

*Hon. Major Atkinson.*

## ROADS CONSTRUCTION.

### ANALYSIS.

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Interpretation.</li> </ol> <p style="text-align: center;"><b>PART I.</b></p> <p style="text-align: center;">CONSTITUTION OF THE BOARD.</p> <ol style="list-style-type: none"> <li>3. Board, how constituted.</li> <li>4. Members, how elected.</li> <li>5. Evidence of election.</li> <li>6. Vacancies in Board, how filled up.</li> <li>7. Members not disqualified by reason of being ratepayers interested.</li> <li>8. Membership of Board not within Disqualification Act.</li> <li>9. Board a corporate body.</li> <li>10. Board may elect Chairman and make by-laws.</li> </ol> <p style="text-align: center;"><b>PART II.</b></p> <p style="text-align: center;">HOW BOARD PROVIDED WITH FUNDS FOR MAIN ROADS.</p> <ol style="list-style-type: none"> <li>11. £150,000 of loan of 1879 to be credited to Board in Main Roads Account.</li> <li>12. What are first charges against Land Fund.</li> <li>13. £150,000 of Land Fund to be credited to Board in Main Roads Account.</li> <li>14. Sections 11 and 12 of "Financial Arrangements Act, 1876," not affected.</li> </ol> <p style="text-align: center;">AS TO GRANTS IN AID OF MAIN ROADS.</p> <ol style="list-style-type: none"> <li>15. How roads made main roads under this Act.</li> <li>16. County Council to have like powers over main roads as over county roads.</li> <li>17. When Council desires aid, estimates and plans to be prepared.</li> <li>18. Estimates, &amp;c., to be submitted to Board when application made.</li> <li>19. Board to grant application if it has funds.</li> <li>20. Poll of ratepayers to be taken, and, if result favourable, special rate to be levied.</li> <li>21. Council may take up debentures before they are due.</li> <li>22. After poll and delivery of debentures Board to pay over money.</li> <li>23. If Council will find one-fourth, Board may pay over other three-fourths without poll, &amp;c.</li> </ol> <p style="text-align: center;"><b>PART III.</b></p> <p style="text-align: center;">HOW BOARD PROVIDED WITH FUNDS FOR DISTRICT ROADS AND RIVER WORKS.</p> <ol style="list-style-type: none"> <li>24. £100,000 of loan of 1879 to be credited to Board in District Roads and River Works Account.</li> <li>25. Board may borrow £100,000 for District Roads, &amp;c., Account.</li> <li>26. Board to give debentures for sums borrowed.</li> <li>27. Board may repay debentures at any time.</li> </ol> <p style="text-align: center;">AS TO LOANS FOR DISTRICT ROADS AND RIVER WORKS.</p> <ol style="list-style-type: none"> <li>28. How loans granted for district roads and river works.</li> </ol> | <p style="text-align: center;"><b>PART IV.</b></p> <p style="text-align: center;">GENERAL PROVISIONS AFFECTING GRANTS-IN-AID AND ADVANCES.</p> <ol style="list-style-type: none"> <li>29. How Board deals with moneys received by it from local bodies.</li> <li>30. Repairing of extraordinary damage deemed construction.</li> <li>31. Rebuilding of bridge on main road deemed construction.</li> <li>32. Order in which Board grants applications.</li> <li>33. Rates may be made in special portions of districts.</li> <li>34. Grounds on which Board may refuse applications.</li> <li>35. One or more local bodies may make joint application.</li> <li>36. Where road is lengthways in two districts, how dealt with.</li> <li>37. Members of local body personally liable for improper dealings with money.</li> <li>38. Board to report yearly to General Assembly.</li> </ol> <p style="text-align: center;">AS TO THE POLL OF THE RATEPAYERS.</p> <ol style="list-style-type: none"> <li>39. Notice to be given by local body applying for aid.</li> <li>40. How poll taken.</li> <li>41. Result of poll, how declared.</li> </ol> <p style="text-align: center;">AS TO THE MAKING OF SPECIAL RATE.</p> <ol style="list-style-type: none"> <li>42. Special rate, how made.</li> <li>43. Amount of special rate, how increased or diminished.</li> <li>44. "Rating Act, 1876," to apply as far as possible.</li> </ol> <p style="text-align: center;">AS TO COLLECTION OF SPECIAL RATES BY DEBENTURE-HOLDERS.</p> <ol style="list-style-type: none"> <li>45. Debenture-holder may petition Board for appointment of Receiver.</li> <li>46. Special rate to vest in Receiver when appointed.</li> <li>47. Powers of local body as to special rates to be exercised by Receiver.</li> <li>48. How Receiver must apply moneys.</li> <li>49. How powers of Receiver shall cease.</li> <li>50. Money secured by debenture to be debt of local body to debenture-holder.</li> </ol> <p style="text-align: center;"><b>PART V.</b></p> <p style="text-align: center;">AS TO ROADS THROUGH LANDS NEWLY SOLD BY THE CROWN.</p> <ol style="list-style-type: none"> <li>51. Notice to be given by Commissioner to local body when Crown lands about to be sold in district.</li> <li>52. Cost of roads to be added to price of land.</li> <li>53. Local body to construct roads with moneys so added to price.</li> <li>54. Advance out of Consolidated Fund before whole of land is sold.</li> </ol> <p>Schedules.</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## A BILL INTITULED

