

New Zealand.



ANALYSIS.

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1908, No. 43.—*Local.*

AN ACT to facilitate the Construction, Administration, and Working of Tramways in and for the Boroughs of the Lower Hutt and Petone and Portions of the Hutt County. Title.

[10th October, 1908.]

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

1. This Act may be cited as the Hutt Valley Tramway District Act, 1908. Short Title.

2. In this Act—

“Prescribed” means prescribed by this Act or any Act incorporated herein or by any by-laws made under this Act: Definitions.

“The Magistrate’s Court” means the Magistrate’s Court which is nearest to the place where the Board usually holds its meetings:

“Magistrate” means the Magistrate holding such Magistrate’s Court as aforesaid.

Tramway District.

3. The Boroughs of Petone and Lower Hutt and such portions of the Hutt County as are described in the Schedule hereto shall for the purposes of this Act be and be deemed to be one district, to be called “the Hutt Valley Tramway District” (hereinafter referred to as “the district”). Tramway district.

4. (1.) The Governor may, if he thinks fit, by Proclamation from time to time, with the consent of the Board, enlarge the district, subject to the following conditions:— Governor by Proclamation may enlarge district.

(a.) That a petition be presented to the Governor, signed by not less than one-half in number of the ratepayers in the district, praying the Governor to enlarge the same; or

(b.) That a petition be presented to the Governor, signed by not less than one-half in number of the ratepayers in the district proposed to be added to the district, praying the Governor to enlarge the same; and

(c.) That any such petition describe the boundaries and area of the proposed enlargement; and

(d.) That any such petition be publicly notified not less than one month before presentation.

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

(3.) If the district is enlarged under this section, the Governor, if he thinks fit and the petition so prays, may also, in the Proclamation making the alteration, increase the number of the members of the Board so as to add not more than one member thereto, and may do all things requisite for the conduct of any election which may be held subsequent to any such alteration.

(4.) The publication in the *Gazette* of any Proclamation altering the said district shall be conclusive evidence that all the requirements of this Act in respect of proceedings required to be taken preliminary to the making of such Proclamation have been complied with.

(5.) From and after the publication as aforesaid of any such Proclamation the enlarged district the subject thereof shall be deemed to be the district constituted under this Act, and all the provisions of this Act shall apply thereto as if the same had been the district originally created by this Act, and the expression "the district" shall include as well the district constituted by this Act as the enlarged district constituted under any such Proclamation as aforesaid.

Tramway Board.

Tramway Board

5. (1.) There shall be for the district a Tramway Board (herein referred to as "the Board"), which shall consist of seven members to be elected in manner hereinafter mentioned.

(2.) The members of the Board shall be elected by the electors on the electoral roll (hereinafter described) for the district. Such Board shall be a body corporate under the name of the "Hutt Valley Tramway Board," with perpetual succession and a common seal.

(3.) Every ratepayer in the district, except as hereinafter provided, shall be qualified to be a member of the Board.

First Election of Board.

Governor provides
for first election.

6. (1.) The Governor shall immediately upon the coming into operation of this Act by Proclamation appoint a day for the election of the first members of the Board and fix the time and place for its first meeting, and shall appoint such Returning-Officer and make such other appointments as may be necessary, and generally do all things necessary in or towards the carrying-out of such election.

(2.) For the purposes of the election of the first members of the Board every elector of the said boroughs and of so much of the Hutt County as is included in the district shall be entitled to vote at such first election.

(3.) Such person as the Governor may appoint shall, for the purposes only of such first election, make a roll of electors for the said district by placing thereon the names of all persons entitled to vote as aforesaid, and in so doing he shall have regard as much as possible to the provisions of this Act as to subsequent elections thereunder of members of the Board, and in any case where a property lies partly within and partly without the district may apply to the Minister of Internal Affairs to be furnished with an assessment of such first-mentioned part of such property to enable him to complete such roll.

Subsequent Elections of Board.

7. The Secretary of the Board, or some other person appointed by the Board for the purpose, shall, on or before the first Tuesday of February in each year in which an election of members of the Board subsequent to the election of the first members as aforesaid is to be held, make out in the prescribed manner and form a list (to be called "the electors list") for the district, setting forth the name, occupation, and address, or the situation of the property, of every person, male or female, of the full age of twenty-one years who if the district were a borough would be an elector within the meaning of the Municipal Corporations Act, 1908.

