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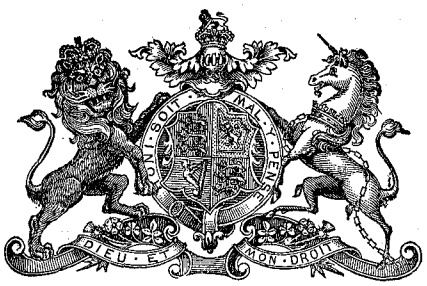

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1907, No. 30.—*Local.*

An Act to consolidate certain Enactments of the General Assembly relating to the Drainage and Sewerage System of Christchurch and Surrounding Districts. [*25th November, 1907.* Title.

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 Christchurch District Drainage Act, 1907. Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation.

"Board" means the Christchurch Drainage Board:

"Watercourse" includes all rivers, streams, drains, sewers, and passages through which water flows.

Constitution of District and Board.

3. (1.) The several subdistricts described in the First Schedule hereto shall, for the purposes of this Act, be deemed to be one district, and are hereinafter referred to as "the district." District constituted.

(2.) The said district shall be deemed to be a land drainage district within the meaning of the Land Drainage Act, 1904, and, subject to the provisions of this Act, the provisions of that Act shall apply thereto in the same manner as if the said district had been declared a district under that Act.

4. There shall be for the district a Board, consisting of eleven persons, to be elected as hereinafter mentioned; and such Board shall be a body corporate under the name of the Christchurch Drainage Board, with perpetual succession and a common seal, having a capacity to acquire and hold land for all or any of the purposes of its constitution Constitution of Board.

under this Act, and also to sell, lease, or otherwise dispose of any land so acquired which in the opinion of the Board may not be required for the purposes of the Board.

Property of Board under repealed Acts.

5. All property and rights of every nature, kind, or description acquired by the Board as constituted under the Acts hereby repealed, or any of them, shall by virtue of this Act pass to, become vested in, and belong to the Board as constituted under this Act.

Existing members of Board.

6. Those persons respectively who are members of the Board at the time of the passing of this Act shall continue to be members thereof until the second Tuesday in the month of January, nineteen hundred and nine, or until they die, or resign, or otherwise cease to be members of the Board.

Term of office.

7. Subject to the provision hereinafter contained relating to persons elected to fill casual vacancies, all persons who may become members of the Board shall hold office for three years, and shall vacate such office on the second Tuesday in the month of January of the third year following the last general election.

Election of representatives for subdistricts.

8. (1.) In each of the several subdistricts described in the First Schedule hereto the electors shall for their subdistrict, on the second Tuesday in January, nineteen hundred and eight, and on the second Tuesday in January in every succeeding third year, elect one person (being an elector) to be a member of the Board.

(2.) Every election shall be held in the manner prescribed by the Local Elections Act, 1904, the provisions of which Act shall, subject to this Act, apply accordingly.

Retiring members elegible for re-election.

9. Every member of the Board going out of office shall, unless otherwise ineligible, be eligible for re-election.

Casual vacancies.

10. Any casual vacancy occurring in the Board for any of the said subdistricts shall be filled up by the election of a person, being a ratepayer, upon a day to be appointed by the Board, and in manner herein provided for the triennial election of members; but any person so elected shall retain his office so long only as the vacating member would have retained the same if such vacancy had not occurred.

Continuing members to act during vacancy.

11. During any vacancy in the Board the continuing members may act, and no act of the Board shall be invalid on account of any vacancy being unfilled.

Member becoming bankrupt to cease to be a member of Board.

12. If a member of the Board becomes bankrupt or compounds with his creditors, he shall cease to be a member of the Board, and his office shall thereupon become vacant.

Acting as member without qualification.

13. Any person who acts as a member of the Board without being duly qualified or after he has become disqualified is liable to a fine not exceeding fifty pounds; and in any proceeding for the recovery of such fine the burden of proving qualification shall be upon the person against whom the proceeding is taken.

Acts of Board to be valid though defect in election, &c.

14. All acts done at any meeting of the Board or of any committee of the Board, or by any person acting as a member of the Board, shall, notwithstanding it may be afterwards discovered that there was some defect in the election or appointment of the Board, committee, or person acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such person had been duly elected or appointed and was qualified to be a member.

15. If from any cause whatever all the seats on the Board become vacant, the Board shall not thereby be dissolved, but members thereof shall be forthwith elected for the said several subdistricts respectively as aforesaid, at such times and places and in such manner as may be prescribed by the Governor in that behalf. Board not dissolved though all seats thereon become vacant.

16. The electors for the said several subdistricts respectively shall be the persons who are entitled to vote at an election of members of any local authority whose districts or part thereof is within the drainage district. Electors to be ratepayers.

17. Each elector shall have one vote and no more. Voting-powers of electors.

18. (1.) The meetings of the Board shall be held at such time and place and in such manner as the Board thinks fit. Meetings.

(2.) The Board shall meet together for the despatch of business, and shall from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, as it thinks fit, subject to the following conditions:—

(*a.*) No business shall be transacted at any meeting unless at least four members are present at the commencement and close of the meetings.

(*b.*) No order involving an expenditure of more than five hundred pounds shall be made by the Board unless at least seven days' previous notice, specifying the work to be undertaken or other the matters to which such order relates, and naming a day on which a meeting of the Board is to be held for considering the matter to be ordered, has been sent by circular to each member of the Board.

(*c.*) All questions shall be decided by a majority of votes of the members present.

19. The Board shall, at the first meeting in the month of January in each year, appoint one of its number to be Chairman for the year following such appointment. Appointment of Chairman.

20. If any casual vacancy occurs in the office of Chairman, the Board shall, as soon as it conveniently can after the occurrence of the vacancy, appoint some other member to fill the vacancy; and every Chairman so appointed as last aforesaid shall continue in office so long only as the person in whose place he was elected would have been entitled to continue if such vacancy had not occurred. Casual vacancy in office of Chairman.

21. If at any meeting the Chairman is not present at the time appointed for holding the same, the members present shall choose some one of their number to be chairman of that meeting. Absence of Chairman.

22. In case of an equality of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote. Chairman to have casting-vote.

23. (1.) The Board may delegate any of its powers to committees consisting of such member or members of such of its body as it thinks fit. Delegation of powers to committees.

(2.) Any committee so formed shall, in the exercise of the powers delegated, conform to any regulations that may be imposed on it by the Board.

24. A committee may elect a chairman of its meetings. If no such chairman is elected, or if he is not present at the time appointed for holding any meeting, the members present shall choose one of their number to be the chairman of that meeting. Chairman of committee.

Committee meetings.

25. (1.) A committee may meet and adjourn as it thinks proper.

(2.) Questions at any committee meeting shall be determined by a majority of the votes of the members present, and in case of an equal division of votes the chairman shall have a second or casting vote.

Minutes of meetings.

26. (1.) The Board shall cause minutes to be made in books provided for that purpose—

(*a.*) Of all appointments of officers made by the Board;

(*b.*) Of the names of the members present at each meeting of the Board and of committees of the Board;

(*c.*) Of all orders made by the Board and committees of the Board; and

(*d.*) Of all resolutions and proceedings of meetings of the Board and of committees of the Board.

(2.) Any such minutes, if signed by any person purporting to be the chairman of any meeting of the Board or committee of the Board, shall be receivable in evidence without any further proof.

Powers of the Board.

Powers of Board.