Title. AN ACT to make Provision for aiding the Construction of Roads and River Works.

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

Short Title.

1. The Short Title of this Act is "The Roads Construction Act, 1881."

Interpretation.

2. In this Act, if not inconsistent with the context,—

"Board" means the Roads Construction Board to be constituted as herein- 5  
after set forth :

"Road Board" means the Council, Board, Trustees, or the persons or body 10  
other than a County Council or Municipal Corporation having the  
management, control, or care of roads or highways under any Act or  
Ordinance :

"Council" means the Council of a county :

"River Board" means any Board of River Conservators constituted under  
any Rivers Act :

"Local body" means the Council of a county, Road Board, or a River 15  
Board :

"House" means the House of Representatives :

"Speaker" means the person for the time being holding the office of  
Speaker of the House of Representatives :

"County" means a county under "The Counties Act, 1876 :"

"Road district" means a district over which a Road Board as herein 20  
defined has jurisdiction :

"River district" means any district over which such River Board has  
jurisdiction :

"Road," of whatever kind, includes bridges, ferries, culverts, and drains 25  
connected with roads :

"Main road" means such a road as the Board shall, by resolution published  
in the *Gazette*, declare to be a main road for the purposes of this Act,  
after a resolution of the House has approved same :

"District road" means a road other than a main road :

"River works" mean any protective works which a River Board may by 30  
law construct or undertake in its river district :

"Construction" means the making and completion of any road or river  
work, and includes reconstruction in case of total or partial destruction  
by extraordinary damage, but does not include ordinary repairs or 35  
maintenance.

## PART I.

## CONSTITUTION OF THE BOARD.

Board, how consti-  
tuted.

3. The Board is hereby constituted, to consist of the person for the time  
being holding the office of Minister of Public Works, and three members to be  
elected by the House, who shall only hold office from the time of their election 40

875

until the election of their successors, which shall take place in the next session of Parliament after the one in which they were elected, as hereinafter provided.

4. The election of the said three members, and any future election, whether on the meeting of a session of Parliament or to fill casual vacancies, shall be by ballot, taken on such day, at such hour, and in such manner in all respects as the Speaker shall prescribe.

Members, how elected.

5. A certificate of the Speaker as to the result of such election shall be conclusive evidence of the persons named in such certificate having been duly elected members of the Board.

Evidence of election.

6. If any vacancy occurs in the Board by death, resignation, or in any other manner, the Board may act notwithstanding such vacancy; but, if the House be not in session at the time of such vacancy occurring, the Speaker shall appoint another member to fill up the vacancy, who shall continue to be a member till the House has next met and elected a member in his place as above provided.

Vacancies in Board, how filled up.

15 If the vacancy occurs after a dissolution and before a newly-elected House has met and appointed a Speaker, the person who was last Speaker shall appoint to the vacancy.

7. No member of the Board shall be disqualified from acting by reason only of his being interested as a ratepayer in any application or proceeding under this Act.

Members not disqualified by reason of being ratepayers interested.

8. No member of the House shall be deemed to be a contractor or Civil servant within the meaning of "The Disqualification Act, 1878," by reason of being elected as a member of the Board, or by reason of being entitled to any payment in respect of his services as such, whether as salary or for travelling expenses.

Membership of Board not within Disqualification Act.

9. The Board shall be a corporate body by the aforesaid name of "The Roads Construction Board," with perpetual succession and a common seal, and with full power and authority by that name to sue and be sued in all Courts whatsoever, and shall be capable in law for the purposes of and subject to this Act to do and suffer all such acts and things as bodies corporate may do and suffer.

Board a corporate body.

