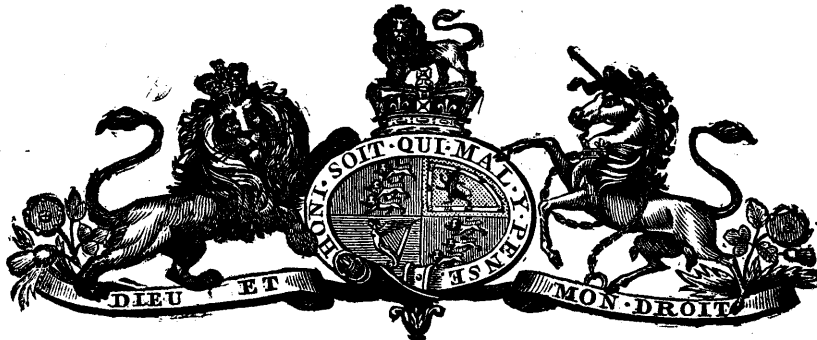


NEW ZEALAND.



TRICESIMO NONO

VICTORIÆ REGINÆ.

No. LV.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Repeal of 2nd section of "Clutha River Trust Reserves Act, 1874." Board of Conservators constituted. 3. First members of Board. 4. Members of Board when elected and by whom. Vacancies how filled up. 5. Names of members of Board when elected or appointed to be intimated to Clerk of Board. 6. Powers of Board. 7. Incorporation of Board. 8. Chairman or other member to preside. Quorum. 9. Power to make by-laws. 10. Appointment of officers. 11. Officers to find security. 12. Officer exacting fees unlawfully liable to a penalty of £50. 13. Moneys to be paid into bank, and mode of drawing cheques. 14. Duties of collector. | <ol style="list-style-type: none"> 15. Officer to account when called upon. 16. Officer failing to account liable to a penalty not exceeding £100. 17. Board may enter into contracts. 18. Books to be provided and open for inspection. 19. Accounts to be balanced and audited. 20. Statement and account to be opened for inspection. 21. Accounts when audited to be produced at annual meeting. Annual meeting when held. 22. Abstract of accounts to be published. 23. Rents &c. how to be paid to Board. 24. Words "or lease" struck out of proviso to section 4, "Clutha River Trust Reserves Act, 1874." 25. Appropriation of rent of reserves. 26. Provision for drainage sewerage &c. 27. Penalties recoverable summarily. Schedule. |
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AN ACT to constitute a Board of Conservators for the District of Clutha River. Title. [21st October, 1875.]

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 shall be "The Clutha River Conservators Board Act, 1875." Short Title.
2. The second section of "The Clutha River Trust Reserves Act, 1874" (hereinafter called "the said Act"), is hereby repealed, and in lieu thereof it is enacted that there shall be for the Clutha River District, the boundaries whereof are defined in the Schedule hereto, a Board of Conservators, who shall hold the lands described in the Schedule of the said Act upon the trusts and for the purposes hereinafter expressed or implied. Repeal of 2nd section of "Clutha River Trust Reserves Act, 1874."

Board of Conservators constituted.

Clutha River Conservators Board.

First members of Board.

3. As soon as this Act shall have been assented to by the Governor, the Mayor of the Municipality of Balclutha, and the Chairmen of the Boards of the Road Districts of Balmoral, Clydevale, Pomahaka, Clutha, South Molyneux, and Matau, shall be and they are hereby constituted the Board of Conservators for the District of Clutha River, and they shall continue in office until the thirty-first day of August, one thousand eight hundred and seventy-six.

Members of Board when elected and by whom.