27. Subject to the provisions, restrictions, and conditions contained in this Act, the Board may, for the purposes of this Act, from time to time, by itself, its surveyors, agents, officers, and workmen, exercise the following powers or any of them, and may execute, do, or cause to be executed or done any of the following matters, works, or acts, namely:—

(*a.*) Cleanse, repair, or otherwise maintain in a due state of efficiency any watercourse or outfall for water, or any bank or defence against water:

(*b.*) Deepen, widen, straighten, divert, or otherwise improve any watercourse or outfall for water, or remove obstructions to watercourses or outfalls for water, or raise, widen, or otherwise alter any defence against water:

(*c.*) Make any new watercourse or new outfall for water, or erect any new defence against water, erect any machinery, or do any other act not hereinbefore referred to required for the drainage of the district:

(*d.*) Construct any sewers or drains of such construction and in such manner as the Board thinks necessary or proper for carrying the purposes of this Act into execution; and may break up the soils and pavements of any public or private streets, highways, roads, ways, or footpaths within the district, and excavate and sink trenches for the purpose of laying down, making, and constructing common sewers or drains therein; and may cause such common sewers or drains to communicate with the sea or any arm thereof, or with any stream or watercourse either within or without the limits of the district; and also may from time to time open, cleanse, and repair such drains or sewers, or alter the position thereof; and may do all such acts, matters, and things as the Board deems expedient, necessary, or proper for making, amending, repairing, completing, or improving any watercourse, sewer, or drain, or other works to be made, done, and provided for the purposes of this Act:

(*e.*) Purchase and hold any land within or without the district which in the Board's opinion may be required for the purposes of this Act; and impound, divert, or take any water from any watercourse within the district which in the Board's opinion is required for the purposes of this Act:

(*f.*) Without any previous payment, tender, or deposit the Board may enter upon and use any land within the district for the purpose of taking any earth, stone, or clay therefrom; and the Board may enter upon and use any lands adjacent for making temporary roads or approaches to any works connected with any works constructed under this Act:

(*g.*) Make, maintain, alter, or discontinue such dams, tunnels, drives, reservoirs, cisterns, waterworks, tanks, aqueducts, drains, cuts, sluices, pipes, culverts, engines, and other works of any kind or description; and may erect such buildings and machinery within the district as the Board may think proper for the purposes of this Act.

Power to Board to enter on lands.

28. (1.) For the purposes of any inspection, survey, or inquiry directed as necessary under any of the provisions of this Act, the Board may, by itself, its surveyors, agents, officers, and workmen, enter upon any lands or premises in the district within or upon which it is proposed that any works shall be executed under this Act, or any lands and premises adjoining thereto; and, if necessary, may dig or bore therein, and also examine any weir, sluice, or flood-gate erected in or upon any river or stream which it deems to be necessary to examine; and may open or raise any such flood-gate or sluice for the purposes of any such inquiry, and make any soundings or bore the bed or channel of any part of any such river or any mill-course connected therewith.

(2.) The Board, its surveyors, agents, engineers, officers, and workmen, may enter upon such lands as aforesaid and do all necessary matters and things by this Act authorised previously to or pending the decision upon any claim for compensation in respect of such matters as aforesaid.

Power to take land.

29. The Board may take and hold any lands within the district which in its opinion are required for the purposes authorised by this Act.

Power to do certain works.

30. The Board, or any officer or officers appointed by the Board, may from time to time cut, dig, take, and carry away, or cause to be cut, dug, taken, or carried away, any quantity of earth or materials in, upon, out of, or from any land within the district of any person or persons whomsoever.

Power to Board to make drains.

31. If any land within the district is not, as to the drainage of surface and storm water, drained by some efficient drain communicating with some public watercourse or main sewer or drain used or made under the authority of this Act, the Board may construct, through any land lying between such first-mentioned land and the nearest such watercourse, main sewer, or drain, an open drain paved or otherwise suited for draining therefrom and from the intermediate land such surface and storm water as aforesaid, but so that such drain shall not pass through or under any house, building, or other like structure; and all expenses incurred by the Board in respect of any such drain or any part thereof made through the land of any separate owners shall be repaid to the Board by such owners.

Board may give second notice varying first notice as to acquiring land.

32. If after giving notice of its intention to take any land, or if after entering into any contract for the purchase, acquisition, or user, or otherwise in respect of land, the Board, upon further consideration, and within six months after any such notice or contract was given or entered into, thinks that it will be unnecessary or inexpedient to acquire, take, or injure the whole or any part of any land named or described in such notice or contract, it may cause a second notice to be served upon the person or persons who is or are, or appear by the said notice or contract to be, interested in such land stating that the same or what part (if any) thereof will not be acquired, taken, or injured, as the case may be; and the notice or contract, or such part thereof as is mentioned in the said second notice, in so far as the same relates to land not required to be acquired, taken, or injured as aforesaid, shall be void and of none effect; and in case a part only of any such notice or contract becomes void as aforesaid, the Board shall fix and ascertain the portion of the sum mentioned in any such notice or contract which it claims should be deducted on account of the land not required to be taken or injured, and, if necessary, apportion the residue amongst the persons entitled thereto, and the Board shall amend such notice or contract accordingly; and such amended notice or contract shall be deemed to be the original notice or contract, as the case may be, entered into by the Board:

Provided that in all cases where the Board serves any such second notice, the person or persons interested in the land therein mentioned or affected thereby, and incurring any loss or expense in consequence of the Board having previously required the same, shall be entitled to compensation for such loss and expense; and in case the amount thereof cannot be agreed upon, the same shall be ascertained and fixed by any Magistrate or two Justices within the district.

Board may open up drain.

33. The Board may from time to time open the ground for the purpose of making or changing the level of or otherwise amending or enlarging any sewer or drain under any public or private streets or roads within the district, with a view to improving the drainage of the said district.

Board may cause all drains to be kept in good repair.

34. The Board shall cause all watercourses, drains, or sewers vested in it or under its management to be constructed and kept so as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied.

Drains and sewers to be vested in Board.

35. All public drains and sewers now made or hereafter to be made within the district, and all watercourses, shall be and the same are hereby vested in the Board.

Fine for pollution of natural water-course.

36. No person shall, without the consent of the Board, cause any filthy or unwholesome water or washings of manufactories or breweries, or other foul or impure liquid, to flow into any natural watercourse within the district; and every person who offends against this enactment is liable to a fine not exceeding seventy pounds, and to a further fine not exceeding two pounds for every day during which the offence is continued.

Penalty for making drain without consent of Board.

37. Any person (not being authorised for that purpose by the Board) who, without the consent of the Board, makes any drain into any watercourse, sewer, or drain vested in the Board, or who without such consent stops or obstructs any such watercourse, sewer, or drain, is liable to a fine not exceeding fifty pounds. The Board may cause any

drain so made without its consent to be disconnected or to be remade, and in such manner as it thinks fit. All expenses incurred by the Board in disconnecting or remaking the said drain, or otherwise in connection therewith, shall be repaid to the Board by the person making such drain, and may be recovered by process of law.

Board not liable for damage from overflow of river, &c.

38. Nothing herein shall be construed to render the Board liable for any consequential damages which may happen to any land or other property through or by the accidental overflowing of any river, stream, or watercourse, or by the sudden breaking of any bank, dam, sluice, or reservoir whatsoever, which under the provisions of this Act the Board may take upon itself the duty of regulating, maintaining, or making:

Provided that if the owner or occupier of such land had given notice in writing to the Board warning it of the probability of such damage, or of the weakness or deficiency of any such dam, reservoir, bank, or sluice, and requiring the Board to strengthen, amend, or repair the same, and the Board has not within a reasonable time after the delivery of the said notice taken proper precautions to prevent such damages, then and in such case the amount of the consequential damages which shall happen through the neglect of the Board thereof shall be made good out of the rates to be levied by the Board under this Act.