10. The Board may from time to time elect one of its members to be chairman thereof, and may from time to time make by-laws for the conduct of its business, fixing the design of its seal, the quorum at its meetings, for regulating the mode and time of making applications to it under this Act, and generally for the purpose of giving effect hereto.

Board may elect Chairman and make by-laws.

But no such by-laws shall be repugnant to the provisions of this Act, or come into operation until approved of by the Colonial Treasurer.

PART II.

HOW BOARD PROVIDED WITH FUNDS FOR MAIN ROADS.

11. In order to give effect to this Part of this Act during the financial year commencing on the first day of April, in the year one thousand eight hundred and eighty-one, there shall be placed to the credit of the Board, to a separate account in the Public Works Fund to be called the "Main Roads Account," out of the moneys raised under "The New Zealand Loan Act, 1879," the sum of one hundred and fifty thousand pounds.

£150,000 of loan of 1879 to be credited to Board in Main Roads Account.

12. All moneys received from the sale of Crown lands (hereinafter called "the Land Fund"), shall be charged with the sums appropriated from time

What are first charges against Land Fund.

£150,000 of Land Fund to be credited to Board in Main Roads Account.

Sections 11 and 12 of "Financial Arrangements Act, 1876," not affected.

How roads made main roads under this Act.

County Council to have like powers over main roads as over county roads.

When Council desires aid, estimates and plans to be prepared.

Estimates, &c., to be submitted to Board when application made.

Board to grant application if it has funds.

Poll of ratepayers to be taken, and, if result favourable, special rate to be levied.

to time for the expenses of the surveys and the administration of Crown lands, and with all sums paid for rates on Crown lands under "The Crown and Native Lands Rating Act, 1881."

13. If in any year, after defraying all such charges, and any other charges lawfully imposed upon the Land Fund, there remains any surplus of such Fund, all such surplus up to the sum of *one hundred and fifty thousand* pounds shall in each year be paid to the "Main Roads Account," and shall be issued thereout upon the certificate of the Board, in such manner as the Colonial Treasurer may from time to time direct; and any further surplus shall be paid into and form part of the Public Works Fund.

14. Nothing in this Act shall be deemed to affect the operation of sections eleven and twelve of "The Financial Arrangements Act, 1876," which shall remain in full force.

#### AS TO GRANTS IN AID OF MAIN ROADS.

15. The Board, by resolution published in the *Gazette*, may at any time declare which roads are main roads for the purposes of this Act; but no such resolution shall have any effect till after a resolution of the House has been passed approving the same.

16. The Council of any county through which the whole or any portion of a main road passes shall have, in respect of the whole or such portion, all such powers and authorities as if the same was or were county roads within the meaning of "The Public Works Act, 1876."

17. When a Council desires aid under this Act, for the construction of a main road, or any portion thereof, passing through its county, it shall cause proper estimates of the cost of the work to be prepared, together with plans and specifications where necessary, in such manner as the Board may prescribe.

18. The Council shall submit such estimates, plans, and specifications (if any) to the Board, and may make application for payment to it by the Board, out of the Main Roads Account, of the total cost of construction, of which *one-fourth* shall be repayable by it as hereinafter appears.

19. The Board shall consider the application, and the same if duly made shall be granted, subject always to the Board having sufficient funds for the purpose at its credit, and subject also to the provisions of section *thirty-two* hereof.

20. The Council shall then give the notices, and take a poll of the ratepayers in the county as hereinafter provided, and, if the result shall be in favour of the proposal so to construct such main road, the Council shall proceed to make and levy a special rate, to be made as provided by this Act, which shall be sufficient to repay *one-fourth* of the total amount of such grant-in-aid within *ten* years, by twenty equal half-yearly payments without interest, payable on the first day of May and the first day of November in each year; and shall also execute and deliver to the Board a debenture for each of such payments in the form prescribed by the Board, the first of which shall come due on the first day of May or the first day of November which shall first ensue after the date when the amount of the grant or the first instalment thereof is agreed to be paid over by the Board, an allowance being made in the amount of the first of such debentures in respect of interest, if the period intervening between the said date of payment by the Board and the date when the first debenture comes due be less than six months.

877.

21. It shall be competent for the Council to take up any one or more of such debentures at any time before they become due.

Council may take up debentures before they are due. After poll and delivery of debentures Board to pay over money.

22. Upon such poll being taken, if the result be in favour of the proposal as aforesaid, and after the Council has made the special rate as aforesaid and executed and delivered the said debentures, the Board shall pay over to the Council the said sum so applied for by it, either in one sum or by instalments, to be used in the construction of such road.