Electors list and qualification.

8. The provisions of sections six to sixteen of the last-mentioned Act shall, *mutatis mutandis*, apply as if the district were an undivided borough.

Certain provisions of Municipal Corporations applied.

9. All elections and all polls on proposals other than proposals for a loan shall be conducted in accordance with the provisions of the Local Elections and Polls Act, 1908, and for the purposes of any such election the Magistrate's Court in that Act referred to shall be the Magistrate's Court herein defined :

Elections and polls, how conducted.

Provided that all polls shall close at seven o'clock in lieu of at six o'clock in the afternoon of the day appointed.

10. (1.) The first members of the Board so elected as aforesaid shall hold office until the next election of members of the Board as provided for hereafter.

Elections of members of Board subsequent to second election.

(2.) On the last Tuesday in the month of June in the year nineteen hundred and eleven, and on the same day in such month in every second year thereafter, one-half of the members of the Board shall go out of office.

(3.) The order in which the one-half of the members shall go out of office in the year nineteen hundred and eleven shall be determined by the number of votes obtained at the first election of members of the Board ; those members who obtained the smallest number of votes at such first election shall be the members to go out of office in that year.

(4.) The members to go out of office in any subsequent second year shall be those who have been longest in office. So long as the Board consists of an odd number of members the half to go out of office in the year nineteen hundred and eleven shall be the half of an even number next above such odd number, and, in every subsequent second year in which the number is odd, alternately the half of an even number next below and next above such odd number.

11. 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 absents himself without leave of the Board from four consecutive meetings thereof, his office shall be vacant, and such vacancy shall be deemed an extraordinary vacancy.

Resignation and other vacancies.

12. Whenever an extraordinary vacancy occurs in the Board, such vacancy shall be notified to the Board by the Secretary, and the Board shall at its next subsequent ordinary meeting proceed by nomination and ballot to fill such vacancy. No person shall be nominated or elected to fill an extraordinary vacancy who is not

Filling up vacancies.

a ratepayer in the district, and the member so elected shall hold office until the next election of members of the Board, when he shall be one of the members to go out of office under the provisions of this Act.

Vacancies not to invalidate acts of Board.

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

Retiring members may be re-elected.

14. Every member of the Board shall come into office on the day of his nomination by the Board or his election, as the case may be, 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.

New election on failure to elect.

15. Whenever there is a failure from any cause whatever to elect a member or members of the Board at any election, then a new election shall be held as provided by the Local Elections and Polls Act, 1908.

Polling-booths.

16. Notwithstanding anything in any Act incorporated herein, at any election of members of the Board there shall be one polling-booth in each of the said boroughs, one in the City of Wellington, and if the district is enlarged under the powers given in this Act, then also one polling-booth in any portion added to the district; but in no case shall there be more than four polling-booths after the district has been enlarged as aforesaid.

Persons incapable of being members of Board.

17. The following persons shall be incapable of being elected to or being members of the Board:—

(a.) Any person holding any office or place of profit under or in gift of the Board:

(b.) Any person concerned or participating (otherwise than as a shareholder in an incorporated company not being a private company registered under Part V of the Companies Act, 1908, or in an association or partnership consisting of more than twenty persons) in any contract with, or work to be done, or the supply of goods for the Board, if the payment for such contract or work or supply exceeds ten pounds altogether in any year; provided that the leasing of land to or from the Board, or the lending of money to the Board, or the holding of any debenture issued by the Board, shall not constitute a disqualification under this paragraph:

(c.) Any person as described in paragraphs (c), (d), (e), and (f) of section forty-two of the Municipal Corporations Act, 1908:

(d.) Any person who is not a ratepayer of the district.

Penalty for acting when disqualified.