Advances to facilitate Sewer-connections.

Advances to facilitate sewer-connections.

39. The Board may from time to time make advances out of any funds at its disposal, including moneys raised under the authority of this Act, to the owner of any property rateable under the authority of this Act, for the purpose of enabling such owner to connect any building or premises with any sewer or sewers of the Board, subject to the following conditions:—

(*a.*) Such advances shall not exceed the sum of twenty pounds in respect of any one property.

(*b.*) Such advances shall bear interest, until repayment, at a rate not exceeding five per centum per annum.

(*c.*) Such advances, with interest as aforesaid, shall be repayable by monthly or quarterly instalments at the option of the Board within five years of the date of the advances being made.

(*d.*) Any sum or sums of money so advanced and unpaid, together with interest as aforesaid, or any instalment thereof, may be recovered in the same way and with the like remedies as rates overdue in respect of any premises may be recovered.

Compensation.

Compensation for damage done.

40. The Board shall make to the owners of and to all other persons having any less estate or interest in any land or water taken or used for the purposes of this Act, or which may be damaged or injuriously affected by the construction or maintenance of any work for any purpose of this Act, compensation for such land, water, occupation, damage, or injury.

Time within which claim for compensation to be made.

41. All claims for compensation shall be made in writing to the Board within twelve months from the time when such claim arises, and no claim for compensation shall be allowed unless made within that period.

Mode of arriving at amount of compensation payable.

42. The amount of any such compensation shall, unless the parties can agree thereon, be ascertained in the manner provided in the Public Works Act, 1905, which Act, so far as the same is applicable and not inconsistent with the provisions of this Act, is incorporated with and shall be deemed to form part of this Act.

Rating-power.

Rating-power.

43. The Board may and it is hereby authorised and required, once in every year, for the purposes of this Act, to make and levy a rate upon the rateable property within the district:

Provided that before making any such rate the Board shall annually make an estimate of the expenditure incurred or to be incurred for the benefit of the several sewerage and rural subdistricts constituted by the Board in pursuance of the power in that behalf hereinafter contained, and the rate to be made and levied in respect of each such sewerage and subdistrict respectively shall be in proportion to and sufficient for the purpose of meeting such several estimates of expenditure.

Board may define boundaries of districts.

44. The Board may by resolution and from time to time define the boundaries of the several sewerage districts and rural districts respectively:

Provided that no such sewerage area shall at any time be enlarged except with the consent of the ratepayers of the proposed new area obtained in the manner prescribed by the Local Elections Act, 1904.

Copy of special order directing rate to be levied to be sent to local authorities.

45. (1.) When and as often as the Board has by special order directed any rate to be levied, and has fixed the amount in the pound of such rate, it shall cause a copy of such special order to be forwarded separately to each local authority within the limits of whose jurisdiction the drainage district or any part or parts thereof is or are situate.

(2.) Forthwith on the receipt of such copy each such local authority shall proceed to make, levy, and collect such rate in the part or parts of the drainage district which is or are situate within its jurisdiction in the same manner as nearly as may be, and with the same powers, as such rate would be made, levied, and collected if the limits of the jurisdiction of such local authority were coincident with such part or parts of the drainage district, and the rate were authorised to be levied by such local authority for its own purposes under its powers of rating.

(3.) Each such local authority shall be entitled to retain all reasonable costs and expenses incurred in and about making, levying, collecting, and recovering the same, and a reasonable remuneration for clerical and other work.

(4.) If any dispute arises as to the amount so to be retained or otherwise in relation thereto, the same shall be decided by such person as the Governor may from time to time appoint for the purpose.

(5.) Each such local authority shall, on the first Monday in each month, pay over and account to the Board for all moneys collected by it in respect of any such rate during the then preceding month.

(6.) Any person rated or upon whom any demand or levy for rates is made under the provisions of this Act shall have as against the said local authority, in respect of objections to be rated or to pay such

rates, all the appeals, exemptions, rights, powers, and privileges which he would have if such rates were made, demanded, collected, or levied by the Board.

(7.) Where any person is liable to be rated in respect of property lying partly in and partly out of the drainage district, the local authority within whose jurisdiction such property is situate shall deduct from the amount of the rates that would be levied on the property if it were wholly within the district such part as it in its discretion thinks fit.

(8.) The power hereby given to do anything by special order shall be exercised as follows:—

(*a.*) The resolution to do such thing shall be adopted at a special meeting.

(*b.*) Such resolution shall be confirmed at a subsequent meeting held not sooner than four weeks after such adopting meeting.

(*c.*) Public notice of such subsequent meeting and of such resolution shall be given once in each of the said four weeks, and a notice of such meeting given to each member of the Board.

(9.) Such resolution may be amended at the meeting called to confirm the same.

(10.) For the purpose of making, levying, or collecting any such rate, either on its own behalf or on behalf of the Board, any such local authority may make an adjustment of such rate so as to admit of its being made, levied, or collected under the system of rating either on the annual value, or the capital value, or the unimproved value, whichever system is in force in the district of the local authority collecting the same:

Provided that in districts where the unimproved value system of rating is in force, the local authority of such district may, notwithstanding anything contained in the Rating on Unimproved Values Act, 1896, and its amendments, collect such rate under that system of rating.

(11.) Such adjustment shall be made upon the basis that one shilling in the pound on the annual value of rateable property is equivalent to three-farthings in the pound on the capital value of such property, and that the annual value of any rateable property is equal to six pounds per centum on the capital value of such property, and *vice versa.*

(12.) "Local authority" in this section includes the Council or Board having the administration of affairs of a city, borough, town district, or road district; but does not include the Board.

Each local authority to render monthly accounts of rates collected.

46. (1.) Every local authority required by the Board under the last preceding section to make, levy, or collect any rate on behalf of the Board shall, once in each month, render an account to the Board showing all rates collected by such local authority on behalf of the Board up to and including the last day of the then preceding month, and shall pay over the rates so collected to the Board.

Board may sue for rates.

(2.) When any rate or portion of any rate levied on or in respect of any property by any local authority as provided by the said section is more than six months overdue and unpaid, the Board may at any time within two years from the date on which such rate became due and payable sue for and recover such rate or

portion of such rate either in the name of the Board or in the name of the local authority which levied the rate, and in any action or proceeding to recover such rate the Board shall have and may exercise all the remedies, powers, and authorities which the local authority possesses or may exercise in respect of the recovery of such rate.

Borrowing-powers.

Borrowing-powers of Board.

47. (1.) The Board may from time to time, and when and as thereto authorised by statute, borrow and take up at interest, on the security or credit of rates to be made and levied by the Board, any sum or sums of money necessary for defraying the costs, charges, and expenses of any work or works executed or to be executed by the Board under the authority of this Act, or for paying for any lands purchased, taken, or injuriously affected, or for defraying the costs, charges, and expenses of and incidental to the purchasing, building, constructing, repairing, amending, renewing, and maintaining any buildings, drains, sewers, flood-gates, dams, reservoirs, machinery, steam-engines, bridges, and other necessary works authorised by this Act.

(2.) Such loans shall be deemed to be special loans within the meaning of the Local Bodies' Loans Act, 1901, and in respect of any such loan the Board shall have and may exercise all or any and every of the powers and authorities conferred on local bodies in respect of special loans by the said Act.

Board may borrow limited sum by way of overdraft.

48. The Board may, in anticipation of its current revenue, from time to time borrow money from a bank by way of overdraft, but the amount of such overdraft shall never at any time exceed either the total amount of the income of the Board for the year ending the thirty-first day of March previous, not including borrowed money, or the sum of seven thousand five hundred pounds.

