

Mr. I. Wilson.

CANTERBURY RIVERS ACT 1870 AMENDMENT.

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A BILL INTITULED

AN ACT to alter the Constitution of the Board of Conservators of the Mandeville and Rangiora Drainage District. 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 Canterbury Rivers Act 1870 Amendment Act, 1882," and it shall be deemed to be incorporated with "The Canterbury Rivers Act, 1870" (hereinafter called "the said Act"). Short Title.

2. The word "Board," where the same is hereinafter used, shall be taken to mean the Board of Conservators of the Mandeville and Rangiora Drainage District. Interpretation.

3. The Board shall consist of five members, to be elected in manner provided by "The Regulation of Local Elections Act, 1876," which is incorporated with this Act. Members of Board to be elected.

4. The members of the Board shall be elected by the persons whose names at the time of the election are on the ratepayers' roll in force in any borough or Road Board district, in respect of property within the district of the Board, and who have paid all rates due in respect of such property up to the date of election. Electors.

5. Each elector shall vote according to the following scale, that is to say,— Votes. If the property in respect of which he is entitled to vote be rated upon a rateable value of less than fifty pounds, he shall have one vote ; If such rateable value amount to fifty pounds and be less than one hundred pounds, he shall have two votes ;

If it amount to one hundred pounds and be less than two hundred pounds, he shall have three votes ;

- If it amount to two hundred pounds and be less than three hundred pounds, he shall have four votes;
 If it amount to or exceed three hundred pounds, he shall have five votes.
- Governor to fix date of first election.** 6. As soon as conveniently may be after the passing of this Act, the Governor shall, by Proclamation, appoint some day, not exceeding thirty days after the date of such Proclamation, for the election of the first members of the Board, and also shall, by warrant under his hand, appoint some fit person as Returning Officer to conduct such election. 5
- Election.** 7. On the days so appointed the electors shall elect five duly-qualified persons to be members of the first Board. 10
- Qualification for membership.** 8. The qualification for membership of the Board shall be the possession of the right to vote at an election for the Board.
- Ordinary vacancies.** 9. The members of the first Board shall decide by ballot at their first meeting after election which three of their number shall go out of office on the first Tuesday in the month of January, one thousand eight hundred and eighty-five, and on the said last-mentioned day the three members who shall be determined by such ballot to go out of office on the said day shall go out of office accordingly, and the remaining two members shall hold office until the first Tuesday in the month of January, one thousand eight hundred and eighty-seven. 20
 On the first Tuesday in the month of January, one thousand eight hundred and eighty-five, three members shall be elected to supply the place of those vacating office as aforesaid.
 On the first Tuesday in the month of January, one thousand eight hundred and eighty-seven, the two members who shall have remained in office as aforesaid shall go out of office, and thereupon an election shall be held to supply the vacancies thereby created. 25
 On the first Tuesday in January in every second year thereafter the two or three members, as the case may be, who shall then have been longest in office shall go out of office, and thereupon the vacancies thereby created shall be supplied by election in manner aforesaid. 30
- Retiring members eligible.** 10. Every member of the Board going out of office in manner aforesaid shall be eligible for re-election.
- Filling up casual vacancies.** 11. Every casual vacancy occurring in the Board 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. 35
- Vacancies not to invalidate acts of Board.** 12. 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. 40
- Casual vacancies, how occasioned.** 13. If any member of the Board shall be adjudged bankrupt, or shall take or apply to take the benefit of any Act for the relief or protection of insolvent debtors, or shall compound with his creditors, such person shall cease to be a member of the Board, and his office shall thereafter become vacant, and the vacancy thereby created shall be deemed to be a casual vacancy. 45
- Penalty for disqualified member acting.** 14. 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, 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. 50

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15. The Board shall be a corporation under the name of "The Board of Conservators for the Mandeville and Rangiora Drainage District," 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 for the purposes of the said Act and this Act to do and suffer all other acts and things which a body corporate may lawfully do and suffer.

Incorporation of Board.

16. All acts which shall be done by the Board at any meeting thereof, or by any Committee of the Board, 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.

Acts of Board to be valid notwithstanding irregularity.

17. The Board shall have an office wherein to hold their meetings and transact business in some convenient place within their jurisdiction, and shall cause proper minutes to be taken and kept of the proceedings of each meeting. All books of account, and minutes of meetings, and transactions of the Board shall at all reasonable times be open to the inspection of any elector 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.

Proceedings of Board.

18. The first Board shall hold its first meeting after election at a time and place to be fixed by the Governor, and at such first meeting, and afterwards annually, in the month of January in each year, the Board shall appoint one of their number to be Chairman of the Board for the then ensuing year.

Meetings of Board.

19. 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 who are so entitled in respect of a freehold qualification, which consent shall be obtained by a poll of the same.

Restriction of borrowing powers of Board.

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

Mode of taking poll of electors.

(a.) Notice of the intention of the Board to exercise such powers shall be given by the publication 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;

(b.) The Chairman shall appoint a Returning Officer, and shall give him seven days' notice requiring him to take the poll upon the day appointed;

(c.) The Returning Officer shall, upon the day so appointed, proceed to take the poll in the manner hereinafter provided;

(d.) The voting papers shall be printed in the form in the Schedule hereto, setting forth the notification mentioned in this section;

(e.) The voter shall erase one or other of the two lines contained in the said voting paper at foot of the said notification, and his vote shall be deemed to be given according to the one of the said lines which he shall not erase;

(f.) 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 of a poll on the proposal mentioned in the said notification ;

- (g.) Whenever any such resolution is carried, the Chairman shall send a notification thereof to the Colonial Secretary, who shall publish the same in the *Gazette*, and such notification 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. 5

Declaration of result of polling.

21. 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 that such proposal has been carried or rejected as the case may be. 10

Repeal.

22. Sections nine to eighteen, both inclusive, of the said Act, and "The Canterbury Rivers Act 1870 Amendment Act, 1877," are hereby repealed so far as the same relate to the said Mandeville and Rangiora Drainage District, or to the said Board. 15

Notwithstanding such repeal, all acts done by the existing Board of Conservators of the said district up to the time of the election of the first Board under this Act shall be valid.

SCHEDULE.

FORM OF VOTING PAPER.

"*The Canterbury Rivers Act 1870 Amendment Act, 1882.*"

PROPOSAL to borrow £ , for the repayment of which a rate of in the pound is required to be levied. [*Insert the notification required by the twentieth section of this Act.*]

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