18. (1.) Any disqualified person who acts as a member of the Board is liable to a fine not exceeding fifty pounds for each and every such act done by him whilst so disqualified, which penalty may be recovered, with costs of suit, in any Court of competent jurisdiction; and no person who shall be or become disqualified shall be capable of recovering from the Board any sum in respect of work done or material supplied or services rendered; and should the

Board pay any such amount to any member, or on account or for the benefit of any member, the said amount shall be deemed to be moneys unlawfully paid away, and may be recovered at any time as a debt by the Controller and Auditor-General from any member or members of the Board who either directly or indirectly sanctioned the payment thereof with knowledge of such disqualification.

(2.) In any suit for the recovery of such fine the burden of proving his qualification shall lie upon the person against whom such proceeding is taken.

19. The provisions of Part VIII of the Municipal Corporations Act, 1908, relating to ouster of office shall, *mutatis mutandis*, apply to members of the Board.

Certain provisions of Municipal Corporations applied.

20. A member of the Board shall, in and for each year, be elected by the Board as its Chairman, and there shall also be a Deputy Chairman elected in the same way, who shall act in the absence of the Chairman or when his office is vacant, and the offices of Chairman and Deputy Chairman shall be from time to time filled by the Board as they become vacant, and at all meetings the Chairman, Deputy Chairman, or acting Chairman, as the case may be, shall have an original and casting vote. A Chairman and Deputy Chairman respectively shall hold office until a new Chairman or Deputy Chairman, as the case may be, has been appointed.

Chairman of Board.

21. The Board may from time to time vote and pay the Chairman of the Board a salary not exceeding the sum of one hundred and five pounds per annum; but no remuneration shall be paid to any Deputy Chairman further than such as he may be entitled to as a member of the Board.

Salary of Chairman.

22. The Board may from time to time vote and pay to each member of the Board, exclusive of the Chairman, but including the Deputy Chairman, a fee or sum of one pound one shilling in respect of each meeting of the Board, or a committee of the whole of the Board attended by him :

Members' remuneration.

Provided always that no member shall be entitled to receive such payment in respect of any meeting unless he is present at the time appointed for the holding of such meeting, or within fifteen minutes thereafter :

Provided also that no member shall be entitled to be paid or to receive a greater sum than fifty-four pounds twelve shillings during any year of office.

23. Sections seventeen to thirty-two hereof apply as well to the Board firstly elected as aforesaid as to any Board subsequently elected, and to the members of such Boards respectively.

Application of preceding sections to first election of members.

Committees, and Proceedings of Board and Committees.

24. The whole of Parts VI and VII of the Municipal Corporations Act, 1908, shall apply, except in so far as the same are altered or modified by anything herein contained, and, *mutatis mutandis*, shall be read into and form part of this Act as if the Board were a Borough Council.

Committees, &c.

Officers.

Appointment,
discharge, and
payment of officers.

25. (1.) The Board may from time to time appoint and employ such Returning Officers, engineers, secretaries, clerks, and other officers, servants, and workmen to assist in the execution of this Act as it thinks proper and necessary, and from time to time remove any such and appoint others in the room of such as are so removed, or as die, resign, or discontinue in office, and may out of the Board's fund pay such salaries and allowances to the said officers and others as aforesaid respectively as the Board thinks reasonable.

(2.) One person may hold two or more offices under the Board.

By-laws.

Board may make
and revoke by-laws.

26. The Board may from time to time make by-laws for all such purposes as are expressly provided for by the Tramways Act, 1908, or by this Act or any Act incorporated herein, and all such other by-laws as in the opinion of the Board are reasonable, requisite, or necessary for the protection of its property and interests, or for the good government or management of its affairs.

Manner in which
by-laws shall be
made.

27. Such by-laws shall be made only in the manner and subject to the conditions following:—

(a.) They shall be made by special order only; provided that in publicly notifying the resolution making such order it shall not be necessary to set forth the whole of the proposed by-law if the object or purport of the same is stated, and if a copy of the proposed by-law is deposited at the office of the Board or at some other place in the district which shall be specified in the notifications, and is open to the inspection of the public during office hours for at least seven days immediately preceding the meeting at which the said resolution is to be confirmed:

(b.) They shall have the seal of the Board affixed thereto:

(c.) They shall come into force on a day to be named therein, or in the special order making the same, which shall not be earlier than fourteen clear days after the making of such order:

(d.) They shall be published in the *Gazette* within fourteen days after confirmation of the special order:

(e.) They may within three months after such publication be disallowed by the Governor.