23. If the Council applying for such aid is itself prepared to supply the one-fourth of the said cost of construction, then the Board, upon being satisfied on that point, may at once, upon a proper application being made as aforesaid, pay over to the said Council the three-fourths of the said cost of construction, which shall not be repayable to the said Board, and in respect of which it shall not be necessary to take a poll as aforesaid, or levy a special rate.

If Council will find one-fourth, Board may pay over three-fourths without poll, &c.

PART III.

15 HOW BOARD PROVIDED WITH FUNDS FOR DISTRICT ROADS AND RIVER WORKS.

24. In order to give effect to this Part of this Act during the financial year commencing on the first day of April, one thousand eight hundred and eighty-one, there shall be placed to the credit of the Board, out of the moneys raised under "The New Zealand Loan Act, 1879," to a separate account in the Public Works Fund to be called "The District Roads and River Works Account," the sum of *one hundred thousand* pounds.

£100,000 of loan of 1879 to be credited to Board in District Roads and River Works Account.

25. The Governor in Council may, on the application of the Board, authorize it to borrow from time to time, from the Postmaster-General or the Commissioner of Annuities, or the Commissioners of the Public Debts Sinking Fund, who are hereby authorized to lend the same out of any funds under their control respectively, any sum or sums not exceeding *one hundred thousand* pounds, but so that at no one time shall the Board be indebted for more than *one hundred thousand* pounds; all which moneys so borrowed by the Board from time to time, as hereinafter mentioned, shall also be placed to the credit of the said last-mentioned account; and all moneys to the credit at any time of such account shall be issued and paid thereout upon the certificate of the Board, in such manner as the Colonial Treasurer may from time to time direct.

Board may borrow £100,000 for District Roads, &c., Account.

26. For all sums so borrowed the Board shall give a debenture for the repayment of the same, with interest thereon at *five* pounds per centum per annum.

Board to give debentures for sums borrowed.

Every such debenture shall be in such form as shall be approved by the Colonial Treasurer, and shall be deemed to be secured on the Consolidated Fund, which shall be ultimately liable for the sum mentioned in the debenture should the Board be unable to repay the same.

27. The Board may from time to time repay the whole or any part of the amount secured by any such debenture.

Board may repay debentures at any time.

AS TO LOANS FOR DISTRICT ROADS AND RIVER WORKS.

28. When any local body desires to obtain from the Board an advance for or towards the construction of any roads and river works within its jurisdiction, it shall make application for that purpose to the Board, and all the provisions of sections *seventeen* to *twenty-two* both inclusive shall, *mutatis mutandis*, apply to such application, save that the whole of the grant from the Board to the local body under this Part of this Act shall be repayable to the Board, and that the special rate to be levied in such case shall be sufficient to pay *twenty-seven* equal half-yearly instalments, each of which shall be equal to *four* pounds *ten*

How loans granted for district roads and river works.

shillings per centum on the whole amount so to be advanced to the local body, thus repaying the said amount and interest at *three* pounds per centum; and the debentures to be given by the local body to the Board shall each be for one of such instalments.

