



Western Australia.

ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

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No. XVI.

AN ACT to regulate the management of Roads  
in Western Australia.

[ Assented to, 7th December, 1888. ]

WHEREAS it is expedient to amend and consolidate the law relating to Roads in Western Australia: Be it enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. THIS Act may be cited as "The Roads Act, 1888," and shall come into operation on the 1st day of January, 1889.

Short Title.

2. (1.) THE several Ordinances and Acts mentioned in Schedule A. hereto shall be and the same are hereby repealed.

Repeal.

(2.) Such repeal shall not relate to anything heretofore lawfully done in pursuance of such Ordinances and Acts respectively, nor to any proceedings thereunder which shall have been commenced and shall be pending when this Act comes into operation, nor to any offences committed against the provisions thereof respectively.

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(3.) Such proceedings may be continued and such offences may be prosecuted in manner prescribed by the said Ordinances and Acts respectively.

(4.) All persons already elected as members of a district road board, under the said repealed Ordinances or Acts, shall continue to be members of boards constituted under this Act, until the first general election of members of boards shall be had, as herein provided.

(5.) Notwithstanding the repeal of the said Acts, any main or minor road heretofore publicly notified as classed under the provisions of "The District Roads Act, 1871," shall continue to be so classed unless and until such road be reclassified or unclassified by a road board with the approval of the Governor publicly notified in the *Government Gazette*. It shall be lawful for a road board to class any road as a main or minor road subject to the like approval and publication.

Interpretation  
clause.

3. IN the construction of this Act (if not inconsistent with the subject matter) the following terms shall have the respective meanings hereinafter assigned to them:—

1. "District" shall mean any locality heretofore designated and defined as such under and by virtue of "The District Roads Act, 1871," or that may hereafter be designated and defined by the Governor as a District under the provisions of this Act by notice in the *Government Gazette*.
2. "Rateable Property" shall mean all buildings, lands, tenements, and hereditaments in the district, except the following, namely: All such property situate within the limits of a municipality or in any town where there exists a town council or town trust; waste lands of the Crown in the possession of the Crown or leased by the Crown for pastoral purposes; land the property of the Crown and used for any public purpose; churches, chapels, cemeteries; places for the public worship of Almighty God; public schools, or schools deriving aid from Government; public buildings and lands appropriated and held upon trust for any religious, charitable, or public purpose, or reserved or set apart for the benefit of the aborigines.
3. "Ratepayer" shall mean the owner or occupier of rateable property.
4. "Road" shall mean any land notified as a road in the *Government Gazette* as a main or a minor road, and not being a railway within the meaning of the Railway Acts nor a road within the boundaries of a municipality or a town

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town trust, and shall include all roads declared as such under any of the repealed Ordinances or Acts.

5. "Board" shall mean the road board of a district designated and defined under the provisions of "The District Roads Act, 1871" (whether such board has been or shall be elected under the provisions of the said Act of 1871, or under the provisions of this Act), and the road board of any district to be so designated and defined under the provisions of this Act.

4. THE Governor may from time to time designate and define any locality as a district for the purposes of this Act by notice in the *Government Gazette*, and in like manner may alter or cancel any such notice.

Governor may designate and define districts.

## CONSTITUTION OF BOARDS.

5. THERE shall be a road board in each district, which board shall consist of seven persons to be elected as hereinafter provided, one of whom shall be chairman; and any four members of such board shall be a quorum for the transaction of business. Such board shall be elected by a majority of votes of the persons for the time being on the district electoral list.

Local Boards.

6. ALL rights, liabilities, contracts, and engagements existing, and all actions, suits, and other proceedings pending at the commencement of this Act, of, by, or against any district board constituted under any of the repealed Ordinances or Acts, or of, by, or against any person in the right of or on behalf of a board shall be vested in and attach to and be deemed and taken to have been made and entered into with and may be enforced, carried on, and prosecuted by or against a board elected under this Act for the same district. No such action, suit, or other proceeding shall abate or be discontinued or prejudicially affected by reason of this Act.

Saving of existing rights.

7. THE board may appoint, if deemed necessary but not otherwise, from time to time, a secretary, a treasurer, and such other officers and servants as shall be necessary, and shall define their duties; and may assign reasonable remuneration to such secretary, treasurer, officers and servants; and may remove them and appoint others in their stead; and may require the treasurer or any other officer to give security, or a bond with two sureties for a reasonable sum, to be respectively approved by the board, for the fair and diligent discharge of his duties. Every person elected or appointed to any office under this Act may at any time, by letter in writing addressed to the board, resign such office, and the resignation shall

Appointment and remuneration of officers.

be

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be held to be complete from the date of its being received by the secretary to the board or person acting as such.

