

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

*Legislative Council,
23rd August, 1869.*

Timaru and Gladstone Board of Works.

(Hon. Mr. Peter.)

A BILL INTITULED

AN ACT to amend "The Timaru and Gladstone Board of Works Act 1867." Title.

WHEREAS by the twenty-first section of an Act intituled "The Timaru and Gladstone Board of Works Act 1867" it is among other things enacted that certain moneys being a balance remaining out of the proceeds of the sale of debentures to the amount of thirty thousand pounds after the satisfaction of the other appropriations therein named should be expended for the construction of a bridge over the Rangitata River And whereas no steps have been taken for the construction of the said bridge since the passing of the said Act And whereas it is expedient that the said bridge should be constructed without further delay and that Commissioners should be appointed to act in the place of the Timaru and Gladstone Board of Works as hereinafter provided Preamble.

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

1. The Short Title of this Act shall be "The Timaru and Gladstone Board of Works Act Amendment Act 1869." Short Title.

2. If the Timaru and Gladstone Board of Works shall not before the first day of March one thousand eight hundred and seventy produce satisfactory evidence to the Colonial Secretary that plans and specifications have been prepared for the construction of a bridge over the Rangitata River approved of by an engineer to be named for that purpose by the Colonial Secretary and further if contracts for the construction of the said bridge shall not have been made on or before the first day of August one thousand eight hundred and seventy and the construction of the said bridge commenced on or before the first day of September one thousand eight hundred and seventy or if the construction of such bridge is not commenced on or before such last mentioned date Commissioners shall forthwith be appointed to administer the funds appropriated by "The Timaru and Gladstone Board of Works Act 1867" for the construction of the said bridge If Rangitata Bridge not proceeded with Commissioners to be appointed.

Commissioners may be appointed by consent at once.

and to do and perform such acts as may be necessary to promote the construction of the said bridge in accordance with the intent of the said Act Provided that if the Chairman of the Timaru and Gladstone Board of Works shall at any time before or after the first day of March one thousand eight hundred and seventy by writing addressed to the Colonial Secretary signify that the said Board is willing that such Commission should be appointed such Commission may be appointed notwithstanding that the conditions hereinbefore mentioned have not been fulfilled. 5

Mode of appointing Commissioners and vesting of property.

3. The said Commission shall be appointed in the following manner that is to say two Commissioners shall be appointed by the Governor by warrant under his hand and notice of their appointment shall be published in the *New Zealand Gazette* and whenever any Commissioner appointed under this Act shall leave the Colony die or become incapable to act or by writing under his hand addressed to the Colonial Secretary resign his office of Commissioner or be removed the Governor may in like manner appoint a new Commissioner The Governor may by writing under his hand remove any Commissioner Upon a new Commissioner or new Commissioners being appointed all the moneys goods chattels and rights of action of the old Commissioners immediately before the vacancy occurred shall *ipso facto* vest in the new Commissioner jointly with the continuing Commissioner or in the new Commissioners jointly as the case may require and all liabilities and duties of the old Commissioners as such shall attach and devolve upon the new Commissioner jointly with the continuing Commissioner or on the new Commissioners jointly as the case may require Production of a copy of the *New Zealand Gazette* containing a notice of the appointment of a Commissioner under this Act or notice of the death resignation or removal of a Commissioner shall be sufficient evidence of such appointment death resignation or removal as the case may be. 10 15 20 25 30

Commissioners to construct bridge.

4. The Commissioners appointed as aforesaid shall with all convenient speed construct a bridge over the Rangitata River in accordance with such plans and specifications as shall be approved by an engineer to be named for that purpose by the Colonial Secretary. 35

Board of Works to pay moneys to the Commissioners.

5. The Timaru and Gladstone Board of Works shall upon the demand of the Commissioners at any time after Commissioners have been appointed under this Act pay over to the Commissioners the sum available under the said Act for the construction of a bridge over the Rangitata River. 40

Contracts of Commission and powers of suit.

