to be ousted of the same, and such person shall be ousted of such office accordingly.

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

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

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

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

Before whom affidavits sworn.

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

Governor may extend time for holding elections, &c.

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

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

(3.) *Proceedings of the Board.*

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

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

Offices of Board.

Proceedings.

Board may appoint, &c., officers.

When Chairman elected.

When Chairman comes into office.

When Chairman absent from meeting.

Chairman to have casting vote.

40. The Board shall be deemed to be a local body within the meaning of "The Rating Act, 1876," and "The Rating Act, 1882," respectively; and shall also be deemed to be a local authority within the meaning of "The Public Works Act, 1882."

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

42. The Board shall have an office wherein to hold their meetings and transact business in some convenient place within their jurisdiction, the situation whereof shall be publicly notified, and shall cause proper minutes to be taken and kept of the proceedings of each meeting.

43. The Board may from time to time appoint and employ such officers to assist in the execution of this Act as they shall think proper and necessary, and from time to time remove any such officers, and appoint others in the room of such as shall be so removed, or as may die, resign, or discontinue their offices; and may, out of the District Fund, pay such salaries and allowances to the said officers respectively as the Board shall think reasonable.

One person may hold two or more of any offices under the Board.

44. At the first meeting of the Board of a new district, and at the first meeting of every Board ensuing after the second Tuesday in January in every year, the Board shall elect one of its members to be Chairman.

45. The Chairman shall come into office on his election, and shall hold office until the election of his successor, and when present shall preside at all meetings.

46. If the Chairman be absent from any meeting of the Board the members present may elect one of their number to be Chairman for that meeting.

47. In the case of an equality of votes the Chairman, or member acting as Chairman, shall have a second or casting vote.

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48. The Chairman may resign his office by writing under his hand delivered to the Board or the Clerk of the Board; and in such case, or in case of his death, incapacity, or ouster from office, or if he absents himself without leave of the Board from four consecutive ordinary meetings of the Board, his office shall become vacant, and the Clerk shall forthwith call a meeting of the Board, who shall elect a Chairman in his stead. As to resignation, &c., of Chairman.
49. The Chairman or the Clerk shall give notice in writing to each of the members of the time appointed from time to time for ordinary meetings, and the members shall attend such meetings without further notice of each meeting. As to notice of ordinary meetings.
50. Every question coming before the Board shall be decided by open voting, and by the majority present, subject to the Chairman's casting vote, as before mentioned. How questions decided at Board.
51. All powers vested in the Board may be exercised by a quorum, which shall consist of half the whole number of members when that number is even, and of a majority when such number is odd; and no business shall be transacted at any meeting unless a quorum is present within half an hour of the time appointed for the commencement of the meeting. As to quorum of Board.
52. No member shall vote upon or take any part in the discussion of any matter before the Board in which he has directly or indirectly, by himself or his partners, any interest apart from any interest in common with the public; and any member who knowingly offends against this section shall be liable to a penalty not exceeding fifty pounds for every such offence; and on being convicted thereof his seat in the Board shall become vacant. Members cannot vote where interested.
53. Any meeting of the Board may be adjourned; and, if a quorum is not present within half an hour of the time appointed for any meeting, the members or member, if there is only one present, or the Clerk, if no member is present, may adjourn such meeting to another day not later than seven days thereafter; and notice of such adjourned meeting shall be given to each member. As to adjournment of meetings.
54. The ordinary meetings of the Board shall be held for transacting the ordinary business of the Board, for appointing and removing the officers of the Board and superintending their conduct, and for inquiring into the conduct of contractors or other persons employed to execute works, and into the state and progress of such works, and for ordering the expenditure of the Board, and generally for doing all things necessary to carry this Act into effect. As to ordinary meetings.
55. No extraordinary business shall be transacted at any ordinary meeting unless due notice thereof has been given at a prior meeting, and notice thereof in writing sent to each member; and the Chairman shall determine what business shall be deemed to be extraordinary within the meaning of this section. Special notice required for extraordinary business.
56. Any resolution of a meeting of the Board may be revoked or altered at a subsequent meeting by the vote of the members present at such subsequent meeting, or of a majority of them: As to revocation or alteration of resolutions.
 Provided that notice of such subsequent meeting, and of the proposal to revoke or alter such resolution, shall be given to each member of the Board seven days at least before such subsequent meeting.
57. The Board may at any time hold a special meeting, to be called either upon a resolution of the Board or upon a requisition in How special meetings convened.

writing, delivered to the Clerk, and signed by the Chairman or by any three members, and specifying the day for which such special meeting is to be called.