*General meeting of ratepayers.* 8. THE board shall after this Act shall come into operation hold a general meeting of ratepayers, upon the requisition of any seven or more ratepayers. Public notice of each such general meeting shall previously be given.

*Board meetings.* 9. THE board shall meet within the district, at whatever place they may decide upon, for the transaction of their ordinary business, at least once in every three months, or oftener if so determined, on such day or days as may be agreed upon; but no business shall be transacted at any such meeting unless at least four of the members of the board, inclusive of the chairman or member of the board chosen to preside in his absence, shall be present; each member, including the chairman, shall have one vote, and such chairman shall, in case of an equality of votes, have a casting vote in addition to his ordinary vote, and all questions at such meeting shall be decided by a majority of the votes of the members present. The chairman may call a meeting of the board as often as he shall think proper, and if he shall refuse or delay to call any such meeting after receiving a requisition for that purpose, signed by three members of the board, such three members may call a meeting of the board, by serving on each of the other members of the board notification in writing of such meeting at least seven days before the date thereof, and such notification shall be signed by such three members, and shall state therein the business proposed to be transacted.

*Board to keep books.* 10. THE board shall keep a book or books in which shall be entered minutes of all proceedings and transactions, and the chairman or presiding member shall see that such proceedings are duly entered, and shall subscribe the same with his own hand, and the names of the members present at every meeting shall be entered in such minutes.

*Chairman to preside.* 11. THE chairman, if present, shall preside at all meetings of ratepayers and of the board, and in his absence, or if after being present he shall retire, one of the members of the board chosen by the ratepayers or members present (as the case may be) shall preside.

*Governor in Council may supersede a board.* 12. IN all cases where a board shall not observe the provisions of this Act, or in any other case when the Governor in Council shall think fit in the interests of the public service, it shall be lawful for the Governor in Council to supersede a board either wholly or partially, and to exercise all or any of the functions of such board for such time as he shall think fit. Notice of such supersession shall be given by Public Notice.

ELECTORS

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ELECTORS AND ELECTORAL LIST.

13. EVERY British subject of full age being resident within the Colony, and not subject to any legal incapacity, who

Qualifications of electors.

1. On the first day of September in any year shall be and since the first day of January next preceding has been seised of as owner or has as occupier been in occupation of any rateable property within the limits of any district; and
2. Has paid all rates and assessments assessed upon such rateable property by the board up to the thirtieth day of June in such year; and
3. Has not been at any time within such year in receipt of any public relief or alms,

shall be entitled to have his name inserted upon the electoral list for such district, and be qualified to be a voter and to be a member of a board.

14. (1.) THE board shall be elected by the persons whose names are on the electoral list in force for the time being within the district.

Board to be elected by persons whose names are on electoral list.

(2.) At any such elections each person shall have a number of votes proportionate to the rateable value of property owned or occupied by him within the district set against his name on the said list, as hereinafter mentioned, according to the following scale:—

Rateable Value of Property.	Number of Votes.
Five pounds and not exceeding ten pounds....	1
Exceeding ten pounds and not exceeding twenty-five pounds.....	2
Exceeding twenty-five pounds and not exceeding fifty pounds.....	3
Exceeding fifty pounds.....	4

(3.) Where any property within the district is jointly owned or occupied by more persons than one, each of such joint owners or occupants, if the annual value of such property is of an amount which, when divided by the number of such joint owners or occupants, gives for each owner or occupant a sum not less than the sum which would entitle such person to be an elector if he owned or occupied separately, shall, subject to the conditions hereinbefore contained, be an elector, and entitled to vote as such in respect of the property so jointly owned or occupied; and if the value of such property is not of such an amount as to be so divisible as aforesaid, then only such one of such joint owners or occupants shall be an elector, and entitled to vote as such in respect of the said property so jointly owned or occupied, as is for that purpose deputed in writing by the other or by the majority in number of such other joint owners or occupiers.

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Electoral list, how made up.