## PART IV.

## GENERAL PROVISIONS AFFECTING GRANTS-IN-AID AND ADVANCES.

- How Board deals with moneys received by it from local bodies. **29.** Any moneys which the Board receives from any local body in repayment of any moneys advanced to such local body by way of loan shall be paid into the Main Roads Account, if originally paid out of such account, or otherwise into the District Roads and River Works Account, and either applied in the payment of the Board's liabilities, or advanced again to local bodies in accordance with the provisions of this Act. 10
- Repairing of extraordinary damage deemed construction. **30.** Where extraordinary damage has been done to a main road or any other road, or to any river works, by flood, tempest, or accident, the repairing of such damage shall be deemed to be construction. 15
- Rebuilding of bridge on main road deemed construction. **31.** When any bridge on a main road requires to be entirely rebuilt, the Board may advance to the Council or Councils in whose county or counties such bridge is, the whole or any portion which it or they may apply for of the cost of the construction of the new bridge, upon the same terms in all respects as advances are hereby authorized to be made for district roads: Provided that no such advance shall be made unless the Board is satisfied that the necessity for the rebuilding of such bridge has only arisen through fair wear and tear. 20
- Order in which Board grants applications. **32.** The Board shall apply the funds at its disposal equally among the local bodies applying for aid, and, if there are not funds to satisfy applications in full, the Board may grant aid in each case *pro rata*, in such manner as the Board thinks equitable: Provided that applications in cases of extraordinary damage shall have priority over other applications for aid to construct main or other roads, or river works; and the Board shall be the sole judge as to the nature of the damage and the necessity for priority. 25
- Rates may be made in special portions of districts. **33.** When it appears to any local body that any district road or river work is for the special benefit of any particular portion of the district in which such local body has jurisdiction, then such local body may, by a special resolution, define such portion of the district; and the poll above referred to shall only be taken of the ratepayers of such portion, and the said special rate shall only be levied on the ratepayers of such particular portion. 30
- Grounds on which Board may refuse applications. **34.** The Board shall only refuse and shall be entitled to refuse any application made under this Act upon one or other of the following grounds:—  
(1.) That there is no money then available;  
(2.) That the applicants have not complied with the terms of this Act.  
But a refusal on one occasion shall not preclude further application at a future date, and, as far as may be consistent with the terms of this Act, all such rejected applications shall have priority if renewed or allowed to stand over. 40
- One or more local bodies may make joint application. **35.** One or more local bodies may make a joint application for aid under this Act, and for the construction of a road of which there are portions in each of their districts, and the Board may apportion the advance amongst such local bodies in such way as shall be agreed upon between the local bodies and the Board, and the amount of the special rate levied by each local body may similarly be apportioned. 45
- Where road is lengthways in two districts, how dealt with. **36.** Where any road the construction of which is to be effected by moneys provided by this Act lies lengthways on the boundary of the districts of two or more local bodies, such road shall be constructed by the several local bodies in such equitable manner as the Board shall direct. 50

879

5 37. If any local body which has obtained money from the Board for the construction of a road or river work applies or suffers such money or any part thereof to be applied to any other purpose, or applies any moneys received in respect of a special rate otherwise than in payment of the debentures in respect of which such special rate was levied, except when such debentures are fully paid, all such moneys so improperly applied shall be deemed to be a debt jointly and severally due to the Board from each and all of the members of the local body who consented to such improper application, and may be recovered from such members, or any one or more of them, in any Court of competent jurisdiction at the suit of the Board, without prejudice nevertheless to all other rights and remedies of the Board under this Act for the payment of the debentures given by such local body to the Board.

Members of local body personally liable for improper dealings with money.

10 38. The Board shall every year lay before the General Assembly, within fourteen days after the first day of meeting thereof, a report of its proceedings, showing what sums have been borrowed by it and what sums have been granted or advanced by it, and to what local bodies, and for what purposes, and also what applications under this Act have been refused, and the grounds for such refusal.

Board to report yearly to General Assembly.

AS TO THE POLL OF THE RATEPAYERS.

20 39. When a local body has applied for aid under this Act, unless such application be within the terms of the *twenty-third* section hereof, it shall publicly notify once in each week, in some newspaper circulating in the county or district, for four successive weeks, a notice setting forth—

Notice to be given by local body applying for aid.

- (1.) The particular work proposed to be undertaken, and the estimated cost thereof;
- 25 (2.) The amount of the half-yearly payments required to be made by such local body, and the amount of the special rate required to meet them;
- (3.) That the plans, specifications, and detailed estimates of the cost of such proposed work may be seen at the office of such local body during ordinary business hours;
- 30 (4.) 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 notifications.

40 40. The poll shall be taken as follows:—

How poll taken.

- 35 (1.) The Chairman shall give seven days notice in writing to the Returning Officer of the local body, requiring him to take the poll upon the day appointed.
- (2.) The Returning Officer shall, upon the day so appointed, proceed to take the poll in the manner provided by "The Regulation of Local Elections Act, 1876," for taking a poll at any election, and shall provide voting papers and all things necessary for taking the poll; and all expenses of and attending the taking of such poll shall be borne by the local body.
- 40 (3.) The voting papers shall be printed in the form in the *First Schedule* hereto, setting forth the notification mentioned in the *thirty-ninth* section.
- 46 (4.) 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 leaves un erased.
- 50 (5.) All the provisions 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.

Result of poll, how declared.

41. 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.

AS TO THE MAKING OF SPECIAL RATE.

5

Special rate, how made.

42. The local body shall, for the purposes of this Act, make a special rate at a meeting of the local body specially called for the purpose, which shall be an annually recurring rate, and shall be payable half-yearly by equal instalments on the *first* day of *April* and *first* day of *October* in each year, and shall be levied year by year without further proceedings by the local body until the loan in respect of which such special rate was made is paid off. 10

Amount of special rate, how increased or diminished.