How special order
made.

58. When anything is by this Act required to be done by special order, it shall only be done by the passing of a resolution, which shall be publicly notified once during each of the four weeks immediately preceding the meeting at which such resolution is to be proposed, and which meeting may either be a special or an ordinary meeting. 5

Special notice of such proposed resolution shall also be sent to each member at least fourteen days before the day fixed for the meeting at which the resolution is to be proposed. 10

Special orders to be
notified.

59. Upon the passing of any special order made by any Board, a copy of the same, with a certificate signed by the Clerk or Chairman to the effect that the same has been duly passed, shall be publicly notified, and shall only take effect from the date of such notification, or from some day after the notification specified in such special order. 15

Rules for conduct of
business.

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

As to minutes of
Boards.

61. The Clerk shall keep the minutes of the proceedings of the Board in a book, in which he shall enter the names of the members attending each meeting, and the names of the members voting on each question on which there is a division, and every resolution, order, or other proceeding of the Board; and the minutes of the proceedings of every meeting shall be read at the next succeeding meeting of the Board; and, if approved by the Board, or when amended as directed by the Board, shall be signed by the Chairman of such succeeding meeting. 20

Minutes to be
evidence of pro-
ceedings.

62. The minutes of proceedings of the Board, kept as above provided, shall be received as evidence of such proceedings in all Courts and for all purposes whatsoever, and the validity of all such proceedings shall be presumed unless the contrary is proved. 30

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

63. All minutes of meetings, and books of account, and transactions of the Board shall at all reasonable times be open to the inspection of any ratepayer or of any holder of the debentures of the Board, and any person refusing or obstructing any such inspection shall be liable to a penalty not exceeding five pounds. 35

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

Board to take
security from
officers.

64. Every Collector or other person appointed to receive any rate levied under the provisions of this Act shall give to the Board sufficient approved security for the faithful execution of his office, and the duly accounting for all moneys received by him on behalf of the Board. 40

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

65. Every person receiving any moneys of the Board, on behalf of the Board, amounting to five pounds and upwards, shall, within seven days after they shall have come to his hands, pay the same into such bank as the Board shall from time to time have appointed for that purpose, to the credit of the Board. 45

Bank to give
receipts.

The bank shall give receipts for such moneys so paid in, and any such receipt shall be a sufficient discharge to such person for the amount named therein. 50