15. (1.) THE said electoral list shall be thus made up: On or before the twentieth day of September in each year, the board of each district shall cause an alphabetical list to be prepared of all persons qualified to have their names inserted in the district electoral list as voters at the election of members of a board for such district, and shall against the name of each such person specify the particular lands, tenements, or hereditaments in respect of which the name of such person is inserted on such list, and shall against the name of every such person specify the annual rateable value of the lands, tenements, or hereditaments of which such person is seised or possessed as owner or occupier within such district.

(2.) The said list having been so prepared shall be signed by the chairman of the board, and a copy thereof shall on the said day be affixed on the outer door of the Magistrate's or Police Office or in some other public place in each district, and the said board shall deliver one or more copies thereof to any owner or occupier of land in the district applying for the same, on the payment of a reasonable price for each copy.

(3.) The said list shall be in the form given in Schedule B. to this Act.

Persons omitted from such list may claim to have their names inserted.

16. ANY person whose name shall have been omitted from any such electoral list may, on or before the thirtieth day of September in any year, apply by registered letter sent through the post addressed to the chairman to have his name inserted thereon and in such letter shall give particulars of his claim, and any person whose name has been inserted on the district electoral list as a voter who is dissatisfied with such list as not specifying the full rateable value of the lands, tenements, or hereditaments of which he may be seised or possessed may likewise, on or before the said day, apply in the same manner to the chairman to have the amount of such rateable value altered, and shall give particulars of such claim. Any person whose name appears on any such electoral list may, on or before the said day, object to any other person as not being entitled to have his name retained thereon, or may object to the rateable value placed against the name of any person on the district electoral list, by sending through the post in a registered letter addressed to such person a notice signed by him of his intention to object and of the grounds of such objection and by sending a copy of such notice in the same way to the chairman. Any application under this section shall be in the form given in the Schedule C. to this Act or to the like effect.

List to be published of persons claiming and of persons objected to.

17. THE chairman shall cause a list to be made showing the names and addresses of the several persons claiming to have their names inserted on the district electoral list or to have the amount of rateable value set against their names on the electoral list altered, and

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and the particulars of such claims; and also of the persons whose names have been duly objected to as aforesaid; and shall cause such list, with an appropriate heading to the same showing the contents thereof, to be affixed on the outer door of the Magistrate's or Police Office, or in some other public place in the district, and also in the room where the said board ordinarily meet for the transaction of business, on or before the third day of October in each year.

18. THE board of every district shall hold an open court within the district for the purpose of revising the electoral list thereof, and such court shall be held on such day or days between the tenth and twentieth days of October (both inclusive) in each year as may be appointed by the board, and the board shall give six clear days' notice of the holding of such court, and of the time and place thereof, by placing such notice on the outer door of the offices mentioned in the last section, and by advertisement in some newspaper generally circulating in the neighborhood.

Board of every district to hold a court for revision of list.

The court shall consist of the chairman of the board, or in his absence of a chairman appointed by the board, and of not fewer than two other members of the board; and every such court may be adjourned, and if at any time for half an hour after the time appointed for holding any such court or adjourned court a sufficient number of the board to form a court be not present, the chairman, or in his absence any member of the board, may adjourn the court.

19. THE said court shall have power to hear, receive, and examine evidence, and for that purpose to administer an oath or affirmation, and by summons under the hand of the chairman of such court to require all such persons as the court may think fit to appear personally before such court, at a time and place to be named in such summons, and to produce to such court all such books and papers in their possession or under their control as may appear necessary for the purpose of their examination; and the said court shall have the like powers for compelling the attendance of witnesses summoned, and their examination upon and taking of oaths and affirmations, and their answering questions touching the premises, as by any law in force for the time being is vested in justices exercising summary jurisdiction; and the said court shall, upon hearing in open court, by the decision of a majority, determine as hereinafter mentioned upon the validity of all claims and objections.

Powers of such court.

20. THE said court shall insert in the electoral list under revision the name of every person who has claimed as aforesaid and

Hearing of claims and objections, and correction of lists. . .  
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is proved to the satisfaction of the court to be entitled to be inserted in the electoral list; and shall retain on the said list the names of all persons to whom no objection has been sustained, and the rateable value set against the same unaltered, and shall also retain on the said list the name of every person who has been objected to by any person, and the rateable value set against the same unaltered, unless the person so objecting appears in his own person in support of such objection, and prove the sending of the requisite notices.