4. During the month of August, one thousand eight hundred and seventy-six, and during the month of August in each succeeding year, it shall be lawful for the Municipal Council of Balclutha to elect a person to serve as member of the said Board of Conservators, and on the third Wednesday in the month of August, one thousand eight hundred and seventy-six, and on the third Wednesday in the month of August in each succeeding year, it shall be lawful for the Boards of the Road Districts of Balmoral, Clydevale, Pomahaka, Clutha, South Molyneux, and Matau, each to elect one person to serve as member of the said Board of Conservators, and the person or persons elected by the Municipal Council of Balclutha and the Board or Boards of the Road Districts before mentioned shall serve as member or members of the Board for the year commencing on the first day of the month of September immediately following the election of such member or members, and such person or persons shall continue to serve as member or members of the said Board till the thirty-first day in the month of August in the year following the date of his election: Provided that any person who has served on the Board shall be eligible for re-election: Provided further, that in the event of the said Municipal Council of Balclutha, and any one or more or all of the Boards of the said Road Districts of Balclutha, Clydevale, Pomahaka, Clutha, South Molyneux, and Matau, failing to elect a person or persons to serve as member or members of the said Board of Conservators, or in the event of a vacancy occurring through the death resignation or otherwise of the person or persons elected, the Mayor for the time being of the Municipality of Balclutha, and the Chairman or Chairmen for the time being of the Board or Boards of the Road Districts before mentioned that have failed to elect or in which a vacancy shall have occurred as aforesaid, shall be *ex officio* members of the said Board.

Vacancies how filled up.

Names of members of Board when elected or appointed to be intimated to Clerk of Board.

5. The Clerk of the Municipal Council of Balclutha and the Clerks of the Road District Boards before mentioned shall each intimate in writing to the Clerk of the Board of Conservators the name of the person elected to serve as member of the Board, and in the event of the Municipal Council of Balclutha or any Board of the Road Districts aforesaid having failed to elect a person to serve as member of the Board of Conservators, or in the case of a vacancy having occurred in the office of the person elected as aforesaid, the Clerk of such Municipal Council or of such Road District Board shall intimate in writing to the Clerk of the Board of Conservators the name of the person serving as Mayor of such Municipality or Chairman of the Board of such Road District.

Powers of Board.

6. The Board shall have full power and authority to do all things necessary for the improvement of the navigable waters of the Clutha River, and also to erect jetties embankments piers docks wharves 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, and shall have all the rights powers authorities and privi-

Clutha River Conservators Board.

leges which a Harbour Board constituted under "The Harbour Boards Act, 1870," would have or be entitled to, except where such rights powers authorities and privileges would be inconsistent with or at variance with the provisions of this Act: Provided that no jetties or other works as aforesaid shall be constructed or undertaken unless the plans and specifications of such jetties and other works shall have been submitted to and approved by the Governor in Council in the manner prescribed by the thirty-third section of "The Marine Act, 1867," as amended by "The Harbour Works Act, 1874."

7. The said Board hereby to be 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 navigable waters 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 wharves docks or warehouses, or as endowments for the said Board, or for any other purpose connected with the improvement or management of the navigable waters 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, in the absence of any provisions in this Act to the contrary, to any provisions contained in "The Harbour Boards Act, 1870," affecting such powers.

Incorporation of Board.

8. At all meetings of the Board the Chairman, or in his absence such member of the Board as the majority of the members assembled shall choose, shall preside, and such Chairman or presiding member shall have a deliberative vote, and in all cases of equality of votes a casting vote also. Unless four 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 four at least be present.

Chairman or other member to preside.

Quorum.

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.

Power to make by-laws.

10. The Board may from time to time appoint and employ a treasurer, a secretary, and such and so many engineers surveyors clerks collectors and other officers to assist in the execution of this Act 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.

Appointment of officers.

11. Before any officer intrusted by the Board with the custody or control of moneys by virtue of his office shall enter upon such office, the Board shall take sufficient security from him for the faithful execution thereof.

Officers to find security.

12. Every member of the Board and every officer employed by

Officer exacting fees

Clutha River Conservators Board.

unlawfully liable to a penalty of £50.

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 Act, 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.

Moneys to be paid into bank, and mode of drawing cheques.

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 Chairman or presiding member, and countersigned by the Treasurer of the Board, or by such other person as the Board may appoint.

Duties of collector.

14. Every collector appointed or employed by the Board by virtue of this Act 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, or such other person as the Board may appoint, 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 the Board 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, or other such person as aforesaid, by virtue of this Act, and also a list of the names of all persons who have neglected or refused to pay any rent due or money owing to the Board, 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 to do, deliver such a list embracing the particulars brought down to the day of his delivering such list.

