

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Wednesday, the 4th day of October, 1871.

Honourable Mr. GISBORNE to move in Committee on the Highway Boards Empowering Bill, the following clauses:—

(a.) The term "Main Road" when used in this Part of this Act shall mean any road or part of road which may from time to time be declared by the Governor to be for the purposes of this Part of this Act a main road.

Interpretation.
"Main roads."

The expression "Colonial Contribution Money" shall mean that share of the moneys appropriated by "The Payments to Provinces Act 1871" or by any other Act of the General Assembly to Road Boards which shall be allotted under that Act to the highway district with reference to which the expression is used.

"Colonial Contribution Money."

(b.) If at any time there shall be within any highway district a main road continuing up to the boundary of such district and there shall not be within the adjoining highway district whether this Part of this Act has been extended to such adjoining district or not a main road or a main road sufficiently formed continuing from such first-mentioned road through such last-mentioned district it shall be lawful for the governing body of such first-mentioned district to petition the Superintendent of the Province within which such districts lie for an order that a sufficient road shall be formed through such last-mentioned district.

Where a main road formed up to boundary of a district and no continuous road in adjoining district governing body of either district may apply to Superintendent to order road to be made and expense to be borne by Public Works Construction Fund of the adjoining district or jointly by the Public Works Construction Funds of both districts.

Such petition shall if the governing body petitioning is willing that some portion of the Colonial Contribution Moneys of such first-mentioned district should be applied towards the formation of such road state that the governing body is willing that a portion of such moneys shall be so applied.

On the receipt of such petition the Superintendent shall transmit a copy of such petition to the other governing body and the Superintendent shall fix a time and place at which he will proceed to inquire as to the necessity for the formation of such road and give notice to the governing body of each of such districts of the time and place so fixed and shall then proceed to inquire in such manner as he shall think fit into the circumstances of the case.

If the Superintendent shall think fit it shall be lawful for him by an order in writing published in the *Government Gazette* of the

Province to order that a road of such length and direction as he shall think fit shall be formed in or through the district hereinbefore in this section secondly mentioned by the governing body of such secondly-mentioned district.

If the Superintendent shall think that the expense of such formation should be defrayed alone out of the Colonial Contribution Moneys of the district within which such road is to be formed he shall in the said order so declare and shall retain out of the Colonial Contribution Moneys of such district thereafter payable to such district an amount sufficient to defray such expense.

If the Superintendent shall think that such expense should be defrayed partly out of such last-mentioned moneys and partly out of the Colonial Contribution Moneys of the other district he shall in and by such order as aforesaid direct what proportion of the cost of the construction of such road shall be defrayed out of each of such moneys and the Superintendent shall out of the Colonial Contribution Moneys of each highway district retain such amounts as shall be sufficient to defray the proportion of the expenses to be borne by it.

Before order made Superintendent to call on governing body for plans and estimates to be certified by persons appointed by Superintendent.

(c.) Before any order for the formation of any such road as last aforesaid shall be made such Superintendent shall notify to the governing body of the district within which such road is to be formed that it is intended to make such order and he shall describe the road or part of road which is to be the subject of such order with sufficient particularity to enable such governing body to cause a sufficient plan specification and estimate of cost of such road to be prepared.

Upon the receipt of such notification the governing body shall cause to be prepared and transmitted to the Superintendent a plan and estimate of the cost of the work together with a certificate under the hand or hands of such person or persons as the Superintendent shall for the purpose appoint (whose name or names shall be specified in the notification sent by the Superintendent) that the plan is sufficient and such certificate shall also contain a statement that the estimated cost is in the opinion of such person or persons as aforesaid fair and reasonable.

After the receipt of such plan and estimate and certificate if the Superintendent shall approve of the same it shall be lawful for him to make such order as in the last preceding section is provided and the order shall refer to the plan.

If after such notification shall have been made to such governing body such body shall neglect within such time as the Superintendent shall think reasonable to forward such plan estimate and certificate it shall be lawful for the Superintendent to cause a plan and estimate to be prepared and to make such order as aforesaid and the governing body shall comply with such order.

After compliance with order is certified Superintendent empowered to issue order for payment to the contractor &c. out of the district.

When any order made under the last two preceding sections shall have been complied with by the governing body bound to comply therewith and they shall have forwarded to the Superintendent a certificate by such person or persons as the Superintendent shall appoint for the purpose that such order has been complied with such Superintendent may issue his certificate to the Provincial Treasurer certifying what amount shall be paid out of the Colonial Contribution Moneys of the district in which the work is not executed to the governing body which shall have performed the work and in like manner the Superintendent may from time to time during the progress of such works authorize the Provincial Treasurer to make payments on account of such work out of the said moneys.

Treasurer to issue receipt of order out of the fund.

The Provincial Treasurer upon the receipt of any such certificate as aforesaid from the Superintendent of the Province authorizing him to pay any such sum as in the last preceding section

mentioned shall pay such sum to the governing body which shall have formed such road or been ordered to form such road out of the Colonial Contribution Moneys of the district named in such certificate if there shall be sufficient money standing to the credit of such district or if not so much as shall then be standing to the credit of such district and shall out of any moneys which may thereafter stand to the credit of such district pay thereout the moneys so authorized to be paid or so much as shall not have theretofore been paid.

If the governing body of any district shall fail to comply with any order made under the preceding section of this Act within the time appointed by the order the Superintendent may if he think fit order that such person or persons as he shall think proper and appoint for the purpose shall have power to effect the construction of the works specified in such order.

If orders not complied with Superintendent may appoint persons to effect construction who are to have same power as governing body.

The person or persons appointed by the Superintendent to effect such construction is or are hereby authorized upon such order being made to effect such construction and such person or persons shall for the purpose aforesaid have all the powers by law vested in the governing body in that behalf and it shall be lawful for the Superintendent to notify to the Provincial Treasurer that he has made such order as last aforesaid and to request the Provincial Treasurer to retain and to pay to such person or persons aforesaid out of any Colonial Contribution Moneys of the district the governing body of which shall have failed to comply with the order as aforesaid such sum as the Superintendent shall think will be required for the formation of such road or such sum which together with any sums payable out of the Colonial Contribution Moneys of any adjoining district will be sufficient for such purpose.

The Provincial Treasurer shall then issue and pay out of the Colonial Contribution Moneys of such district to such person or persons so appointed as last aforesaid such moneys to be applied in paying the expense of such construction and there shall also be payable to the person or persons so appointed to construct such road the sum (if any) ordered to be paid out of the Colonial Contribution Moneys of any district adjoining to the district in which the road is to be formed in like manner as such moneys would have been payable to the governing body ordered to construct such road.