When the name of any person inserted in any list or the rateable value set against the same has been duly objected to, and the person objecting appears as aforesaid in support of such objection, the court shall require proof of so much of the qualification of the person so objected to as is embraced in the grounds of objection so to be stated as aforesaid and no more; and in case such qualification of such person is not proved to the satisfaction of the court, the said court shall expunge the name of such person from the said list, or shall alter and correct the rateable value set against the same (as the case may require); and the said court shall also expunge therefrom the name of any person who is proved to be dead; and shall by means of inspection of the electoral list and rate book, and valuation and return, correct any mistake or supply any omission which may appear to such court to have been made in the said list in respect of the name, place of abode, or quality, trade or occupation, of any person who is included therein, or in respect of the local description of the rateable property, or the situation thereof. No person's name shall be inserted by the said court in any such list, nor shall, except in the case of death, be expunged therefrom, unless notice has been given as is hereinbefore required in each of the said cases.

Costs in cases of  
frivolous, &c., claims  
or objections.

**21.** IN case it appears to the court that any person has made or attempted to sustain any frivolous or vexatious claim or objection, it shall be lawful for the court to award such costs, not exceeding one pound, as to them may seem meet, to be paid by such person to the person resisting such claim or objection; and the same may in default of payment be recovered in a summary manner before any Justice.

Certificate, &c., of  
revision.

**22.** THE chairman of such court shall in open court write his initials against the names struck out or inserted as aforesaid and against any part of the list in which any mistake has been corrected or omission supplied, and shall sign his name to every page of the list so settled, and shall then cause to be written at the foot or end of the list a certificate that the same has been revised and is correct, with the date thereof, and the chairman and not fewer than two other members of the court shall severally sign such certificate.

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23. THE list so signed and certified shall be forthwith delivered to an officer appointed by the board for that purpose, and such officer shall forthwith cause the names thereon to be copied or printed in alphabetical order according to the form contained in and with the several particulars required by Schedule D. to this Act, and shall prefix to every name in such list a number, beginning such numbers at the first name on the said list with the number one and continuing them on in regular arithmetical series to the last name thereon, and shall before or on the first day of November deliver the said list to the chairman of the board, who shall satisfy himself of its correctness and sign the same.

List to be made out and delivered to chairman.

24. THE list so signed as aforesaid by the chairman of the board as aforesaid shall be the electoral list for the district, and shall continue in force and shall not be added to or otherwise altered until a new list has been made for the district under the provisions of this Act, whether the same has been duly made at the time hereby appointed or afterwards.

List so signed to be Voters' list.

25. ANY copy purporting to be a copy of such list, and signed by the chairman of such board, shall be *prima facie* evidence of such list and of the contents thereof.

Copy of list to be evidence.

26. (1.) NO omission to notify by public notice with regard to any list or to keep any list for perusal or inspection shall be deemed to prevent, invalidate, or render imperfect any of the proceedings hereinbefore provided for with regard to the compilation or completion of any such list.

Omission to publish, &c., not to invalidate proceedings.

(2.) If from any cause the revision of any list awaiting revision under this Act has not been made or completed within the time herein appointed or allowed for that purpose, the Governor may appoint a day, not more than twenty days from the last day upon which such revision might have been made, to be the day for holding a revision court for revising the said list; and such day shall as to all such acts and proceedings as yet remain to be done or had with respect to such list be deemed to be for all intents and purposes the day appointed for such revision, and the time herein appointed for the delivery of the said list to the chairman of the board shall be extended in the same proportion.

If list not revised within the time appointed, Governor may appoint a day for holding a revision court.

(3.) If from any cause the preparation, printing, or revision of the electoral list has been omitted or not completed, the Governor may, at the request of the board, order the same to be done, and the order authorising it shall be forthwith published in the *Government Gazette*; and upon such publication such omission or non-compliance shall be rectified, and such list validated according to the tenor of such order.

Governor may appoint day for revision, and may correct errors. &c.

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If no materials for first electoral list yet provided, or in case of failure to make first list, Governor may extend time, &c.

**27.** IF at the time at which the board is hereby required first to make out an electoral list for any district, no rate and no valuation and return have been made for such district, or if from any cause an electoral list has not been made out at such time, or if made has not been revised and completed within the period, it shall be lawful for the Governor to appoint for that occasion the several times and intervals of time, or, as the case may require, the several remaining times and intervals of time, at or within which the acts hereinbefore required or permitted to be done with regard to the making and revision of the electoral list and completion thereof shall or may be had or done.