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66. The Clerk shall keep full and true accounts, in which he shall enter every sum received and every sum paid on account of the Board in the order of date of each such receipt and payment. Clerk to keep accounts.
67. The Board may require from the Clerk, at any time and from time to time, a full and particular statement of the accounts, assets, and liabilities of the Board. Board may require statements of accounts at any time.
68. On or before the *seventh* day of *April* in each year the Clerk shall prepare and send to the Board a yearly balance-sheet, being an abstract of all the transactions in the accounts during the year ending on the *thirty-first* day of *March* previous, together with a statement of the whole assets and liabilities of the Board upon the said *thirty-first* day of *March*; and the Board shall, in the month of *May*, hold a special meeting for considering such balance-sheet and settling the same, and when so settled the Chairman shall sign the balance-sheet so settled. Balance-sheet up to 31st March to be sent to Auditor before 7th April.
69. If the financial year of any existing Board has hitherto terminated on some day other than the *thirty-first* day of *March*, then the balance-sheet to be delivered in accordance with the *last-preceding* section on or before the *seventh* day of *April*, one thousand eight hundred and eighty-four, shall only deal with the transactions from the period up to which the last yearly balance-sheet of such Board was carried until the *thirty-first* day of *March*, one thousand eight hundred and eighty-four. Provision where financial year has hitherto not terminated on 31st March.
70. The Board shall cause such balance-sheet and detailed statement of account to be published or posted in some public place for the information of the ratepayers. Balance-sheet to be publicly notified.
71. The accounts of the Clerk shall be audited by one or more independent auditors to be appointed by the Governor. Auditor to examine accounts.
72. If any moneys belonging to the Board appear at any time to be lying in the hands of any person and not to be duly accounted for, such moneys shall be deemed to be a debt due by such person to the Board, and may be recovered by any person authorized by the Board in that behalf, together with full costs of suit, in any Court of competent jurisdiction. Moneys not accounted for to be debt due to Board.
73. If any officer of the Board or other person fails to render any accounts hereby required, or to deliver up the vouchers relating thereto in his possession, or to pay forthwith on demand the balance thereof as already required, or fails for five days after demand thereof to deliver up to the Board, or to any person authorized by the Board to receive the same, all property, matters, and things in his possession or control belonging to the Board or relating to the execution of this Act, any two Justices may hear and determine the matter in a summary way, and may order such officer or person to render such accounts, or to deliver up such matters or things, or to pay such balance as hereby required: And if such officer or person neglects or refuses to obey such order he may be committed to prison by any two Justices for any period not exceeding six months. Penalty for non-compliance with preceding provisions.
74. No such proceeding against or dealing with any officer or person as aforesaid shall deprive the Board of any remedy which it might otherwise have against any such officer or person or against any surety of such officer, or shall exempt any officer or person from any criminal proceedings to which he might otherwise be liable. Proceedings for penalties not to prejudice other remedies.

POWERS AND DUTIES OF BOARDS.

(1.) *Contracts.*

Board may contract for execution of works.

75. The Board may enter into contracts with any persons for the execution of any public works directed or authorized by this or any other Act to be done by the Board, or for furnishing materials, or for any other things necessary for the purposes of this Act.

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Requirements of contracts.

76. Every such contract, if required to be in writing, and if for the execution of any work, shall specify the work to be done, and the materials to be furnished, and the price to be paid for the same, and the time or times within which the work is to be completed, and the penalties to be suffered in case of non-performance thereof.

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How power of making contracts may be exercised.

77. The power hereby granted to the Board to enter into contracts may lawfully be exercised as follows, that is to say,—

(1.) Any contract which if made between private persons would be by law required to be in writing and under seal, the Board may make in writing and under the common seal of the Board, and in the same manner may vary or discharge the same ;

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(2.) Any contract which if made between private persons would be by law required to be in writing, signed by the parties to be charged therewith, the Board may make in writing signed by the members thereof, or any two of their number acting by the direction and on behalf of the Board, and in the same manner may vary or discharge the same ;

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(3.) Any contract which if made between private persons would be by law valid although made by parol only and not reduced into writing, the members of the Board, or any two of them acting by direction and on behalf of the Board, may make by parol only without writing, and in the same manner may vary or discharge the same.

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

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Contracts of Board to bind body corporate.

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

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Actions or suits may be maintained on contracts.

79. In case of default in compliance with any such contract, either by the Board or by any other party thereto, such actions or suits may be maintained thereon, and damages and costs recovered by or against the Board or the other parties failing in compliance therewith as might have been maintained and recovered had such contract been made between private persons only.

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Board may compound for breach of contract.

80. The Board may compound with any person for such sum of money or other recompense as it thinks fit in respect of the breach of any contract or of any penalty incurred thereunder, or of any debt due to the Board, whether before or after any action or suit is brought for or in respect of the same.

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(2.) River Works.

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

Rivers under control of Board.

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

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

Parts of Public Works Act incorporated.

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

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

Power to take lands.

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

Power to remove soil, &c.

85. The Board shall, in addition to any other powers given to them by this Act, have and possess the following powers, that is to say,—

Power to enter on lands, &c.