43. The local body 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 half-yearly payments on account of the loan named therein. 15

But no special rate shall be diminished without the written consent of the Controller and Auditor-General, and then only for so long a period as he shall approve. Nor shall any special rate under this Act be capable of being quashed by any proceedings in any Court or otherwise.

"Rating Act, 1876," to apply as far as possible.

44. All the provisions of "The Rating Act, 1876," not inconsistent with this Act, shall, as far as applicable, apply to a special rate under this Act. 20

AS TO COLLECTION OF SPECIAL RATES BY DEBENTURE-HOLDERS.

Debenture-holder may petition Board for appointment of Receiver.

45. When and so often as the sum secured by any debenture issued under this Act is not paid upon presentation of such debenture at the place where and the time when the same is payable, then immediately or at any time thereafter the Board, by its Chairman, may, or any other person who is holder of any such debenture may, apply *ex parte* by petition in a summary way to a Judge of the Supreme Court for relief under this Act, and the Judge may, if satisfied of the truth of the matters alleged in such petition, appoint upon such terms as to security and remuneration as he shall think fit, a Receiver of the special rate liable under this Act for the payment of such debenture. 25 30

46. Such special rate shall, from the date of the said order, vest in the Receiver, and shall cease to be vested in the local body.

Special rate to vest in Receiver when appointed. Powers of local body as to special rates to be exercised by Receiver.

47. All powers for the recovery of the special rate, including that conferred by section *forty-three* hereof, shall, after the appointment of the Receiver, cease to be exercised by the local body, and shall be exercised by the Receiver. 35

How Receiver must apply moneys.

48. All moneys received by the Receiver shall be applied,—

(1.) In payment of the expenses of the application and order :

(2.) In payment of the Receiver's remuneration fixed as aforesaid, and his reasonable and necessary expenses : 40

(3.) In payment *pro rata* of the debentures overdue by the local body to the Board, or other the then holder of the debentures : and

(4.) The residue, after payment of the above, to the local body :

And the Receiver shall account for all such moneys in such manner as the Judge directs. 45

How powers of Receiver shall cease.

49. When all the overdue debentures are paid, or at any time by an order of a Judge of the Supreme Court, on the application of the local body, the powers of the Receiver shall cease, and he shall forthwith pay any moneys in his hands to the local body, who shall again be capable of exercising the powers of which the appointment of the Receiver had deprived them. 50



50. The sum of money named in any debenture shall, when the same respectively becomes payable, be a debt of the local body to the holder of such debenture.

Money secured by debenture to be debt of local body to debenture-holder.

PART V.

5 AS TO ROADS THROUGH LANDS NEWLY SOLD BY THE CROWN.

51. When any block of waste lands of the Crown is about to be opened for sale, the local body within whose district such lands are shall, on being informed of such approaching sale by the Commissioner of Crown Lands, and being supplied by him with a map thereof, furnish him with estimates of the cost of construction of the roads laid off on such map, and shall also make a recommendation to him of the way they think it desirable to apportion the cost of such construction amongst the various sections to be sold.

Notice to be given by Commissioner to local body when Crown lands about to be sold in district.

52. The Commissioner of Crown Lands shall then, when selling such block of land, add to the price of each section the amount so fixed by the local body, so that by the sale of the whole block an amount equal to the cost of the construction of the said roads may be received.

Cost of roads to be added to price of land.

53. As soon as one-half, at least, of the said block is sold, and sooner if the Governor in Council shall so order, the said amount shall be paid over to the local body in whose district such block is, to be immediately applied by the local body in the construction of the said road; but if, after paying the cost of such construction, any surplus remains, the same shall be returned to the Commissioner to be paid into the Consolidated Fund.

Local body to construct roads with moneys so added to price.

54. That portion of the said amount which shall not yet have been received from the sale of the said land shall be advanced out of the Consolidated Fund, to be repaid as the said block is sold, out of the moneys to be received by such sale, so added to the price of each section as aforesaid.

Advance out of Consolidated Fund before whole of land is sold.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

FORM OF VOTING-PAPER FOR SPECIAL RATES.

"The Roads Construction Act, 1881."

PROPOSAL to levy a special rate, upon which a poll will be taken on the day of , 18 . [Insert the notice required by the thirty-ninth section of this Act.]

- 1. I vote for the above proposal.
2. I vote against the proposal.

SECOND SCHEDULE.