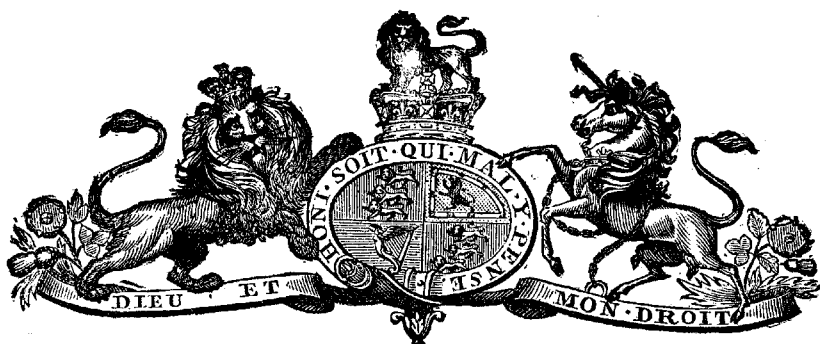


NEW ZEALAND.



TRICESIMO QUINTO
VICTORIÆ REGINÆ.

No. IX.

ANALYSIS.

- | | |
|---|--|
| <p>Title.
Preamble.
1. Short Title.
2. Interpretation.
3. Act shall be brought into operation in certain districts where desired.
4. Boards to be entitled to proportion of money to be divided under "The Payments to Provinces Act 1871."
5. Governor empowered to make regulations for constituting Boards providing for the appointment or election of such Boards and for other purposes.
6. Regulations to be published.
7. Penalties may be prescribed by regulations.</p> | <p>8. Functions and duties of Board.
9. Board to be body corporate.
10. Proceedings of Board not invalidated by vacancy in the number of members.
11. Proceedings valid notwithstanding defects in elections or appointments or by disqualification of members.
12. Provincial Road Ordinances to cease to be in operation in Native Districts.
13. Rates to be paid to Boards and applied by them for purposes of Act.
14. Fines to be paid over to Board.
15. Procedure for recovery of penalties.
16. Limit of Rates.</p> |
|---|--|

AN ACT to provide for the Constitution of Road Boards within Native Districts. [14th November 1871.]

WHEREAS it would conduce to the settlement and pacification of the Colony if the Native inhabitants were authorized and encouraged to undertake the construction of roads and other works of public utility And whereas in furtherance of these objects it is expedient that provision should be made for the constitution of Road Boards within Native districts throughout the Colony :

BE IT THEREFORE 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 Native Districts Road Boards Act 1871" and it shall come into operation within such districts or parts of the Colony as the Governor shall declare in the manner hereinafter provided.

2. In the construction of this Act except where there is something in the context repugnant thereto or inconsistent therewith the following words and expressions shall have the meanings set opposite to them respectively—

"Board" shall mean any Road Board constituted under the provisions of this Act.

"District" shall mean any part of the Colony which may be declared to be a district under this Act.

Native Districts Road Boards.

“Native inhabitants” shall mean and include any persons of the Aboriginal Native race and any half-caste persons of such race.

Act shall be brought into operation in certain districts where desired.

3. Wherever the major part of the residents in any district or part of the Colony are Native inhabitants and a majority in number of such inhabitants shall be desirous that this Act shall be brought into operation within such district and shall signify such desire by a memorial in writing addressed to the Governor praying that the Act may be brought into operation therein it shall be lawful for the Governor upon being satisfied of the truth of the several matters set forth in any such memorial by Proclamation to be published in the *New Zealand Gazette* to declare the district or part of the Colony mentioned in such memorial or such part thereof as he may think fit to be a district within which this Act shall come into operation and in and by such Proclamation shall fix a day on which the same shall come into operation and the Governor may at any time revoke such Proclamation.

Boards to be entitled to proportion of money to be divided under “The Payments to Provinces Act 1871.”

4. On the division of any Province under section number thirteen of “The Payments to Provinces Act 1871” every district constituted under this Act is hereby placed in class three of the said section and the Board thereof shall be entitled accordingly to the same proportion of the money to be divided amongst Road Boards under the said Act as the Road Boards of other Districts of that class. And the Colonial Treasurer shall pay over to the Boards constituted under this Act the several sums to which they may be respectively entitled.

Governor empowered to make regulations for constituting Boards providing for the appointment or election of such Boards and for other purposes.

5. When and so soon as any district shall in manner aforesaid have been proclaimed to be under the operation of this Act it shall be lawful for the Governor in Council from time to time to make alter or annul regulations for all or any of the following purposes:—

- (1.) To provide for the constitution of a Road Board within any such district as aforesaid.
- (2.) For giving a name to any such Board.
- (3.) For providing for the number of members of which any such Board shall consist.
- (4.) Providing for the election of a certain number of members and for the appointment of a certain number of such members the person or persons by whom such appointments shall be made the qualification of persons to elect such members the registration formation and revision of rolls of persons qualified to elect such members and providing for the period for which such members shall be elected or appointed the term and mode of first and subsequent elections or appointments the person by or before whom such elections shall be held and the regulation of such elections the events in which or acts by which vacancies shall occur in the seats of members elected or appointed whether by disqualification lapse of time or otherwise and for the filling up of such vacancies by re-election or appointment for imposing penalties on disqualified persons acting as members for the determining the validity of disputed elections and for fixing the time and place of the first meeting of the Board. Provided that three-fourths in number of the members of any such Board shall be composed of Native inhabitants of the district for which such Board shall be constituted whether such members shall be elected by the persons entitled to elect the members of such Board or shall be appointed to be such members under the authority of this Act or any such regulations as aforesaid.