(1.) They may, without any previous agreement with the owner or occupier of any land within the district, enter upon any such land, whether the same shall be Crown lands or not, and take levels of the same.

(2.) They may enter upon, take, and hold any such land for the purposes of this Act.

(3.) They may from time to time make, maintain, alter, or discontinue any defence works or any other works whatsoever upon any land to be taken as aforesaid, or upon any land bounded or intersected by any stream or river under their control or within their jurisdiction, or upon any such stream or river, for the purpose of preventing or lessening any damage which may be threatened, or which may actually have occurred by the overflow of any such streams or rivers, or from the breaking of the banks of the same.

(4.) They may from time to time divert, impound, or take away any water from any such streams or rivers, or alter the course of the same.

(5.) They may for any of the purposes aforesaid, at all reasonable times, by themselves, their servants or workmen, and with or without carriages loaded or unloaded, enter into and pass through and over any lands within the district, for the purpose of carrying out any works to be constructed under the provisions of this Act, and for the purpose of maintaining and repairing any existing works, doing thereby no unnecessary or avoidable damage to such lands. 5

(6.) They may lay or deposit upon any such lands any materials whatsoever, to be used in the maintenance or construction of any such works, and may erect thereon any temporary shelter for any workmen or persons engaged in such maintenance or construction, causing thereby as little damage or inconvenience as may be. 15

Property, &c., vested in Board.

86. All lands, buildings, erections, works, and other things which shall have been or which shall hereafter be respectively taken, purchased, obtained, erected, constructed, and made by or by the order, or which are or shall be within or under the view, cognizance, or management of any Board, with the several conveniences and appurtenances thereunto respectively belonging; and also 20

All goods, tools, utensils and materials, and things whatever had and to be had, bought, procured, or provided by or by the order of, or which are or shall be within or under the view, cognizance, or management of, such Board; and 25

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

Power to recover property and prosecute for damage.

87. The Board is hereby empowered to bring or cause to be brought any action or actions, or to prefer or order the preferring of any indictment against any person who shall dig up, break, or pull down, damage or destroy, injure, spoil, steal, take or carry away, or wilfully and wrongfully buy or receive any such lands, buildings, erections, works, goods, tools, utensils, materials, money, and things whatsoever as aforesaid, or any part thereof. 30

Board may contract with other governing body or Minister for Public Works.

88. The Board may from time to time contract, upon such terms and conditions as it may see fit, with any other governing body empowered in that behalf, or with the Minister for Public Works, for or with respect to the doing, control, conduct, management, or supervision by either or any of the contracting parties of any of the things hereinbefore provided for, or of any matter or thing which the Board of the river district or such other governing body is by law empowered to do, control, and manage. 35

Any such contract may relate to the execution of any public works which, in the opinion of the Board, shall be beneficial to the ratepayers of the district, whether such works are to be wholly or partially constructed outside the district. 40

Board may join with other governing bodies in making contracts.

89. The Board may join with any other one or more governing bodies in contracting with any person or persons for the execution of any works the construction of which will be either wholly or partially within or without its district which, in the opinion of the Board, will be beneficial to the ratepayers of its district; and such contract may 45

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provide for the apportionment of the cost of such works among the governing bodies parties thereto in such proportions as shall be thought fair and equitable by the parties thereto.

5 90. Any governing body to whom, under any contract made in pursuance of either of the two *last-preceding* sections, the control, conduct, management, or supervision of any works may be intrusted shall have in respect thereof all the powers which the other governing bodies, parties thereto, may under this or any other Act for the time being have, unless the exercise of such powers is expressly reserved
10 by such contract.

Powers of governing bodies parties to such contract.

91. Nothing in this Act contained shall authorize the Board to interfere with any public works carried on or executed by the Government of the colony, or under the control of such Government, or under the control of any local authority, without the consent in
15 writing of the Minister for Public Works or of such local authority.

Board not to interfere with Government public works.

92. Nothing in this Act shall prejudice or affect any power or authority vested in Her Majesty, or in the Governor, or in any other person on behalf of Her Majesty or the Governor, or any local authority, under any Acts of the General Assembly authorizing the
20 erection, construction, or maintenance of any such public works.