Judge may on petition of bank appoint Receiver.

49. (1.) When and so often as the Board fails to pay any debt due by it to any bank for moneys borrowed by way of overdraft under the authority of this Act, the bank to which such debt is due or owing may apply *ex parte*, by petition in a summary way, to a Judge of the Supreme Court for relief; and the Judge, if satisfied of the truth of the matters alleged in such petition, may appoint a Receiver upon such terms as to security and remuneration as he thinks fit, subject, nevertheless, to the provisions of section fifty-six hereof.

Powers of Receiver.

(2.) In every such case the Receiver shall have and may exercise all the powers of the said Board in respect of or incidental to the making, levying, and recovery of rates, including general, separate, or special rates; and including also the power of recovering rates in arrear, and of making, levying, and recovering rates which ought to have been made and levied and were not so made or levied.

(3.) On the appointment of such Receiver all unpaid rates, and all rates made or levied by him, shall, when made and levied, vest in the Receiver, and shall cease to be vested or to vest in the Board; and all powers for the recovery of any such rate shall, upon the appointment of the Receiver, cease to be exercised by the Board and shall be exercised by the Receiver.

(4.) All moneys received by the Receiver shall be applied as follows:—

(*a.*) In payment of the costs, charges, and expenses of and incidental to or consequent upon the application for the appointment of a Receiver:

(*b.*) In payment of the Receiver's remuneration, and his reasonable and necessary expenses:

(*c.*) In payment in order of priority of all debts due and payable by the Board at the date of the appointment of the Receiver:

(*d.*) The residue, after payment of the above, to the Board.

(5.) The Receiver shall account for all such moneys as the Judge directs.

(6.) The Receiver may, with the sanction of the Judge, appoint a solicitor to assist him in the performance of his duties.

Powers of Receiver not affected by failure to elect Board.

50. (1.) The failure, from any cause whatever, at any time to elect a member or members of the Board shall not affect the powers of the Receiver, or invalidate any rate made or levied by him.

(2.) Any rate made or levied by the Receiver shall be valid notwithstanding that at the time of the making or levying of any rate there were no members of the Board elected and holding office.

Certain provisions of Rating Act to apply to rate levied by Receiver.

51. All the provisions of the Rating Act, 1894, relating to the making and delivering of valuation rolls and rate-books, and provisions of the said Act or of any other Act providing for the making, collecting, and recovery of rates by the Board, shall extend to and be exercisable by the Receiver in respect of any rate made or to be made and levied by him.

Board to furnish Receiver with particulars as to valuation rolls, &c.

52. (1.) Whenever a Receiver has been appointed the Board shall, if and when required, furnish such Receiver with full particulars of all valuation rolls and rate rolls then in force in the district and copies thereof.

(2.) Where a Receiver has been appointed, any local authority collecting any rate under authority of the Board shall pay and account for the same to the Receiver.

When powers of Receiver to cease.

53. When all the debts then due and payable to the bank are paid, or at any time by an order of a Judge of the Supreme Court on the application of the said Board, if such Judge thinks fit to make such order, the powers of the Receiver shall cease, and he shall forthwith pay any moneys in his hands to the Board, which shall again be capable of exercising the powers of which the appointment of the Receiver had deprived it.

Debenture-holders not affected.

54. Nothing in this Act shall limit or in any way affect the rights of the holder or holders of any debenture issued by the Board either under this or any other Act.

Sinking Funds.

Investment of sinking funds.

55. Sinking funds and other moneys belonging to or held by or in trust for the Board, or for the holders of debentures issued or to be issued by the Board, may be invested in any of the securities mentioned in the Trustee Act, 1883, or in the purchase of any debentures lawfully issued by any Harbour Board or Tramway Board in New Zealand.

Contracts.

Board may enter into contracts.

56. (1.) The Board may contract with and employ such engineers, contractors, surveyors, agents, and workmen as it thinks fit, and enter

into contracts with any such persons, for the execution of any works directed or authorised by this Act to be done by the Board, or for furnishing materials, or for any other thing necessary for the purposes of this Act.

How contracts to be made.

(2.) Every such contract for the execution of any work shall be in writing, and shall specify the work to be done, the materials to be furnished, the price to be paid for the same, the time or times within which the work is to be completed, and the penalties to be suffered in case of non-performance thereof.

(3.) The power hereby granted to the Board to enter into contracts may lawfully be exercised as follows, that is to say:—

(*a.*) 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.

(*b.*) 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 or any two of their number acting by the direction and on behalf of the Board, and in the same manner may vary or discharge the same.

(4.) All contracts made according to the provisions herein contained, being executed by the persons contracting to perform the works therein comprised respectively, shall be effectual in law, and shall be binding on the Board and all other parties thereto, their successors, executors, or administrators, as the case may be; and in case of default in the execution of any such contract either by the Board or by any other party thereto, such actions may be maintained therein, and damages and costs recovered by or against the Board or the other parties failing in the execution thereof, as might have been maintained and recovered had the same contracts been made between private persons only.

Officers.

Appointment of officers.

57. The Board may from time to time appoint and employ a treasurer, clerk, surveyor, engineers, valuers, collectors, and all such other officers to assist in the execution of this Act as it thinks proper and necessary; and may from time to time remove any such officer, and appoint others in the room of such as are so removed or as may die, resign, or discontinue their offices; and may pay such salaries and allowances to the said officers respectively as the Board thinks reasonable, which said officers shall, before they act in the execution of their respective offices, give such security for the due execution thereof as the Board requires.

Member of Board not to act as paid official.

58. No member of the Board shall be capable of being or continuing a paid clerk or treasurer or any other such officer of the Board as in the last preceding section mentioned.

Officer accepting bribe.

59. Every officer employed by the Board who exacts or accepts, 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 allowed by the Board, or who is in anywise concerned or interested in any bargain or contract made by the Board.

shall be incapable of being afterwards employed by the Board, and shall forfeit the sum of one hundred pounds; and any person may sue for such penalty by action of debt in any Court of competent jurisdiction, and shall, on recovery thereof, be entitled to full costs of suit.

Moneys collected to be paid to Board.

60. (1.) Every collector appointed or employed by the Board by virtue of this Act to collect any rate shall, within seven days after the receipt of any moneys on account of any such rates, pay over the same to the Board in such manner as the Board directs.

(2.) Every such collector shall at such time and in such manner as the Board directs deliver to it true and perfect accounts in writing of all moneys received and of all moneys paid over by virtue of this Act, and also a list of the names of all persons who have failed to pay any rate or money owing to it, with a statement of the moneys due from them respectively, and in respect of what several periods and rates the same are due respectively.

Collector to render accounts, &c.

61. If any such collector fails 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 such collector fails to deliver up to the Board, or to any person appointed 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, any two Justices may hear and determine the matter in a summary way, and may order such collector to render such accounts, or to deliver up such vouchers and receipts as aforesaid, or to pay over the balance owing, or to deliver up all such papers, writings, property, matters, and things. If such collector fails to obey such order within the time limited in that behalf he shall be liable to a fine of twenty pounds for every day which he continues in default under such order.

Board may proceed against any defaulting officer.

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

Accounts.

Account-books to be kept.

63. (1.) The Board shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid for and on account of this Act, and of the several purposes for which such sums of money have been received and paid.

(2.) Such books shall at all reasonable times be open to the inspection of any of the members of the Board, or ratepayer, or any holder of debentures, or other creditor of the Board without fee or reward, and the members and persons aforesaid or any of them may take copies of or extracts from the said books without paying anything for the same.