Penalty for breach
of by-laws.

28. (1.) Every person who commits a breach of any by-law made under this Act is liable to a fine not exceeding five pounds, or where the breach is a continuing one, then to a fine not exceeding ten shillings for every day during which such offence continues.

(2.) But the Board may, after conviction for the continuing breach of any by-law, apply to the Supreme Court for an injunction to restrain the further continuance of such breach by the person or persons so convicted.

(3.) The continued existence in a state contrary to any by-law of any work or thing shall be deemed a continuing offence within the meaning of this section.

(4.) A copy of any such by-law sealed with the seal of the Board shall be received in all Courts as evidence thereof, and that the same has been made in accordance with this Act.

29. (1.) If any elector of the district desires to question the validity of any by-law or part of a by-law made by the Board under this Act, and pays to the Registrar of the Supreme Court at Wellington the sum of five pounds as security for the costs of proceedings hereinafter mentioned, it shall be lawful for such elector to apply to the Supreme Court or a Judge thereof for an order calling upon the Board to show cause why such by-law or part thereof should not be quashed or varied, upon such ground or grounds to be stated in such order.

Validity of by-law may be tested.

(2.) Upon the hearing of the matter the Court or Judge may quash or amend the by-law, or make such order, with or without costs, as the Court or Judge thinks fit.

(3.) Nothing in this section shall be applicable to an elector being appellant from any conviction or order under any by-law under this Act.

30. The Board shall cause printed copies of all by-laws to be kept at the office of the Board, and to be sold to any elector applying for the same at reasonable charge.

Copies of by-laws to be on sale.

Valuation Roll and Rating.

31. For the purpose of making rates the Valuer-General shall on request furnish to the Board an assessment roll made under the Valuation of Land Act, 1908, of all property within the said district, and such rolls shall be the only valuation upon which rates may be levied under this Act for the purposes thereof.

Valuation roll.

32. When at the time appointed for the payment of any rate the term for which any tenant or occupier liable to pay such rate is then entitled to occupy the property rated is less than five years, computed from the time so appointed for payment, or if the tenancy has then determined, such tenant or occupier shall, notwithstanding any contract to the contrary as between himself and his immediate landlord, be entitled to deduct and retain out of the rent payable by him, or recover from his landlord in case such rent is not sufficient for the purpose, the amount of such rate paid by him; but if such tenant or occupier has the power or right to purchase the property rented, the rate paid shall not be so recovered.

Tenant may recover rate against landlord in certain cases.

33. The Board shall make, levy, and collect its own rates in manner provided for the making and collection of rates by the Rating Act, 1908, and proceedings may be taken for the recovery of the rates under that Act.

Collection of rates.

Contracts and Works.

34. In respect of contracts and works authorised by this Act the Board may exercise all the powers and authorities conferred upon Councils of cities and boroughs by Part XVIII of the Municipal Corporations Act, 1908, which said Part shall, *mutatis mutandis*, be read into and form part of this Act.

Contracts and works.

Powers of Board.

Power to work
tramways.

35. Subject to the provisions of the Tramways Act, 1908, the Board shall have full power and authority to construct, equip, maintain, and work tramways within the district, and to carry goods and passengers thereon.

Power to sell
electricity and run
trams, &c.

36. The Board may also—

(a.) Supply and sell electricity, whether for public or private lighting-power or other purposes, within or without the district, subject, however, within the boroughs of Lower Hutt and Petone to the previous consent of and upon such terms and conditions as may from time to time be imposed by the Mayor, Councillors, and Burgesses of the borough within which such supply and sale of electricity is to be made :

(b.) Carry passengers and goods for hire on any public roads within or without the said district in vehicles drawn or propelled by horse, animal power, or mechanical traction of any kind not being carriages with flange wheels for running on tramrails.

Powers of local
authorities relating
to tramways to vest
in Board.

37. All the rights, powers, duties, and authorities which are now and which would or may at any time hereafter (but for the passing of this Act) be vested in or exercisable by the Councils of the said boroughs or county, or any or either of them, in relation to tramways, or the authorising, constructing, maintaining, working, leasing, ordering, governing, or controlling tramways, or persons or things in relation to tramways within the said boroughs or county respectively, shall now and henceforth vest in and be exercisable only by the Board throughout the district.

