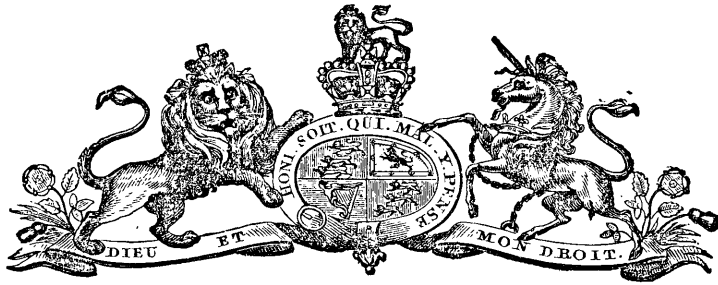


OTAGO, N. Z.



CLUTHA RIVER CONSERVATORS' BOARD ORDINANCE, 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXXIV. No. 494.

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An Ordinance to constitute a Board of Conservators for the District of Clutha River. Title.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 19TH JUNE, 1875.]

WHEREAS by an Act of the General Assembly of New Zealand intituled ^{Preamble.} "The Clutha River Trust Reserves Act, 1874" it was enacted that as soon as the Superintendent and Provincial Council of the Province of Otago should pass an Ordinance constituting a Board of Conservators for the District of Clutha River the said Board of Conservators should hold the lands described in the said Act upon trust for such purposes as should be specified in the said Ordinance: And whereas it is expedient to constitute a Board of Conservators for the District of the Clutha River and to define the trusts upon which the Board so to be constituted should hold the said lands:

BE IT THEREFORE ENACTED by the Superintendent of the Province of Otago by and with the advice and consent of the Provincial Council thereof as follows:—

1. This Ordinance may be cited and referred to as the "Clutha River ^{Short Title.} Conservators' Board Ordinance, 1875."

2. There shall be and there is hereby constituted a Board of Conserv- ^{Board of Conservators} ators for the District of Clutha River and such Board shall consist of six ^{constituted,} members to be appointed by the Superintendent by and with the advice of his Executive Council.

Vacancies how filled.

3. So often as any person being a member of the Board shall die resign become incapable to act or be removed or be absent from the Province of Otago for the space of six consecutive calendar months it shall be the duty of the Superintendent by and with the advice of his Executive Council to appoint by proclamation in the Otago Provincial Government *Gazette* another fit and proper person to be a member of the Board in the room or stead of the person so dying resigning becoming incapable or being removed or absent as aforesaid.

Superintendent may remove members.

4. It shall be lawful for the Superintendent at any time and from time to time upon a resolution being passed by the Provincial Council requesting him so to do to remove all or any one or more of the members of the Board and upon a notification being inserted in the Otago Provincial Government *Gazette* of the fact of the removal of any person as a member of the Board the person named in such notification shall thereupon cease to be a member of the Board.

Powers of Board.

5. The Board shall have full power and authority to do all things necessary for the improvement of the Clutha River and also to erect jetties embankments piers docks wharfs and walls in the said river and to erect bridges and maintain ferries across the said river and also to do all things proper and expedient for the better navigation of the said river and the improvement of the port of Port Molyneux and the said Board shall within the meaning of "The Harbour Boards Act, 1870" be a Harbour Board for the port of Port Molyneux.

Board incorporated.

6. The said Board hereby constituted shall be a corporate body in fact and in law by the name of the "Clutha River Conservators Board" with perpetual succession and a common seal and with full power and authority by that name to sue and be sued plead and be impleaded defend and be defended in all Courts and all causes and suits at law or in equity whatsoever with power to take purchase and hold all goods chattels and personal property whatsoever which may be required for the improvement or management of the Clutha River and port of Port Molyneux and also to take and hold all such lands hereditaments and possessions as may be transferred to or vested in the said Board as sites for wharfs docks or warehouses or as endowments for the said Board or for any other purpose connected with the improvement or management of the said Clutha River and port of Port Molyneux and also to do all other matters and things incidental to or appertaining to a corporate body subject nevertheless to any provisions contained in this Ordinance or in "The Harbour Boards Act, 1870" affecting such powers.

Chairman of Board.

7. The said Board shall have power from time to time to appoint one of their number Chairman of the said Board and such person so appointed shall hold office from date of his appointment until the 30th day of June next then ensuing.

Chairman or other member to preside.

8. At all meetings of the Board the Chairman or in his absence such member of the Board as the members assembled shall choose shall preside and such presiding Chairman shall have a deliberative vote and in all cases of equality of votes a casting vote also: Unless three members are present no meeting of the Board shall be constituted for the transaction of business and all acts to be done by the Board (except where any special provision is made herein) and all questions of adjournment or other questions may be done and decided by the majority of members present provided three at least be present.

Quorum.

Power to make By-Laws.

9. The Board may from time to time make such by-laws as it shall think fit for regulating the manner in which and times at which its meetings

shall be called and held its place of meeting the appointment remuneration and duties of its officers and generally for regulating the conduct of its business and proceedings and the mode in which such by-laws shall be made.