(3.) Every clerk or other person having the custody of the said books who on every reasonable demand of any member, ratepayer, holder of debentures, or creditor as aforesaid does not permit him to inspect the said books or to take such copies or extracts as aforesaid is liable to a fine of five pounds for every such offence.

Annual balance-sheet.

64. (1.) The Board shall cause its accounts to be balanced in each year to the thirty-first day of March, and the Board shall cause a

full and true statement and account to be drawn out of the amount of all rates or assessments made, and of all contracts entered into, and of all moneys received or expended by virtue of this Act during the preceding year, and of all available assets and of all debts then owing by the Board.

(2.) Such statement and account shall be laid before the person or persons to be appointed as auditor or auditors of the district, who are hereby required to attend at the office of the Board as soon as conveniently may be after the balancing of the said accounts and drawing-out of the said statement and account, and who shall in the presence of the Clerk of the Board, if he desires to be present, proceed to audit the accounts of the year preceding such balancing.

(3.) The Board shall produce and lay before the auditors the accounts so balanced as aforesaid, together with the said statement and account, accompanied with proper vouchers in support of the same, and all books, papers, and writings in its custody or power relating thereto.

(4.) Any person interested in the said accounts either as a holder of debentures, or as a creditor of the body corporate, or as a ratepayer may be present at the audit of the accounts, by himself or his agent, and may make objection to any part of such accounts.

(5.) If the accounts of the Board are found correct, the auditors shall sign the same in token of their allowance thereof; but if they think there is just cause to disapprove of any part of the said accounts, they may disallow any such parts of the said accounts as they so disapproved of.

Accounts after auditing to be signed by the chairman.

65. The accounts of the Board so balanced as aforesaid and audited, and either allowed or disallowed by the auditors as aforesaid, together with the said statement and account, shall be produced at the next meeting of the Board after such audit, at which meeting all such holders of debentures, creditors, and ratepayers, and other persons interested as aforesaid may be present, and the accounts shall be then finally examined and settled by the Board, and if found just and true they shall be allowed by the Board and certified accordingly under the hand of the chairman at such meeting; and after such accounts have been so allowed and signed by such chairman and also by the auditors as hereinbefore provided, the same shall be final in regard to all persons whomsoever.

Auditors.

66. The Governor may from time to time appoint an auditor or auditors to audit the accounts of the Board.

Power to sell Surplus Lands.

Governor may sell certain lands to adjoining owners.

67. (1.) The Governor may sell such of the lands described in the Second Schedule hereto as have not already been sold under the powers contained in the Christchurch Drainage Board Reserves Sale and Exchange Act, 1887, to the owner or owners of the adjoining lands at prices to be determined by an appraiser appointed by the Board.

(2.) Where such last-mentioned lands abut upon the land of two or more different owners of adjoining land, the same may be sold partly to one adjoining owner and partly to another or others, or wholly to one owner.

(3.) The Governor may release to the owner of any of the lands described in the said Second Schedule any easement, right, or servitude to which the same may be subject, at a price or prices to be determined by an appraiser appointed by the Board.

(4.) Such lands, easements, rights, or servitudes, when conveyed, Crown-granted, or released, shall be subject to such mortgages, leases, and incumbrances as the adjoining lands of the person to whom they are conveyed, Crown-granted, or released are subject.

(5.) The Governor may issue such Crown grants, Crown warrants, and do, execute, and perform every act, deed, matter, and thing necessary to give effect to the sales and exchanges authorised by this Act, and may antevest the legal estate in the grantee to such date as he thinks fit.

(6.) The moneys to be derived from the sale of the said lands and easements shall be paid to the Board.

Notices and Legal Proceedings.

Service of notices.

68. Any summons or notice of any writ or other legal proceedings requiring to be served on the Board may be served by the same being left as its office, or by being given personally to the Chairman or the Clerk of the Board.

Authentication of notices.

69. Every order, summons, notice, or other such document requiring authentication by the Board shall be sufficiently authenticated if signed by two members or by the Clerk of the Board, and it need not be under the common seal of the Board.

Board may be represented in bankruptcy cases.

70. If any person against whom the Board has any claim or demand becomes bankrupt, the Chairman, secretary, or Clerk of the Board, in all proceedings against the estate of such bankrupt, or under any petition, sequestration, or act of insolvency, or any other proceeding respecting or against such bankrupt, may represent the Board and act in its behalf in all respects as if such claim or demand had been the claim or demand of such Chairman or Clerk and not of the Board.

How Board may be represented.

71. In all proceedings in any Magistrate's Court or before any Justice under this Act in which the Board is concerned, the Chairman, secretary, or Clerk of the Board may represent the Board and act in its behalf in all respects as though he and not the said Board had been the party concerned.

Reimbursement of expenses.

72. The Chairman, secretary, or Clerk shall be reimbursed all damages, costs, charges, and expenses to which he is put or with which he may become chargeable by reason of anything in either of the two last preceding sections.

Notices to be advertised.

73. In all cases in which any matter or thing is hereby required to be published, advertised, or inserted by the Board in a newspaper generally circulating in the district, the said newspaper shall be such newspaper as the Board from time to time appoints in that behalf, or if there is no Board at the time when such matter or thing ought to be advertised, the said newspaper shall be such as the Governor appoints in that behalf.

Limitation of Actions, &c.

Court proceedings against Board.

74. No plaintiff shall recover in any action to be brought against the Board or any other person, for anything done in execution of the powers vested in the Board under this Act, if tender of sufficient amends is made by or on behalf of the Board or other person before such action is brought; and, in case no tender has been made, the defendant in any action may, by leave of the Court in which the action is depending,

at any time before the hearing, pay into Court such sum of money as it or he thinks fit, whereupon such proceedings, order, and adjudication shall be had and given in and by such Court as in actions where the defendant is allowed to pay money into the Court.

Notice of action.

75. No action or information shall be brought, commenced, or prosecuted by any person for anything done in pursuance of this Act, or in the execution of the powers or authorities herein, unless notice in writing of such action or information, specifying the ground or cause thereof, and signed by the plaintiff or his solicitor, is given to the Board or persons against whom proceedings are intended to be commenced at least one month before such action or information is commenced or prosecuted.

Time within which action to be commenced.

76. (1.) If any action or information is commenced or prosecuted against any person or persons for anything done or proposed to be done in pursuance of this Act, or in execution of the powers and authority hereby given, every such action or information shall be commenced within twelve months next after the fact committed and not afterwards, and shall be tried in the judicial district in which the cause of action arose, and not elsewhere.

(2.) The defendant or defendants in such action may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the fact alleged to have been done or proposed to be done was so done or proposed to be done in pursuance and by the authority of this Act; and if the same appears to have been so done or be proposed to be done, or if any action or suit is brought after the time hereinbefore limited for bringing the same, or in any other place than as aforesaid, the jury shall find for the defendant.

Works may be proceeded with notwithstanding action or claim against Board.

77. If any action or claim is commenced or prosecuted touching or concerning the right, title, or interest of any person of or in any land taken or injuriously affected by anything done in pursuance of this Act, or the execution of the powers or authorities herein contained, or as to the amount of compensation to be paid to such person in respect of any such lands, such action or claim shall not impede, delay, or hinder the Board from proceeding in the execution of the powers vested in it by this Act, and the works or the exercise of the powers and authorities may be proceeded with notwithstanding such action or claim.

Power of Private Owners to procure Outfall.

Application for drains through adjoining property.