Power to acquire
land.

38. For the purpose of the said tramways, and of any other tramways which it may acquire or construct, or propose to construct, and for any other purpose connected with or incidental to the ownership or use of the tramways, or the exercise of any power or performance of any duty devolving upon the Board under this Act, the Board shall have full power and capacity to purchase, take, acquire, hold, manage, buy, sell, rent, lease, and deal with lands and hereditaments within or without the district of any tenure, and all classes of personal property (including therein the acquisition, holding, management, leasing, and otherwise dealing with endowments), and with full power to make all kinds of contracts connected with or incident to the carrying-out of the objects of this Act.

Costs of preparing,
promoting, and
passing Act.

39. Out of any moneys in the hands of the Board, or out of any loan raised under the provisions of this Act, may be paid any preliminary expenses incurred in formulating or inaugurating the scheme of this Act ; and the costs, charges, and expenses of the promoters of such scheme, and of the Board when formed, in the preparing, promoting, and passing this Act, and of forming the district, and of the first election of members of the Board, and of obtaining any Orders in Council or Proclamations necessary for furthering the said scheme, and carrying out the provisions of this Act ; and if any disputes arise as to the amounts of any such costs, charges as expenses, or as to whether the same or any parts thereof respectively

are properly payable, the same shall be settled by the Magistrate on summons in the same manner as in this Act provided in the case of improvement charges.

40. For the purpose of using electricity as a motive power where authorised by any Order in Council under the provisions of the Public Works Act, 1908, the Board may, in addition to any powers conferred on it by or in virtue of clause eighteen of the Second Schedule to the Tramways Act, 1908, do any of the following things:—

Powers to Board when using electricity as a motive power.

(a.) May do all or any of the things in the said clause eighteen specified without as well as within the district :

(b.) May (subject to liability to pay compensation to any person or company whose land or any right therein is taken or injuriously affected) do all or any of the things in the said clause eighteen mentioned in or over the land of any person or corporation, or with the permission of the Minister for Public Works, in or over any Crown land :

Provided that such compensation shall be assessed in manner provided by the Public Works Act, 1908.

41. The Board may from time to time make agreements with persons liable to pay rates under this Act for the purpose of extending its tram-lines or making branches in such directions as the Board thinks fit, and may make it a condition of any such agreement as aforesaid that such ratepayers shall contribute to the costs, charges, and expenses of obtaining any Orders in Council or Proclamations, and of making such line and running the tram service, such contribution being either a cash payment, a guarantee of a fixed capital or annual sum, or in such other form as the parties may agree upon,

Power to agree with parties for extension of tram service.

42. The Board shall have all the powers given to a local authority by sections nine to thirteen of the Tramways Act, 1908, as to delegation and assignment of powers, and also all the powers given to a local authority by sections sixteen to twenty of the same Act as to private tramways, which Act, so far as may be necessary for the purposes of this section, is, *mutatis mutandis*, hereby incorporated into this Act. The consent of the local authority to assignment required by sections ten to thirteen of the Tramways Act, 1908, shall be deemed to be read as the consent of the Board.

Power to delegate and assign powers.

General Rates.

43. The Board may from time to time, as it thinks fit, make and levy a general rate, not exceeding in any one year twopence-halfpenny in the pound, on all rateable property within the said district, on the unimproved value thereof.

General rates.

44. Before making any general rate the Board shall cause an estimate to be prepared of the proposed expenditure of the Board during 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 the property on the valuation roll, and the general rate thereon necessary to raise the money required, and such estimate being approved by the Board shall be publicly notified in the said district one week before making the proposed rate.

Annual estimates.

Objection to rate struck not allowed as defence.

45. No objection shall be allowed in any Court to any rate which the Board or a Receiver purports to strike, make, or levy under the provisions of this Act, or which form the security for any debentures or coupons issued thereunder; and no informality or irregularity, whether in form or in substance, in the making, striking, or levying of such rate, or in the election or appointment of any body or person acting in connection therewith, shall be allowed by any Court as a defence to any action or proceedings for the recovery of such rate, or be entertained as a ground for quashing such rate or restraining the recovery thereof.