Officer to account when called upon.

15. Every officer appointed or employed by the Board by virtue of this Act shall from time to time, when required by the Board, make out and deliver to the Board, 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 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 Act, or belonging to the Board, he shall be liable to a penalty of not exceeding one hundred pounds: Provided always, that no proceeding against any such officer for such penalty as aforesaid shall deprive the Board of any remedy which the Board might otherwise have against such officer, or against any surety of such officer.

Board may enter into contracts.

17. The Board may enter into contracts with any person for the execution of any works permitted or authorized by this or any other Act of the General Assembly to be done by the Board, or for furnishing materials or for any other things necessary for the purposes of this Act,

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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 their 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.

18. 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 within the same province, and true and regular accounts to be entered therein of all sums received and paid for and on account of this Act, 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 the 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.

Books to be provided and open for inspection.

19. The Board shall cause its accounts to be balanced in each year 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 Act 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 before such other person as the Superintendent may by warrant under his hand from time to time appoint to audit the accounts of the Board; and the Provincial Auditor, or other the person so appointed to audit the accounts of the Board, 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

Accounts to be balanced and audited.

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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 the custody or power of the Board 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 thinks 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 by him.

Statement and account to be open for inspection.

20. The Board shall cause such statement and account to be fairly 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 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 or copied, and lie at the office of the Board ready for the inspection of the creditors of the Board.

Accounts when audited to be produced at annual meeting.

21. The accounts of the Board, so balanced as aforesaid and audited, 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. 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.

Annual meeting when held.

Abstract of accounts to be published.

22. The Board shall every year cause an account in abstract to be prepared showing the total receipts and expenditure of all funds received by virtue of this Act 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.

Rents &c. how to be paid to Board.

23. All rents license fees or other moneys payable under or in respect of any license or lease of the lands, or any portion of them, described in the Schedule to the said Act, shall be payable to the Receiver of Land Revenue as provided by "The Otago Waste Lands

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Act, 1872," and any Act amending the same, and the Receiver of Land Revenue shall, within one month from the date of the payment to him of such rents license fees or other moneys, pay over to the Treasurer of the Board of Conservators such rents license fees or other moneys so received by him, and the receipt of the Treasurer of the said Board, countersigned by a member of the Board, shall be a sufficient discharge to the said Receiver of Land Revenue in respect of the same.

24. The proviso to the fourth section of the said Act shall be read as if the words "or lease" had never been inserted therein.

25. All moneys received by the Board in respect of the lands described in the Schedule to the said Act shall be managed by the Board, and shall be applied and disposed of for the purposes of this Act in such manner as the Board may from time to time determine.

26. The Board shall grant to the Town Council of the Town of Balclutha, for the benefit of the citizens and inhabitants of the said town, full rights privileges and easements of drainage and sewerage in through over and under all lands which shall be conveyed to or vested in or be under the control of the Board by virtue of this Act, and shall expressly reserve such rights privileges and easements in any lease granted by the Board of such lands or any part thereof.

27. All penalties recoverable by this Act may be recovered in a summary way before any two Justices of the Peace within the province.

Words "or lease" struck out of proviso to section 4, "Clutha River Trust Reserves Act, 1874."

Appropriation of rent of reserves.

Provision for drainage sewerage &c.

Penalties recoverable summarily.

SCHEDULE.

Schedule.