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

93. Nothing in this Act contained shall authorize any River Board to commence or construct any river works or place any pile or other structure in, on, over, through, or across tidal lands or a tidal water without the sanction of the Governor in Council first obtained.

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

25 (3.) Rates.

94. The Board of every river district may, from time to time, as it thinks fit, make and levy general rates within its district for carrying into effect the general purposes of this Act; but the total amount of such rates made for any one year shall not exceed *two shillings* in
30 the pound on the rateable value in places where "The Rating Act, 1876," is in force, and *six farthings* in the pound on the rateable value in all other places.

Power to levy general rates.

95. General rates may be levied, as the Board may by special order direct from time to time, in manner following, that is to say,—
35 (1.) Uniformly on all rateable property in the district; or,
(2.) Uniformly on the acreage of lands in the district, irrespective of their value; or,
(3.) On all lands in the district, according to their classification.
Any such special order may be revoked or varied from time to
40 time, at the discretion of the Board.

Rate may be property-rate or acreage-rate.

Every rate on lands authorized under this Act shall be deemed to be a rate levied under "The Rating Act, 1882," notwithstanding anything contained in the said Act, and may be levied and collected thereunder; but no acreage rate so to be levied shall in any case exceed
45 three shillings per acre.

In all districts existing at the commencement of this Act, the system of rating heretofore in force shall continue within such districts, until the same be altered by special order under this Act.

96. All rates on land payable under this Act shall in the first
50 instance be paid by the occupiers of the land rated, but where any

Who liable for acreage rate.

occupier shall hold the land rated for any term of which less than five years shall be unexpired, he shall be entitled, notwithstanding any contract to the contrary, to deduct such rate from the rent payable by him to his immediate landlord, unless by virtue of such contract he shall, either during or at the expiration of his term, be entitled or compellable to purchase the said land. 5

Boards of subdivided districts may levy separate rates.

97. The Board of every river district divided into subdivisions may from time to time, either in lieu of or in addition to any general rate made under the *last-preceding* section hereof, make and levy rates, to be called "separate rates," equally upon all rateable property within every or any subdivision of such river district, and so that the "separate rates" to be levied in each subdivision may vary from those in other subdivisions. 10

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

98. Before making any such separate rate the Board shall cause an estimate to be prepared of the proposed expenditure of such rate, the period for which the rate is to be made, showing any sums already available for such purpose, the additional sum required, the total rateable value of rateable property within such portion, and the rate thereon necessary to raise the money required; and such estimate, being approved by the Board, shall for at least fourteen days before making the proposed rate be left at the office of the Board, or at some other place in the district to be publicly notified, and open for inspection of all ratepayers. 15 20

Limit of separate rating power.

99. No separate rates made in any one year in any subdivision shall, together with the general rates levied therein, exceed the amount limited in respect of general rates in the district. 25

Power to levy special rates on whole district.

100. For the purpose of providing the interest and sinking fund upon any loan raised or hereafter to be raised by the Board, the Board may, if it thinks fit, make and levy special rates within the district, and the Board may from time to time amend a special rate by increasing or diminishing the same if necessary, so that the annual produce thereof shall suffice to provide the interest and sinking fund on account of any such loan or loans. 30

Special rate not to be quashed.

No such special rate shall be quashed by any proceeding in any Court or otherwise. 35

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

Classification of lands.

101. Within districts where rates are to be levied on lands according to their classification the Board from time to time, as it shall think fit, may classify or cause to be classified all lands in the district outside of towns into the following two or three classes, at the discretion of the Board, that is to say,— 40

- (1.) Lands liable to great actual damage:
- (2.) Lands liable to less actual damage, and if deemed fit:
- (3.) Lands not liable to damage.

"Towns" in this section shall be deemed to include boroughs, town districts, and the Township of Taradale as described in the Schedule to "The Hawke's Bay Rivers Act 1876 Amendment Act, 1879." 45

Levying of rates.