78. Any person interested in land in the district who is desirous to drain the same, and in order thereto deems it necessary that new drains should be opened through lands belonging to another owner, or that existing drains in lands belonging to another owner should be cleansed, widened, straightened, or otherwise improved, may apply to such owner (who is hereinafter referred to as the adjoining owner) for leave to make such drains or improvements in drains through or on the lands of such owner.

Written notice to be given.

79. (1.) Any such application as aforesaid shall be by notice in writing under the hand of the applicant, and shall be served on the owner and also on the occupier if the owner be not the occupier.

(2.) The notice shall state the nature of such drains or improvements in drains, be accompanied by a map on which the length, width, and

depth of the proposed drains or improvements in drains shall be delineated, and shall further state the compensation (if any) which the applicant proposes to pay.

Adjoining owner may assent to proposal.

80. The adjoining owner may, by deed under his hand and seal, assent to such application upon such terms and on payment of such compensation as he may require; and any assent so given shall be binding on all parties having any estate or interest in the land, subject to the following provisions:—

(*a.*) That any arrangement entered into by any adjoining owner under any disability or incapacity, or not having power to assent to such application except under the provisions of this Act, shall not be valid unless the same is approved by two surveyors, one of whom is to be nominated by the applicant and the other by the adjoining owner; and each of such surveyors, if they approve of the arrangement, shall annex to the document containing the same a declaration to that effect subscribed by them:

(*b.*) That any compensation to be paid by the applicant to the adjoining owner in cases where such owner is under any disability or incapacity, or has not power to assent to such application except under the provisions of this Act, shall be applied in manner in which the compensation coming to parties having limited interests or prevented from treating and not making title is applicable under the Public Works Act, 1894:

(*c.*) That any owner or person other than the owner interested in the lands shall be entitled to compensation for any injury he may sustain by the making of the proposed drains or improvements in drains, so that the claim therefor be made within twelve months after completion of such drains or improvements in drains, the amount of such compensation to be determined, in case of dispute, in the manner in which disputed compensation for land is required to be determined by the Public Works Act, 1894.

Deed of assent to be deposited with Registrar of Deeds.

81. The applicant shall deposit in the office in Christchurch of the Registrar of Deeds or the District Land Registrar, according as the land affected shall be subject to the Deeds Registration Acts or the Land Transfer Acts, the deed or memorandum containing the assent of the adjoining owner to the proposed drains or improvements in drains, who shall keep the same in his office as a record of the proceedings between the parties, the applicant paying the deposit and registration fees (if any).

Proceedings when adjoining owner dissents.

82. The adjoining owner shall be deemed to have dissented from the application made to him if he fails to express his assent thereto in writing signed by him, or his attorney or agent duly authorised, within one month after the service of the notice of application on him; and, in the event of such dissent, there shall be referred to and decided by the Stipendiary Magistrate or two or more Justices, unless the adjoining owner requires the same within such period of one month to be decided by arbitration, the questions following, that is to say:—

(*a.*) Whether the proposed drains or improvements in drains will cause any injury to the adjoining owner, or to the occupier or other person interested in the lands?

(*b.*) Whether any injury that may be caused is or is not of a nature to admit of being fully compensated for by money?

Results to follow Magistrate's decision.

83. The consequence following on any such decision shall be as follows:—

(*a.*) If the decision is that no injury will be caused to the adjoining owner, to the occupier, or other parties interested in the lands, the applicant may proceed forthwith to make the proposed drains or improvements in drains:

(*b.*) If the decision is that injury will be caused to the adjoining owner or other parties interested in the lands, but that such injury is of such a nature as to admit of being fully compensated by money, the Stipendiary Magistrate, Justices, or arbitrators, as the case may be, shall proceed to assess such compensation and to apportion the same amongst the parties in their judgment entitled thereto, and on payment of the sum so assessed the applicant may proceed to make the proposed drains or improvements in drains:

(*c.*) If the decision is that injury will be caused to the adjoining owner, occupier, or other parties interested in the lands, and that such injury is not of a nature to admit of being fully compensated by money, the applicant shall not be entitled to make the proposed drains or improvements in watercourses.

Application of compensation.

84. Where compensation assessed by a Stipendiary Magistrate, Justices, or arbitrators under the last preceding section is payable to any owner or other person who is under any disability or incapacity, or is not entitled to receive the same for his own benefit, such compensation shall be applied in the manner in which the compensation coming to parties having limited interests or prevented from and not making title is applicable under the Public Works Act, 1894.

Map of scheme to be deposited.

85. The Stipendiary Magistrate, Justices, or arbitrators, as the case may be, in the event of their approving of a scheme of drainage as proposed by the applicant, or as modified by themselves, shall cause a map thereof to be prepared; and it shall be the duty of the applicant to forward the same to the office at Christchurch of the Registrar of Deeds or the District Land Registrar, according as the land affected is subject to the Deeds Registration Acts or the Land Transfer Acts, who shall, upon the payment of the necessary fees, keep the same in his office as a record of the proceedings between the parties.

Power to keep drains clear.

86. After the drains have been opened or improvements in drains made in pursuance of this Act, it shall be lawful for the applicant, his heirs and assigns, for ever thereafter and from time to time as it becomes necessary, to enter upon the lands through which such drains have been opened or improvements made for the purpose of clearing out, scouring, and otherwise maintaining the same in a due state of efficiency; and if such drains or improvements in drains are not kept so cleared, scoured, or maintained in a due state of efficiency, the owner or occupier for the time being of the lands through or on which such drains or improvements in drains are made may clear out, scour, and otherwise maintain the same in a due state of efficiency, and recover the expenses incurred in such clearing-out, scouring, or maintenance in a summary manner from the applicant, his heirs or assigns.

87. The owner for the time being of the land through or in which any drain may be opened or improvements in drains made in pursuance of this part of this Act may fill up, divert, or otherwise deal with such drains or improvements in drains on condition of first making and laying down in lieu thereof drains equally efficient, and any disputes as to the efficiency of drains so laid down shall be decided by a Stipendiary Magistrate or two or more Justices. New drains may be made in lieu of old ones.

88. Any person who wilfully obstructs any other person in making any drain or improvements in drains in pursuance of this part of this Act, and any person who wilfully dams up, obstructs, or in any way injures any drain or improvements in drains so opened or made, shall for each offence incur a penalty not exceeding ten pounds, to be recovered in a summary manner. Penalty for blocking drains.

89. All costs, charges, or expenses reasonably incurred by an adjoining owner, Magistrate, Justices, or arbitrators in respect of any application made or thing done in pursuance of this part of this Act shall be defrayed by the applicant. Costs.

90. Where any person is desirous, in pursuance of this part of this Act, of constructing any drains by means whereof any brook, river, or other natural watercourse will be diverted from its ordinary channel into any other brook, river, or natural watercourse, he shall cause a copy of the notice hereby required to be served on the adjoining owner to be published by advertisement once at least in each of three successive weeks in some local newspaper circulating in the district, and to be served on all owners of land abutting upon the brook, river, or other natural watercourse into which the diversion is made, and situate within four miles of the point of junction; and it shall be lawful for any person, being the owner of land capable of being injured by the proposed drain, within eight weeks after the first notice of the proposed drain appears in the newspapers, to serve notice that he apprehends injury from such drain on the person desirous of constructing such drain, and such person shall be deemed to have dissented and shall be entitled to the same rights and privileges under this part of this Act as if he were the adjoining owner. Notice of intention to make new drain to be advertised.

By-laws.

91. In addition to the matter for which Drainage Boards are authorised by the Land Drainage Act, 1904, to make by-laws, the Board may from time to time make by-laws for all or any of the purposes following:— Board may make by-laws.