10. The Board may from time to time appoint and employ a treasurer Appointment of Offi-
cers. a secretary and such and so many engineers surveyors clerks collectors and other officers to assist in the execution of this Ordinance as it shall think proper and necessary and from time to time remove any of such officers and appoint others in the room of such as shall be so removed or as may die or resign and may out of the funds of the Board pay such salaries and allowances to the said officers respectively as the Board shall think reasonable and any two or more of the said offices may be held by the same person.

11. Before any officer entrusted by the Board with the custody or control of moneys by virtue of his office shall enter upon such office the Board Officers to find secu-
rity. shall take sufficient security from him for the faithful execution thereof.

12. Every member of the Board and every officer employed by the Board who shall exact or accept on account of anything done by virtue of his office or in relation to the matters to be done under this Ordinance any fee or reward whatsoever other than the salary or allowance (if any) allowed by the Board or who shall be in anywise concerned or interested in any bargain or contract made by the Board shall be liable to a penalty of not exceeding fifty pounds. Officer exacting fees
unlawfully liable to a
penalty of £50.

13. All moneys of the Board amounting to five pounds and upwards shall within three days after they shall have come to the hands of the proper officers of the Board be paid into such Bank as the Board shall from time to time appoint for that purpose and no such money shall be drawn out of such bank save by cheques signed at a meeting of the Board by the presiding Chairman and countersigned by the Treasurer of the Board or by such other person as the Board may appoint. Moneys to be paid
into Bank and mode
of drawing cheques.

14. Every collector appointed or employed by the Board by virtue of this Ordinance to collect any rents or dues shall within three days after he shall have received any moneys on account of any such rents tolls or dues pay over the same to the Treasurer to the account of the Board and the receipt of such Treasurer for the moneys so paid shall be a sufficient discharge to the collector and every such collector shall in such time and in such manner as the Board shall direct deliver to it true and perfect accounts in writing under his hand of all moneys received by him and of all moneys paid by him to the said Treasurer by virtue of this Ordinance and also a list of the names of all persons who have neglected or refused to pay any rent due or money owing to it with a statement of the moneys due from them respectively and in respect of what several periods rents and dues the same are due respectively and every such collector shall when required by the Board so deliver such a list embracing the particulars brought down to the day of his delivering such list. Duties of Collector.

15. Every officer appointed or employed by the Board by virtue of this Ordinance shall from time to time when required by the Board make out and deliver to it or to any person appointed by it for that purpose a true and perfect account in writing under his hand of all moneys received by him on behalf of the Board and such account shall state how and to whom and for what purpose such moneys have been applied or disposed of and together with such account such officer shall deliver the vouchers and receipts for such payments and every such officer shall pay to the Board or to any person appointed by it to receive the same all moneys which shall appear to be owing from him upon the balance of such accounts. Officer to account
when called upon.

Officer failing to account liable to a penalty not exceeding £100.

16. If any such officer fail to render such accounts as aforesaid or to produce and deliver up the vouchers and receipts relating to the same in his possession or power or to pay the balance thereof when thereunto required or if for five days after being thereunto required any officer of the Board fail to deliver up to the Board or to any person appointed by it to receive the same all papers and writings property matters and things in his possession or power relating to the execution of this Ordinance or belonging to the Board he shall be liable to a penalty of not exceeding one hundred pounds.

Remedy against surety preserved.

17. No such proceeding against or dealing with any officer as aforesaid shall deprive the Board of any remedy which it might otherwise have against any surety of such officer.

Board may enter into contracts.

18. The Board may enter into contracts with any person for the execution of any works directed or authorised by this or any other Ordinance or Act to be done by the Board or for furnishing materials or for any other things necessary for the purposes of this Ordinance and every such contract for the execution of any work shall be in writing and 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 and the power hereby granted to the Board to enter into contracts may lawfully be exercised as follows that is to say:—

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 :

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 :

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 the 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 : provided that any agreement made by parol only shall not be valid for any sum exceeding ten pounds.

Books to be provided and open for inspection.

19. The Board shall cause books to be provided and kept in such form (if any) as shall from time to time be appointed by the Superintendent to be used by Harbour Boards and true and regular accounts to be entered therein of all sums received and paid for and on account of this Ordinance and of the several purposes for which such sums of money shall have been received and paid which books shall at all reasonable times be open to the inspection of any of the members of the Board and any person being a creditor of the Board without fee or reward and the members of the Board and every such person as aforesaid or any of them may take copies of or extracts from the said books without paying anything for the same and any clerk or other person having the custody of the said books who shall not on any such reasonable demand of any member of the Board or any such creditor as aforesaid permit him to inspect the said books or to take such copies or extracts as aforesaid shall be liable to a penalty of five pounds for every such offence.