Borrowing.

Power to borrow for the purposes of this Act.

46. For any purposes connected with the execution of the powers conferred by this Act, but not for the purpose of maintaining the tramways constructed hereunder, the Board may borrow at a rate of interest not exceeding five pounds per centum per annum such sums of money not exceeding in the whole the sum of one hundred and twenty thousand pounds, or in the event of the district being enlarged under the provisions of this Act, then such sums not exceeding in the whole one hundred and fifty thousand pounds as may from time to time be required.

Special provisions for the taking of separate polls.

47. Notwithstanding anything in this Act contained, section twelve of the Local Bodies' Loans Act, 1908, shall not apply to any special loan proposed to be raised by the Board, and in lieu thereof the following provisions shall apply to every special loan proposed to be raised by the Board under the powers contained in the said last-mentioned Act:—

- (a.) For the purposes only of this section the said district shall be subdivided into the following subdistricts, namely:—
- (i.) "The Hutt Subdistrict," meaning thereby the Borough of the Lower Hutt and those portions of the Hutt County comprised in the said district which lie to north of "White's Line" and Wakefield Street; and
 - (ii.) "The Petone Subdistrict," meaning thereby the Borough of Petone and those portions of the Hutt County comprised in the said district which lie to the south of "White's Line" and Wakefield Street.
- (b.) For the purposes aforesaid there shall be separate electoral rolls for each of the said subdistricts, and the provisions of this Act as to electors lists, electors' qualifications, electoral rolls and poll shall, *mutatis mutandis*, apply to each of the said subdistricts as if it were the said district.
- (c.) For taking polls under this section there shall for the Hutt Subdistrict be two polling-booths, one in the Borough of the Lower Hutt and the other in the City of Wellington; and for the Petone Subdistrict also two polling-booths, one in the Borough of Petone and the other in the City of Wellington.
- (d.) The proposal to borrow money shall be deemed to have been carried if the total number of valid votes recorded at the poll in each of the subdistricts shall in that sub-

district exceed the number of those recorded against the same, and the Board may proceed with the proposal accordingly, otherwise the proposal shall be deemed to have been rejected.

- (e.) If in either subdistrict the total number of valid votes in favour of any such proposal as aforesaid does not exceed the number of those recorded against the same, the Board may take subsequent polls in the said district, and, on the petition of at least one-tenth of the persons entitled to vote thereon in such last-mentioned subdistrict, shall take a second poll in the said district within one year after the date of such first poll, and if at any such subsequent poll the total number of valid votes in each subdistrict in favour of the proposal exceeds the number of those recorded against the same, the proposal shall be deemed to have been carried within the said district for the purposes of paragraph (d) of this section; but if at such second poll made within the year, and after petition as aforesaid from either subdistrict, the total number of valid votes in either subdistrict in favour of the proposal does not exceed the number of those recorded against the same, then the Board may by resolution declare that the Board shall be dissolved, and after such resolution the Governor shall by Order in Council dissolve the Board, and the provisions of section sixty-seven of this Act shall apply as if the Board had failed to construct, equip, and commence a complete tram service in the said district; but nothing in this paragraph shall, in the absence of any such petition, be deemed to prevent the Board taking any number of polls in the said district subsequently to the second polls above mentioned, and if at any such subsequent poll, before such resolution shall have been carried, the total number of valid votes in each of the subdistricts in favour of the proposal exceeds the number of those recorded against the same, then the proposal shall be deemed to have been carried in the said districts within the meaning of paragraph (d) of this section.

48. Any proposal to borrow money under this Act shall be deemed to be carried if the total number of valid votes recorded at the poll in favour of the proposal exceeds in number those recorded against the same, and the Board may proceed with the proposal accordingly, otherwise the proposal shall be deemed to be rejected. Majority-vote final.

49. (1.) For the purpose of providing the interest and sinking fund upon any loan raised or to be raised, or debentures issued or to be issued under the provisions of this Act, the Board shall have power, notwithstanding the provisions of any existing general Act, by special order or orders, to make and levy a special rate upon the rateable property within the district according to the unimproved value thereof. Special rate.