Native Districts Road Boards.

- (5.) The manner in which and person or persons by whom contracts shall be executed or entered into by or on behalf of any such Board.
- (6.) For regulating the manner in which and times at which its meetings shall be called and held its place of meeting and the manner in which and person by whom its meetings shall be presided over for fixing the number of its members required to be present at the meetings for the exercise and performance of its powers and duties the appointment remuneration and duties of its officers and generally for regulating the conduct of its business and proceedings.
- (7.) Providing for the custody and control of the funds of any such Board and the mode in which the same shall be issued from such custody and for what security shall be given by any officer or other person having such custody or control and for regulating the manner in which the accounts of such Board shall be kept and for the audit thereof by some person to be appointed by the Governor for that purpose.
- (8.) To make provisions empowering the Board to assess and levy upon the lands next hereinafter mentioned or upon the owners and occupiers thereof a rate to be from time to time fixed by the Board but not to exceed such sum per acre per annum or such sum in the pound on the annual value of the land as shall be fixed in the regulations for the purpose of raising and providing funds in order to carry this Act into execution (that is to say)—
 - (a.) Upon all lands within the district over which the Native title has not been extinguished.
 - (b.) And upon all lands in respect of which a certificate of title has been issued under "The Native Lands Act 1865" or any Act amending the same or passed for like purposes.
- (9.) For providing for the recovery of such rates and enforcing the collection and payment thereof within any such district.
- (10.) Prescribing the mode of appeal against the levying or imposition of any such rate as aforesaid and for such causes as the Governor may think fit to declare and determine.
- (11.) Providing for the imposition and collection of tolls on roads bridges ferries and other public works within the district and the erection of toll bars and for preventing and punishing the evasion of such tolls.

6. All such regulations shall be published in the *New Zealand Gazette* and shall take effect from and after such a day being a day not less than thirty days subsequent to the first publication thereof and the said regulations on being so published shall have the force of law.

Regulations to be published.

7. In and by such regulations as aforesaid it shall be lawful for the Governor to prescribe penalties for the breach thereof and every such regulation shall be so framed as to allow any two Justices of the Peace or any one Justice of the Peace aided by at least one Assessor before whom such penalty may be sought to be recovered to order a part only of such penalty to be paid if such Justice shall think fit. Provided that no penalty to be prescribed by such regulations shall exceed in any case twenty pounds.

Penalties may be prescribed by regulations.

8. Every such Board shall subject to the terms of any regulations to be made affecting the district for which the same shall be constituted have power to construct erect establish and maintain roads bridges wharves ferries and other public works within such district.

Functions and duties of Board.

Native Districts Road Boards.

Board to be body corporate.

9. Every such Board shall be a body corporate under a name to be given to it by any such regulations and by that name shall have perpetual succession and a common seal and be capable for the purposes and subject to the provisions of this Act of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

Proceedings of Board not invalidated by vacancy in the number of members.

10. No proceeding of any such Board shall be invalidated or be illegal in consequence only of there being any vacancy in the number of members of the Board at the time of such proceeding.

Proceedings valid notwithstanding defects in elections or appointments or by disqualification of members.

11. All proceedings of any such Board or of any person acting as a member thereof shall notwithstanding it be afterwards discovered that there was some defect in the election or appointment of the members or person acting as aforesaid or that they or any of them were incapable of being members be as valid as if every such person had been duly elected or appointed as the case may be and was capable of being a member of such Board.

Provincial Road Ordinances to cease to be in operation in Native districts.

12. Upon this Act being brought into operation within any district declared to be a district under this Act in the manner aforesaid and after any such regulations shall have come into operation as aforesaid all Provincial Ordinances or Acts then in force or capable of being put into force within such district providing for the construction and maintenance of roads or for the imposition or levying of any rate or assessment to provide funds for the construction or maintenance of such roads or any works in connection with such roads shall in respect of any such district wholly cease to have any force or effect therein and shall not be capable of being brought into force therein unless and until the Proclamation constituting the district be revoked. Provided however that notwithstanding the revocation of any Proclamation constituting a district all rates then due or payable under or by virtue of any such regulation and all fines penalties and forfeitures incurred thereunder and all proceedings had taken or commenced before such revocation shall and may respectively be recovered received enforced and completed as fully and effectually as if such regulations had remained in operation.

Rates to be paid to Boards and applied by them for purposes of Act.

13. All rates levied received and recovered under any of the powers in this Act contained or under any regulations to be made thereunder shall be applicable and applied by the Board towards the payment of all expenses properly or necessarily incurred in carrying this Act into execution and of doing and performing all acts and things which such Board by any regulation to be made under this Act shall be empowered or required to do or perform.

Fines to be paid over to Board.

14. All fines and penalties paid or recovered under any regulations made under the powers in this Act contained shall be paid over by the Clerk or other proper officer of the Court in which the same shall have been recovered to the Board acting in the district within or in respect of which the offence or breach for which such fines or penalties shall be imposed shall have been committed and all such fines and penalties shall be applied by such Board in the manner and for the purposes in the last preceding section mentioned.

Procedure for recovery of penalties.

15. All fines and penalties by any regulation or by any by-law to be made under this Act imposed or made recoverable may be recovered in a summary way only before a Resident Magistrate or before any two or more Justices of the Peace of the Colony.

Limit of rates.

16. No rates shall be levied under this Act of a greater amount than those in force under the Provincial Road Ordinances in force within the Province.