102. The rate payable in every year shall be levied upon the several classes of land aforesaid in the proportion following, that is to say,— 50

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Class one shall be rated at double the amount payable by Class two;

Class two shall be rated at one-half the amount payable by Class one;

5 Class three shall be exempt from rate, or rated at one-fourth the amount payable by class one, as the Board in each case may appoint.

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

Report on lands to be classified.

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

Classification to be published.

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

Appeal against classification.

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

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

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

Notice of appeal to be given.

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

Hearing of appeals.

108. In case upon any appeal as aforesaid the classification shall be confirmed, all costs and expenses whatsoever necessarily incurred by the Board, in supporting such classification shall be paid and defrayed by the appellant, and may be recovered as costs awarded upon such appeal; and, subject thereto, the Court by which any appeals shall be heard shall have full power to award the costs incident to such appeal and the hearing thereof to either of the parties.

Recovery of costs by Board if classification confirmed.

Classification
evidence of liability
of person named
therein.

109. Every classification-list, when signed by the Board as aforesaid in case there be no appeal, and when signed by the Court as aforesaid after any appeal, shall, for the purpose of any proceedings for the recovery of rates payable under this Act, be conclusive evidence of the liability of the person named therein; and every such list shall remain in force until another is made under the provisions of this Act. 5

(5.) *Borrowing Powers.*

Loans under re-
pealed Acts deemed
loans hereunder.

110. All moneys raised under any of the Acts hereby repealed shall be deemed to be borrowed under this Act, and the repeal of any of the aforesaid Acts shall not affect the terms upon which any such moneys were borrowed. 10

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

111. The Board may from time to time, as occasion shall require, for the purposes of this Act, borrow on the security of the special rates, and take up at interest any sum or sums of money to be raised by the issue of debentures under the seal of the Board. 15

Borrowing powers,
how to be exercised.

112. The Board shall not exercise any of its borrowing powers without the consent of two-thirds of those of the persons entitled to vote for the election of members of the Board, which consent shall be obtained by a poll of the same.

Poll of ratepayers,
how taken.

113. The poll shall be taken in the following manner:— 20

- (1.) Notice of the intention of the Board shall be given by the publication at least once a week for four successive weeks, in some newspaper circulating in the district, of a notice showing the amount proposed to be borrowed, the purpose and the term for which it is to be borrowed, the amount of any rate required to be levied to provide the interest and sinking fund (if any) thereon, and the day on which the poll is to be taken, which shall not be less than one week from the publication of the last of such notices. 25
- (2.) A separate poll shall be taken for each borough within the district; and outside of boroughs the poll shall be taken either separately or collectively as the Board shall appoint, according to the rolls best available for the purpose. 30
- (3.) The Chairman shall appoint a Presiding Officer for each place where a separate poll is to be taken, and give him seven days' notice requiring him to take the poll upon the day appointed. 35
- (4.) The Presiding Officer shall, upon the day so appointed, proceed to take the poll in the manner hereinafter provided. 40
- (5.) The voting papers shall be printed in the form following, setting forth the notification mentioned in this section:—
 PROPOSAL to borrow £ , for the repayment of which a rate of in the pound is required to be levied
 [Insert the notice required by the first sub-section of this section]. 45
 1. I vote for the above proposal.
 2. I vote against the above proposal.
- (6.) The voter shall erase one or other of the said lines, and his vote shall be deemed to be given according to the one of the said lines which he shall not erase. 50

(7.) Every voter shall be entitled to vote according to the scale mentioned in section *twenty-seven*.

5 (8.) All the provision of "The Regulation of Local Elections Act, 1876," as regards taking a poll, shall, so far as they are applicable, and except as by this Act otherwise provided, apply to the taking a poll on the proposal mentioned in the said notification.

10 (9.) Whenever any such resolution is carried, the Chairman shall send a notice thereof to the Colonial Secretary, who shall publish the same in the *Gazette*; and such notice, so published, shall be evidence that the raising of the loan to which it refers has been duly authorized under the provisions of this Act.