50. There shall be created a sinking fund of not less than one pound per centum per annum for the redemption of each and every loan raised under this Act. Sinking fund.

Exemptions from stamp duty.

51. Stamp duty shall not be payable in respect of any debenture or coupon issued under this Act or of any transfer thereof respectively or in respect of any statutory declaration required to be made for the purposes of any loan by the Board or any officer thereof.

Judge or Magistrate not deemed interested on account of liability for rates. Overdraft.

52. No Judge or Magistrate shall solely on account of his liability to pay rates be deemed to be interested in any proceeding in which he is concerned.

53. (1.) The Board may, in anticipation of its revenue receivable under its general account and under any special or separate account, from time to time borrow moneys from its banker by way of overdraft, or from any corporation or persons by way of temporary loan.

Limitation.

(2.) It shall not be lawful for the Board to borrow or receive moneys, as in this section mentioned, at a higher yearly rate of interest than six per centum, or to enter into any engagements or contracts whereby the total liabilities of the Board (exclusive of all loans lawfully raised and debentures lawfully issued) at the end of the month of March in any year exceed, exclusive of any moneys borrowed, the amount of the income of the Board for such year.

Provision where interest may be paid out of loan-money.

54. During the first year's currency of any special loan, whilst any work for which a special loan is raised is being constructed interest on such loan may be paid out of loan-money.

Accounts and Audit.

Accounts and audit.

55. (1.) The Board shall keep the following accounts:—

- (a.) A Revenue Account, showing all receipts and expenditure not required by this Act to be shown in any special account, and showing the profit and loss of the undertaking, exclusive of interest, sinking fund, improvement charges, special and general rates :
- (b.) A Net Revenue Account, showing the balance of the Revenue Account, and showing interest, sinking funds, improvement charges, special and general rates :
- (c.) An Appropriation Account, showing the balance of the Net Revenue Account and disposition of the same :
- (d.) A balance-sheet, showing assets and liabilities, including capitalised improvement charges, loan-moneys, and sinking fund :
- (e.) Separate accounts of all moneys raised or levied for, or apportioned or allocated to, or held in trust for any special purpose.

(2.) The provisions contained in Part XIII of the Municipal Corporations Act, 1908, relating to accounts and audit shall apply and, *mutatis mutandis*, shall be read into and form part of this Act, as if the Board were a Council, and as if the Board's fund were a district fund under that Act.

Board's Fund.

Particulars of fund.

56. The Board's fund shall consist of the following moneys, that is to say:—

- (a.) All moneys received by way of capitation grant from the General Government, or by appropriation of Parliament, or under or in pursuance of any Act :
- (b.) All rates made and levied by the Board under this or any other Act :
- (c.) All rents, income, and profits from property or operations of the Board :
- (d.) All fines recovered under the provisions of this Act, or of any Act incorporated in this Act, or any by-law made under this Act, for any offences committed within the district, except so much thereof as may by law be payable to any prosecutor or informer :
- (e.) All moneys received by way of loan as provided in this Act :
- (f.) All other moneys which may become the property of the Board.

57. The Clerk or other proper officer of the Court in which any fines under the provisions of this Act, or of any Act incorporated herein, or any by-law made hereunder, are recovered shall, within ten days after the receipt thereof, pay the same over to the Board.

Fines, &c., to be paid to Board.

58. Whenever any fines which ought to be paid over under the last preceding section are by law required to be paid in stamps and have been so paid, the Clerk of the Court or such officer as specified in the said section shall certify to the Minister of Finance the amount of the same and that they have been so paid, and thereupon the said Minister, without the necessity of any appropriation by Parliament, shall pay the same to the Board out of the Consolidated Fund.

When fines, &c., collected in stamps, provision for paying to Board.

59. All moneys belonging to the Board shall be paid into such bank as the Board from time to time appoints and publicly notifies (hereinafter called "the bank").

Moneys to be paid into bank.

60. Capital moneys in connection with special loans shall be paid into separate bank accounts.

Moneys to be paid to separate account.