(*a.*) To provide for, control, and regulate the construction, maintenance, repair, disconnection, user, disuser, and inspection of lavatories, baths, urinals, water-closets, sinks, hydraulic rams, hydraulic engines, sumps, traps, ventilators, siphons, drainpipes, and other works which have already been erected or constructed, or which may at any time hereafter be constructed, or be proposed to be erected or constructed, on private property or otherwise for the purpose of conveying sewage or water or other solid or liquid matter into the drains, sewers, or watercourses under the control of the Board, and also the materials to be employed in any such work:

(*b.*) For regulating the examination, licensing, and disqualification of persons wishing to undertake or execute work for other people in connection with the matters referred to in the last preceding paragraph, or any of them, and to prevent unlicensed persons from undertaking or executing any such work or interfering in any way with such drains, sewers, or watercourses:

(*c.*) To provide against injury to any drain, sewer, or watercourse under the control of the Board, or the displacement of the ground in which the same or any of them are constructed, built, or laid, and to compel any person causing such injury or displacement to repair or replace the same, or pay the cost of so doing:

(*d.*) For preventing or permitting rain-water, the waste from artesian wells, hydraulic engines, and water-pipes, and all surface drainage from entering any of the sewers of the Board which are or may be in connection with their pumping-stations or any of them, and for determining the terms and conditions on which the same may be allowed to enter any of the said sewers when permission is given by the Board:

(*e.*) For fixing the fees to be paid to the Board in respect of any license, privilege, or authority granted by it.

Fine.

92. The Board may by any such by-law provide a fine not exceeding five pounds for any breach thereof, which shall be in the discretion of the Court inflicting the same.

Manner of making by-laws.

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

(*a.*) They shall be made by special order in the manner prescribed by section forty-five hereof:—

(i.) The resolution to do such thing shall be adopted at a special meeting:

(ii.) Such resolution shall be confirmed at a subsequent meeting, ordinary or special, held not sooner than four weeks thereafter:

(iii.) Public notice of such subsequent meeting and of such resolution shall be given once in each of the said four weeks, and a notice of such meeting and such resolution given to each member of the Board, or sent to his address through the ordinary course of post in a prepaid letter, three days at least before such subsequent meeting:

Provided that in publicly notifying the resolutions making the 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 in the office of the Board or at some other place within the district specified in the notification, and is open to the inspection of the public during office hours for at least seven days immediately preceding the meeting:

(*b.*) They may be amended before confirmation:

(*c.*) They shall have the common seal of the Board affixed thereto:

(*d.*) They shall come into force on a day named in the special order making the same, which shall not be earlier than seven clear days after the making of the order:

(*e.*) Every by-law repugnant to any Act for the time being in force in the district shall be null and void.

Evidence of by-law.

94. A copy of any by-law made by the Board, sealed with the common seal of the Board, shall be received as evidence of the same having been duly made, unless the contrary is proved.

By-laws to be approved by Governor in Council.

95. No by-law made by the Board shall come into operation until the same is confirmed by order of the Governor in Council, who may direct an inquiry into the same at such time and place, and before such persons, and after giving such notices as he thinks fit; and the Governor in Council may, with or without such inquiry, allow or disallow any by-law as he thinks fit:

Provided that if at any time before such confirmation of any by-law any such local authority, as defined by the Local Elections Act, 1904, having jurisdiction within any district in which any by-law is intended to be in force, by notice in writing to the Colonial Secretary, objects thereto, the Governor shall by Order in Council either disallow such by-law or cause a public inquiry to be held in some convenient place by such person or persons as he appoints, whereat all persons interested may have the opportunity of being heard; and after such inquiry the Governor in Council shall either allow or disallow such by-law; and if the Governor in Council allows such by-law, the same shall come into operation at the expiration of one month from the date on which notice of such allowance is given by advertisement in some newspaper or newspapers circulating in the district affected thereby.

Copies of by-laws to be kept.

96. The Board shall cause printed copies of all by-laws to be kept at the office of the Board, and to be supplied to any ratepayer applying for the same.

No relief from other liabilities.

97. Nothing in this Act or in any by-law made thereunder shall be deemed to relieve any person from any liability to which he would otherwise be subject in respect of anything done by him in breach of any such by-law.

Miscellaneous.

Judge not disqualified by reason of paying rates.

98. The payment of or liability to be rated or to pay rates under this Act shall not disqualify any Judge, Magistrate, or Justice to deal with any prosecution, action, claim, or proceeding instituted under or in pursuance of this Act.

Penalty for obstruction.

99. Every person who at any time obstructs the Board or any person appointed by it in the performance of anything which it or he is empowered or required to do by this Act is liable to a fine not exceeding ten pounds.

How offences recoverable.

100. Every offence hereby made punishable by a fine may be prosecuted, and all fines imposed by this Act shall be recoverable, in a summary way before any two Justices in the manner provided by the Justices of the Peace Act, 1882.

Section 3 of the Christchurch District Drainage Act 1875 Amendment Act, 1905, amended.

101. Section three of the Christchurch District Drainage Act 1875 Amendment Act, 1905, is hereby amended by omitting the words "but not exceeding the sum of twenty-five thousand pounds in any one year."

Repeal.

Repeal.

102. The enactments mentioned in the Third Schedule hereto are hereby repealed:

Savings.

Provided that such repeal shall not in any way annul or prejudicially or injuriously affect any contract made, anything done or agreed to be done or commenced to be done, any appointment made or office filled, any right or property acquired, any security given or agreed to be given, any valuation or rate made or levied or directed to be made or levied, any by-law enacted, any election held or in process of being held, any resolutions passed, or order or direction given under the authority of any enactment so repealed, or the right or power of the Board to raise or complete the raising of any authorised loan, or to issue any debenture prepared for issue under the said enactments, or to continue and carry to completion any power, authority, or right vested in the Board in respect of any such loan or any part thereof.

Schedules.

SCHEDULES.

Section 3.

FIRST SCHEDULE.

North-east Christchurch Subdistrict.

Bounded on the north, commencing at Colombo Street, by Bealey Avenue to its intersection with the North Avon Road; thence northerly and easterly by the said North Avon Road to its intersection with Hills Road; thence northerly and easterly by the Avon District to the left bank of the River Avon; thence southerly and westerly by the said left bank of the River Avon to its intersection with Fitzgerald Avenue; thence southerly by the said Fitzgerald Avenue to its intersection with Worcester Street; thence on the south and west by Worcester and Colombo Streets respectively to the starting-point.

South-east Christchurch Subdistrict.

Comprising the whole of the lands included within the boundaries of the South east Ward of the City of Christchurch.

North-west Christchurch Subdistrict.

Comprising the whole of the lands included within the area of the North-west Ward of the City of Christchurch.

South-west Christchurch Subdistrict.

Comprising the whole of the lands included within the boundaries of the South west Ward of the City of Christchurch.

Sydenham Subdistrict.

Comprising the whole of the lands included within the boundaries of the Sydenham Ward of the City of Christchurch.

St. Albans Subdistrict.

Comprising the whole of the lands included within the boundaries of the St. Albans Ward of the City of Christchurch.

Linwood Subdistrict.

Comprising the whole of the lands included within the boundaries of the Linwood Ward of the City of Christchurch.

Avon Subdistrict.