15 114. As soon as conveniently may be after the result of the poll has been ascertained, the Returning Officer shall give public notice of the number of votes recorded for and against the proposal as above provided, and shall declare the proposal to be carried or rejected, as the case may be. Result of poll to be declared.

20 115. No claim of any creditor of any River Board shall attach to or be paid out of the public revenues of New Zealand or by the Government thereof. Government not liable for River Board liabilities.

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

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

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

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

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

- (1.) In payment of the expenses of the application and order;
- (2.) In payment of such remuneration to the Receiver, and of such expenses of his office, as the Judge directs;
- 50 (3.) In the payment of the principal and interest of the loan or loans in respect of which the Receiver is appointed;

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

When loan paid
Receiver's powers to
cease.

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

SPECIAL PROVISIONS.

Clutha District.

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

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

Trust lands to be
disposed of as
Crown lands.

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

Rents to be paid to
Board.

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

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

- (2.) All moneys received from the sale of any of the said lands shall be paid and accounted for by the Receiver of Land Revenue to the Trustees appointed under "The Clutha River Trust Reserves Act, 1874," who shall invest such moneys in public securities of the colony, or such other securities as the Governor shall approve, in trust for the purposes for which such aforesaid lands were set apart.

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

Application of rents
of reserves.

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

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

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

Inch Clutha District.

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

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

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

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

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

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

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

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

Publication of notices relating to Inch Clutha.

MISCELLANEOUS.

128. A notice required by this Act to be sent to any person may be delivered to him personally, or may be sent to the last-known place of abode or business of such person by messenger or by post.

How notices shall be sent.

40 (1.) If such person is absent from the colony, the notice may be sent to his agent.

45 (2.) If such person is not known, or has no known agent in the colony, and the notice relates to any land or buildings, the notice shall be deemed to be sent if it is affixed in a conspicuous place on or to such land or building, or if on some public road adjoining thereto, or if it be publicly notified.

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

- (4.) Every notice required to be sent by a River Board shall, unless it is otherwise provided, be under the hand of the Clerk or Chairman.
- (5.) Where a notice is sent by post, it must be sent so as to arrive, in the due course of post, on or before the latest time on which such notice is required to be served. 5
- (6.) Any summons, writ, or other legal proceeding requiring to be served on the Board may be served by being left at the office of the Board, or given personally to the Chairman or the Clerk. 10

How orders, summonses, &c., by Board signed.

129. Every order, summons, notice, or other such document requiring authentication by the Board, or any affidavit required to be made by or on behalf of the Board, may be signed or sworn respectively by the Chairman or by any two members of the Board, or by the Clerk, and need not be under seal; and the same may be in writing or print, or partly in writing and partly in print. 15

Who to represent Board in proceedings in Court.

130. In all proceedings before any Court or before Justices, and in proceedings under any Act in relation to bankrupts or insolvents or arranging debtors, in respect of any claim by the Board against any person, or against the estate of any bankrupt or insolvent or arranging debtor, the Clerk or Chairman may in all respects represent and act on behalf of the Board. 20

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

131. No Judge, Magistrate, or Justice shall be deemed to be interested in any case in which he is acting judicially solely on the ground that he is a ratepayer. 25

Penalty for obstructing Board.

132. Every person who wilfully obstructs the Board or any officer thereof in the performance of anything which they are respectively empowered by this or any other Act to do, shall be liable to a penalty of not more than *ten pounds* for every such offence.

Misnomer, &c., not to invalidate Proclamations.

133. No misnomer or inaccurate description contained in this Act, or in any Proclamation, Order in Council, or special order made thereunder, shall in anywise prevent or abridge the operations of this Act with respect to the subject of such description, provided the same shall have been designated so as to be understood. 30

Repeal.

134. The several Acts and Provincial Ordinances specified in the Second Schedule hereto are hereby repealed. 35

SCHEDULES.

Schedules.

FIRST SCHEDULE.

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

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

SECOND SCHEDULE.

ACTS AND PROVINCIAL ORDINANCES REPEALED.

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

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

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

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

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

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