6. All contracts for works entered into by the Commissioners shall be in the personal names of the Commissioners for the time being and every action brought by or against the Commissioners as Commissioners shall be brought by or against the Commissioners for the time being in their personal names but no execution upon mesne or final process in any such action shall be issued or enforced against the persons or property of any Commissioner or retired or deceased Commissioner. 45

Actions not to abate by change of Commissioners.

7. No such action by or against the Commissioners shall abate by any change in the persons who shall for the time being be Commissioners but the same may proceed upon the newly appointed Commissioner being made a party to such action by suggestion either as plaintiff or defendant as the case may be. 50

Satisfaction of judgments.

8. In case any money shall become payable under any judgment decree or order in any such action it shall be the duty of the Commissioners to pay and satisfy the same out of the first moneys at their disposal. 55

Disqualification of Commissioner.

9. No Commissioner shall hold any office of profit under the Commissioners nor shall any Commissioner whilst he is such Commissioner or for a period of six months after he shall have ceased to 60

be a Commissioner enter into any contract with the Commissioners nor shall any person for the time being holding any contract with the Commissioners act as a Commissioner and any person infringing any of the provisions of this section shall be liable to forfeit the sum of 5 two hundred pounds to be recovered before any Resident Magistrate at the suit of any person who shall sue for the same and every such contract shall be *ipso facto* void and of none effect except as against the Commissioner or person so contracting with the Commissioners.

10 **10.** After providing for the cost of constructing the said bridge the Commissioners shall pay the residue of any moneys at their disposal to the Timaru and Gladstone Board of Works to be by them applied towards the construction of a bridge over the Waitangi River and if the construction of the said bridge over the Rangitata River shall have remained in the hands of the Timaru and Gladstone Board of Works the residue if any of the moneys authorized by them to be applied to the construction of the said bridge under "The Timaru and Gladstone Board of Works Act 1867" shall be applied by the said Board to the construction of the said bridge over the Waitangi River and to no other purpose.

Disposal of surplus moneys.

20 **11.** If upon the report of the Marine Engineer of the General Government it shall appear to the Colonial Secretary that the whole sum of eight thousand pounds appropriated by "The Timaru and Gladstone Board of Works Act 1867" for Timaru Harbour Works cannot be advantageously expended upon works in the Harbour of 25 Timaru it shall be lawful for the Governor in Council upon the request of the Timaru and Gladstone Board of Works to direct that such portion of the above-mentioned sum of eight thousand pounds as shall be in excess of the sum recommended by the said Marine Engineer to be expended on such Harbour Works shall if approved of 30 by the Timaru and Gladstone Board of Works be appropriated as a contribution towards the construction of a bridge over the River Waitangi.

Surplus from Harbour Works.

35 **12.** The Commissioners shall in books to be kept by them for that purpose enter true accounts of all sums of money by them received and paid and of the several matters in respect whereof such sums shall have been received and paid All such accounts with all 40 vouchers and papers relating thereto together with a full abstract or balance sheet thereof signed by the Commissioners shall yearly within fourteen days after the thirty-first day of December be submitted by the Commissioners to and examined and audited by the Provincial Auditor of the Province of Canterbury.

Accounts and audit.

45 **13.** A copy of such abstract or balance sheet so audited as aforesaid shall within fourteen days after the audit of the same be transmitted to the Superintendent of the said Province and by him forthwith published in the Government *Gazette* of the said Province.

Balance sheet to be published.

14. The Commissioners shall likewise transmit to the said Superintendent at the same time a full report of the works done and contracted for by them in pursuance of this Act which report shall be published in like manner.

Commissioners to report on works.

50 **15.** When the works required to be done by the Commissioners are completed they shall within two months proceed to have their accounts audited and make a final report in the same manner as in the case of the annual audit and report hereinbefore provided for.

Final accounts and report.