Bounded on the north by an east and west line running from the sea to the intersection of the western side of the North Road with the north side of the Purarekanui Stream (River Styx); thence on the west by the North Road to the southern corner of Rural Section No. 203; thence on the north-east by the south-west boundary of the said Section No. 203 to the north-western boundary of the Papanui Church Reserve; thence on the north-west by the said north-western boundary of that reserve; thence on the north by the northern boundary of Rural Section No. 151; thence on the west by the western boundary of Rural Sections Nos. 151 and 135 to the north-western corner of Rural Section No. 299; thence on the south-east by Norman's Road; thence on the north-east by the Papanui Road to May's Road; thence on the south-east by May's Road to Churchill Road; thence on the south-west by Churchill Road to McFadden's Road; thence on the south-east and south by McFadden's Road to Philpott's Road; thence on the south-west by Philpott's Road to Innes Road; thence on the south-east by Innes Road to Shirley Road; thence on the south-west by Shirley Road to Hills Road; thence on the west by Hills Road to North Avon Road; thence on the south-east and south by the City of Christchurch to the left bank of the River Avon; thence by the left bank of the River Avon and the Heathcote and Avon Estuary to the sea at Reserve No. 224; thence on the east by the sea to the starting-point.

Heathcote Subdistrict.

Bounded towards the north by the River Avon at the New Brighton Tramway Bridge (and being the southern boundary of the Avon District) to the junction of the said river and the Canal Reserve at the south-western corner of Rural Section No. 125; thence southerly on the south-west and north-west by the Linwood Ward to the Christchurch and Lyttelton Railway; thence north-westerly on the north-east by the said railway to Wilson's Road; thence southerly on the north-west by the Sydenham Ward to the River Heathcote; thence easterly by the River Heathcote to the estuary at the Ferry Road; thence northerly on the east by the estuary and the River Avon to the starting-point.

Also a detached portion of the district bounded on the north commencing at the south-eastern corner of the Sydenham Ward; thence westerly by the said boundary to Colombo Road; thence southerly by Colombo Road to the River Heathcote; thence by the River Heathcote to the starting-point.

Riccarton Subdistrict.

Bounded on the north commencing at the intersection of the North Road with the Purarekanui Stream (River Styx); thence north-westerly by the northern side of that stream to the western boundary of Section No. 243; thence southerly by the said western boundary of Section No. 243 to its intersection with the Styx Road; thence westerly on the north by the said road to the north-western corner of Section No. 533A; thence southerly by the road forming the western boundary of Sections Nos. 533A, 566, 734, 1165, 529, and 226A to the Harewood Road; thence north-westerly by the said road to the eastern side of the road separating Sections Nos. 57A and 140; thence south-westerly by the said road separating Sections Nos. 57A and 140, the road separating Sections Nos. 2373 and 2457, by the road running north-easterly and south-westerly through Section No. 199; thence south-easterly by the road forming the south-western boundary of the latter section, the south-west side of the stream south-west of Sections Nos. 117 and 115 to the road east of Section No. 22; thence southerly by the said road east of Sections Nos. 22, 114, and 56 to the southern side of the Riccarton Road, by that road and the Lincoln and Riccarton Junction Road to the Lincoln Road; thence north-easterly by the said Lincoln Road to its intersection with Moorhouse Avenue; thence westerly by the said Moorhouse Avenue to the road forming the eastern boundary of Sections Nos. 9, 10, and 163; thence north-easterly by the River Avon to its intersection with the boundary road; thence north-westerly by the boundary of the City of Christchurch and the Avon District to the north-west corner of Rural Section No. 151; thence easterly and northerly by the Avon District to the starting-point.

Spreydon Subdistrict.

Bounded commencing on the Lincoln Road at the western point of Sydenham Ward; thence south-westerly by the said road to the River Heathcote; thence on the

south-west and south-east by the said river to its intersection with Colombo Road; thence on the east (northerly) by Colombo Road to Strickland Street; thence north-westerly by the south-western boundary of the Sydenham Ward to the starting-point.

Section 67.

SECOND SCHEDULE.

All that area situated in the City of Christchurch, containing 3 roods 39 perches, more or less, being a strip of land 20 links wide extending from Creyke Street to Madras Street, the nearest side of which is 190 links distant from and parallel to the north side of Moorhouse Avenue, but not including any part of Montreal, Durham, Colombo, and Manchester Streets.

All that area situated in the City of Christchurch, containing 17 perches, more or less, being a strip of land 20 links wide the southern boundary of which commences at a point on the east side of Madras Street 183·5 links north of Moorhouse Avenue, and which extends through Section No. 125 to Section No. 126 on a bearing of 70° 36′ north-east, but not including any part of Fyffe Street.

All that area situated in the City of Christchurch, containing 1 rood 29 perches, more or less, being a strip of land 20 links wide the south side of which commences at the western boundary of Section No. 126, and 380 links north of Moorhouse Avenue, and runs parallel to the said Moorhouse Avenue for a distance of 555·5 links to Barbadoes Street, and from Barbadoes Street for a distance of 954·6 links; thence north-easterly bearing north 44° 2′ east for 66·8 links; thence bearing north 18° 39′ 26″ east for a distance of 594·2 links to Lower High Street.

All that area situated in the City of Christchurch, containing 38 perches, more or less, being a strip of land 14 links wide from Salisbury Street to Bealey Avenue parallel to and abutting on the west side of Madras Street, but not including any part of Taylor's Lane and the street through Section No. 164.

All that area situated in the City of Christchurch, containing 1 perch, more or less, being a strip of land 10 links wide extending in a westerly direction for a distance of 47 links from the last-mentioned strip of land parallel to and abutting on Salisbury Street.

All that area in the City of Christchurch, containing 1½ perches, more or less, being a strip of land 10 links wide parallel to and abutting on the north side of Salisbury Street, extending in an easterly direction 93 links from the eastern boundary of Section No. 129.

All that area situated in the City of Christchurch, containing 23 perches, more or less, being a strip of land 18 links wide parallel to and abutting on the north side of Salisbury Street extending from a point 71⅔ links east of Madras Street to the Cemetery 200 links west of Barbadoes Street, but not including any part of the lane which intersects Section No. 157.

All that area situated in the City of Christchurch, containing 1 rood 7 perches, more or less, being a strip of land 18 links wide extending from Bealey Avenue to the last-mentioned strip of land parallel to and the west side of which is 548 links east of the east side of Madras Street, but not including any part of North Street, New Street, and a street in Section No. 161.

As all the said parcels of land are shown and delineated on the Provincial Engineer's map of the late Province of Canterbury, and reserved for the purposes of drains.

Section 102.

THIRD SCHEDULE.

Enactments repealed.

1875, No. 26.—The Christchurch District Drainage Act, 1875.
1876, No. 35.—The Christchurch District Drainage Act 1875 Amendment Act, 1876.
1877 (Local), No. 36.—The Christchurch District Drainage Act 1875 Amendment Act, 1877.
1880 (Local), No. 13.—The Christchurch District Drainage Act 1875 Amendment Act, 1880.
1886 (Local), No. 16.—The Special Powers and Contracts Act, 1886: Section 8.
1887 (Local), No. 11.—The Christchurch Drainage Board Reserves Sale and Exchange Act, 1887.

1887 (Local), No. 12.—The Christchurch District Drainage Act 1875 Amendment Act, 1887.

1891 (Local), No. 4.— The Christchurch District Drainage Act 1875 Amendment Act, 1891.

1894, No. 24.—The Rating Act, 1894: Section 73.

1900 (Local), No. 24.—The Christchurch District Drainage Act 1875 Amendment Act, 1900.

1902 (Local), No. 4.—The Christchurch District Drainage Act 1875 Amendment Act, 1902.

1903 (Local), No. 12.—The Christchurch District Drainage Act 1875 Amendment Act, 1903.

1905 (Local), No. 31.—The Christchurch District Drainage Act 1875 Amendment Act, 1905: Sections 10 to 14.

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