61. No moneys shall be drawn out of the bank except by authority of the Board, and all moneys shall be paid by the Board in cash, or by cheque signed by the Secretary of the Board and countersigned by any two of such members of the Board as the Board from time to time authorises to sign cheques, and shall not be paid otherwise.

How moneys drawn from bank.

62. All moneys paid or purporting to be paid by the Board by promissory note or bill shall be deemed to have been moneys unlawfully paid within the meaning of section one hundred and fourteen of the Municipal Corporations Act, 1908, and may be recovered in manner as in the said section mentioned.

Moneys not to be paid by promissory note or bill.

Miscellaneous.

63. The provisions of sections numbers three hundred and sixty-six to three hundred and sixty-nine and three hundred and seventy-one of the Municipal Corporations Act, 1908, shall apply and, *mutatis mutandis*, shall be read into and form part of this Act

Municipal Corporations Act sections adopted.

as if the Board were a Council and the electoral list or roll were a district electoral list or roll under that Act.

Lamps to be provided at terminus of line or of any branch.

64. The Board shall at all times when so required by the local authority of the district, and to the satisfaction of the local authority, provide and maintain a lamp attached or near to the pole at the terminus of the line or any branch thereof, and shall keep the said lamp alight at all hours required by the local authority.

Board may insure against liability for accident to employees.

65. The Board may insure itself against any liability under the Employers' Liability Acts, the Workers' Compensation Acts, and any law or statute under which the Board may be made liable for death of or injury to officers, servants, or workmen of the Board.

Acts incorporated.

66. So much of the followings Acts as are necessary for the purposes of this Act are deemed to be incorporated herein, and, *mutatis mutandis*, shall be read as part of this Act in so far as they are not in conflict with the express provisions of this Act, and as if the Board were a local authority and a local body, and the district were a district as defined by any of such Acts :—

The Tramways Act, 1908 ;
 The Public Works Act, 1908 ;
 The Rating Act, 1908 ;
 The Valuation of Land Act, 1908 ;
 The Local Elections and Polls Act, 1908 ;
 The Local Bodies' Loans Act, 1908 ;
 The Municipal Corporations Act, 1908.

If the Board does not establish its scheme in three years, then Board to be dissolved.

67. If within three years after the election of the first Board under section six hereof the Board has not constructed, equipped, and commenced to run a complete tram service in the district, then the following provisions shall apply :—

- (a.) The Governor shall by Order in Council dissolve the Board as from a date to be fixed by the Order.
- (b.) As from such date the Board shall be dissolved and cease to exist, and all its property or the balance thereof after payment of debts shall vest in the Corporations of Lower Hutt and Petone Boroughs in such shares and proportions and in such manner as the Governor by Order in Council declares.
- (c.) Prior to such dissolution the Board shall levy such a rate as the Governor in Council directs for the purpose of paying its debts, and the Board shall out of the proceeds of such rate and the sale of any assets of the Board pay all its debts.
- (d.) The Governor shall by Order in Council make all provisions and regulations necessary for carrying this section into effect, which provisions and regulations shall have the same force and effect as if they had been enacted herein.

SCHEDULE.

Schedule.

ALL that area in the Wellington Land District, being Sections Nos. 9 and 10, Block XIII, Belmont Survey District, bounded towards the north and east by the Borough of Lower Hutt; towards the south-west by Port Nicholson; and again towards the north-west by the Borough of Petone.

Also all that area in the Wellington Land District, bounded towards the north by Section No. 55, Block IX, Belmont Survey District, from the westernmost corner of that section to its south-eastern corner; thence towards the north-west by Sections Nos. 55 and 56, Block IX aforesaid, to the westernmost corner of Section No. 188, Block X, Belmont Survey District; thence towards the north-east by the last-mentioned section to its southernmost corner; thence towards the east generally by Sections Nos. 45, 44, 43, and 42, Block X aforesaid, and Section No. 41, Block XIV, to the southernmost corner of the last-mentioned section; thence towards the south, north-west, and again towards the south generally by the Borough of Lower Hutt to the westernmost corner of Section No. 49, Block IX, Belmont Survey District; and thence towards the north-west by Sections Nos. 48 and 51, Block IX aforesaid, to the place of commencement.