ALL that parcel of land in the Province of Otago, Colony of New Zealand, containing by estimation fifty thousand (50,000) acres, more or less, situate on the banks of the Clutha River, being parts of North and South Molyneux, Hillend, Waitahuna, West Tuapeka, West Rankleburn, Pomahaka, and Clutha Survey Districts, and the whole of Inch Clutha Survey District, commencing at the most southerly corner of Section 1, Block I., Coast District; thence by the south-west boundary of said Section 1 to its north-west boundary; thence by road to the boundary line between the North Molyneux and Kaitangata Survey District; thence by the said boundary to the northern boundary of the Township of Kaitangata; thence by the said northern boundary of the said town to the Kaitangata Lake; thence by the said lake and the Kaitangata Creek to the point of intersection of the road line running through Blocks IV. and VII., North Molyneux Survey District; thence in a south-westerly direction along the said road to its junction with another road line running between Blocks VI., VII., VIII., IX., X., XII., and XIII., North Molyneux, and between Sections 1, 2, 3, 4, 5, 6, 7, and 8, Block XIV., North Molyneux Survey District, to the boundary of the Hillend Survey District; thence in a south-westerly direction along the boundary between the Hillend and North Molyneux Survey Districts to the north-east boundary of the Town of Balclutha; thence by the north-east and north boundaries of the said township to the western boundary of the said township; thence in a straight line to Trigonometrical Station F, Hillend Survey District; thence in a straight line to Trigonometrical Station G, Hillend Survey District; thence in a straight line to Trigonometrical Station L, Hillend Survey District; thence in a straight line to Trigonometrical Station N, Hillend Survey District; thence in a straight line to Trigonometrical Station S, Waitahuna West Survey District; thence in a straight line to Trigonometrical Station Q, Waitahuna West Survey District; thence in a straight line to Trigonometrical Station P, Waitahuna West Survey District; thence in a straight line to Trigonometrical Station J, Tuapeka West Survey District; thence in a straight line to Trigonometrical Station K, Tuapeka West Survey District; thence in a straight line in a north-westerly direction to Trigonometrical Station E, Rankleburn Survey District; thence in a straight line to Trigonometrical Station D, Rankleburn Survey District; thence in a straight line to Trigonometrical Station C, Rankleburn Survey District; thence in a straight line to Trigonometrical Station E, Pomahaka Survey District; thence in a straight line to Trigonometrical Station B, Pomahaka Survey District; thence in a straight line to

Clutha River Conservators Board.

Trigonometrical Station A, Pomahaka Survey District; thence in a straight line to Trigonometrical Station H, Pomahaka Survey District; thence in a straight line to the north-west corner of Section 9, Block LXXII., Clutha Survey District; thence along the northern boundary of the said Section 9 to the road line between Blocks LXXII. and LXXIX., Clutha Survey District; thence in a southerly direction by the said road line to the northern boundary of Block LXXVIII., Clutha Survey District; thence by the northern boundary of said Block LXXVIII. and Block LXX., Clutha Survey District, to the road line between Blocks LXIV. and LXXI., Clutha Survey District; thence in a southerly direction along the said road line to the south boundary of Block LXIII., Clutha Survey District; thence by the said south boundaries of Blocks LXIII., LVI., and L., Clutha Survey District, to the road line between Blocks XLIII. and XLIX., Clutha Survey District; thence in a southerly direction along the said road line to the south boundary of Block XLII., Clutha Survey District; thence along the southern boundaries of Blocks XLII. and XXXVI., Clutha Survey District, to the western boundary of Block XXXIII., Clutha Survey District; thence by the said western boundary of Block XXXIII. to its southern boundary; thence by the said southern boundary to the western boundary of Block XXII., Clutha Survey District; thence in a southerly direction along western boundary of said Block XXII., Clutha Survey District, to its southern boundary; thence along its southern boundary to the western boundary of Block XVII., Clutha Survey District; thence along the said western boundary of Block XVII., Clutha Survey District, to its southern boundary; thence along the southern boundaries of Block XVII. and XIII., Clutha Survey District, to the western boundary of Block VIII., Clutha Survey District; thence by the western boundaries of Blocks VIII., VII., and VI., Clutha Survey District, and the western boundary of the Town of Molyneux, to the southern boundary of the said Town of Molyneux; thence by the southern boundary of the said town to the north-east corner of Section 11, Block I., South Molyneux Survey District; thence in a south-westerly direction in a straight line to the south-west corner of Section 10, Block II., South Molyneux Survey District; thence along the southern boundaries of Sections 10 and 3, Block II., South Molyneux Survey District, to the ocean; thence by the ocean to the starting point.

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