20. The Board shall cause its accounts to be balanced in each year Accounts to be balanced and audited. to a period not less than one month before the annual general meeting at which they are to be produced as hereinafter mentioned and twenty-one days at least before such meeting the Board shall cause a full and true statement and account to be drawn out of the amount of all contracts entered into and of all moneys received and expended by virtue of this Ordinance during the preceding year and of all available assets and of all debts then owing by the Board and such statement and account shall be laid before the Provincial Auditor or other the person appointed by the Superintendent to audit the accounts of the Board who shall in the presence of the Clerk of the Board if he desire to be present proceed to audit the accounts of the year preceding such balancing and the Board shall by its Clerk produce and lay before the auditor or such person as aforesaid the accounts so balanced as aforesaid together with the said statement and account accompanied with proper vouchers in support of the same and all books papers and writings in its custody or power relating thereto and any person interested in the said accounts as a creditor of the Board may be present at the audit of the said accounts by himself or his agent and may make any objection to any part of such accounts and if the said accounts of the Board be found correct such auditor or other person shall sign the same in token of his allowance thereof but if such auditor or other person think there is just cause to disapprove any part of the said accounts he may disallow any such parts of the said accounts as shall be disapproved.

21. The Board shall cause such statement and account to be fairly Statement and account to be open for inspection. copied or printed and shall allow such statement and account to remain for inspection at the office of the Board and every creditor of the Board or person acting on behalf of any such creditor may at all reasonable times inspect such statement and account and compare the same with the books and documents relating thereto in the possession of the Board and the Clerk shall on demand furnish a written or printed copy of the said statement and account to every such creditor without fee if printed and if written upon reasonable payment to be fixed by the Board not exceeding sixpence per folio of seventy-two words and fourteen days at the least before the meeting for examining and settling the said accounts as hereinafter mentioned the Board shall give public notice of such intended meeting stating in such notice that the said statement and account are printed and lie at the office of the Board ready for the inspection of the creditors of the Board.

22. The accounts of the Board so balanced as aforesaid and audited Accounts when audited to be produced at annual meeting. and either allowed or disallowed by the auditor or other person as aforesaid together with the said statement and account shall be produced at the annual meeting of the Board or at some adjournment thereof at which meeting all such creditors as aforesaid may be present and the accounts shall be then finally examined and settled by the Board and if the same be found just and true they shall be allowed by the Board and certified accordingly under the hand of the chairman of such meeting and after such accounts have been so allowed and signed by such chairman the same shall be final in regard to all persons whomsoever. Annual meeting when held. The annual meeting of the Board shall be held on the thirtieth day of the month of June in each year unless that day shall happen to fall on a Sunday or holiday in which case the said meeting shall be held on the preceding day or on the first of the preceding days which shall not be a Sunday or holiday.

23. The Board shall every year cause an annual account in abstract Abstract of accounts to be published. to be prepared showing the total receipts and expenditure of all funds received by virtue of this Ordinance or otherwise for the year ending on the day down to which its accounts shall have been made up for the said annual

meeting or on some other convenient day in each year under the several distinct heads of receipt and expenditure with a statement of the balance of such account duly audited and certified by the Chairman of the Board and shall cause the same to be published in the Provincial Government *Gazette* and shall also within one month after such account shall have been audited send a copy of the said account free of charge to the Superintendent who shall cause the same to be forwarded to the Provincial Council within ten days after the commencement of its next Session.

Lands in Act 1874
vested in trust.

24. The lands mentioned and described in the Schedule to "The Clutha River Trust Reserves Act, 1874" shall be held by the Conservators in trust for the various purposes for which the Board has been constituted.

Board may lease re-
serves.

25. It shall be lawful for the Board with the sanction of the Superintendent and his Executive Council subject to the provisions of "The Clutha River Trust Reserves Act, 1874" to lease the said lands at such rents issues and profits and upon such terms and conditions as the Board shall determine so that such leases be for any term not exceeding twenty-one years to take effect from the time of the execution thereof.

Appropriation of rent
of reserves.

26. All moneys received by the Board for the rents issues and profits of the said lands shall be managed by the Board and shall be applied and disposed of for the purpose of this Ordinance in such manner as the Board may from time to time determine.

Board may not dis-
pose of lands &c.
except as herein pro-
vided.

27. It shall not be lawful for the Board to sell or dispose of otherwise than by lease for a term of years as hereinbefore provided any of the lands vested in or held by the Board except and unless under the authority of this Ordinance.

Interpretation.

28. The following words and expressions in this Ordinance shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction that is to say:—

The word "person" shall include corporation whether sole or aggregate.

The word "Board" and the words "the said Board" shall mean the "Clutha River Conservators' Board."

The word "rents" shall include income and profits of all kinds.

The word "dues" shall include toll dues and charges of all kinds.

The word "wharf" shall include every pier quay jetty and every other construction for facilitating the shipping and landing of passengers and goods.

DUNEDIN, NEW ZEALAND:

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