In the case where no such rate, and no such valuation and return have been made, the first in order of such times shall be not less than three nor more than six months after the time when members of a board shall first be in office in such district under this Act, and that in all cases such times shall be of the same distance from each other, and such intervals shall be of the same length, as hereinbefore prescribed or provided in that behalf respectively.

Where no board, Governor may appoint person to make lists.

**28.** IN the case of any district where there is no board, the acts and things by this Act required to be done in and about the settling of the said electoral list shall be done by such person or persons, at such time or times, and at such place or places as the Governor may appoint in that behalf.

## QUALIFICATION OF MEMBERS OF BOARDS.

Disqualification for holding office of member or auditor.

**29.** NO person shall be eligible to be or remain a member of a board or auditor in any district who is of unsound mind, or an uncertificated or undischarged bankrupt, or who holds any office or place of profit in the gift or disposal of a road board, or who (except as a shareholder in a limited company) shall have any interest in any contract with or employment under such board.

Disqualification for discussion.

**30.** NO member of a board shall vote upon or take part in the discussion of any matter before the board in which he has directly or indirectly by himself or his partners (except as a shareholder of a limited company) any beneficial interest. A member of a board offending against the provisions of this or the last preceding section shall for every such offence be liable to a penalty not exceeding Fifty pounds.

Qualification of members of board.

**31.** (1.) SUBJECT to the provisions of the two last preceding sections, every male person whose name is on the electoral list in force

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force for the time being in a district shall be eligible for election as a member of a board for such district, and to be chairman thereof.

(2.) He shall retain such office until he shall resign such office in writing addressed to the board, or cease to attend the meetings of the board for three consecutive meetings, without leave from the board, or become lunatic or bankrupt, or be imprisoned for any felony or misdemeanor.

## ELECTION OF A BOARD.

32. (1.) THE election of a board, for all districts, shall after this Act shall come into operation take place on the third Thursday in December in each year, at such place within the district as the returning officer at such election shall appoint. Election of board.

(2.) In any new district that may be created by the Governor, in pursuance of the provisions of this Act, the first election of a board shall be had on such day and at such place as the Governor may appoint.

(3.) At any first election for a new district the returning officer shall be nominated by the Governor.

(4.) At every election other than the first election for a new district the chairman of the board, and, in his absence, or if there shall be no chairman, any member of the board elected by the board for that purpose shall be the returning officer.

(5.) In case in any district the electors shall fail to duly elect a board, or any of them, the Governor may, by notice in the *Government Gazette*, appoint another day for the holding of such election.

33. (1.) ANY person who shall be desirous of being a candidate for election as member of a board in a district shall by himself or his agent give notice in writing of such his desire to the then chairman at least seven days before the day of such election; and the said chairman shall give notice of the intention of such person to become such candidate by affixing a notice to that effect on the door of the chamber, or other accustomed place of meeting for the board, and keeping the same there affixed until the day of election. Candidates for election to give seven days notice to chairman.

(2.) At the first election for a new district such notice shall be given to the returning officer, who shall, as soon as practicable after the receipt thereof, post a copy of such notice on the outer door of the Magistrate's or Police Office of the District or of the premises where such election is to be held.

(3.) At any such election no one shall be deemed a candidate for the office of member of a board within the meaning of the next following sections, except those who have given such notice as is herein provided.

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Proceedings at elections.

**34.** (1.) ON the day of election the returning officer shall preside at a meeting to be holden at eleven o'clock in the forenoon at the place appointed for the election, and shall declare the purpose for which such meeting is held.

(2.) If it appear at such meeting that there is not more than one candidate proposed to fill any one vacancy, the returning officer shall declare such candidate duly elected.

(3.) If it appear that there is more than one candidate proposed to fill any one vacancy, the returning officer shall call for a show of hands separately in favor of each candidate, and after such show of hands shall declare the person or persons upon whom the election has fallen, and such person or persons shall be deemed to have been duly elected, unless a ballot be demanded by any of the other candidates, or by not fewer than six persons qualified to vote at the election; and on such demand being so made the ballot shall immediately take place.

Manner of taking the ballot.

**35.** (1.) THE ballot at any such election shall be taken by the returning officer or his deputy and shall close at six o'clock in the afternoon of the same day.

(2.) Every person entitled to vote at any election may give the number of votes to which he is entitled on the electoral lists to each of any number of persons not exceeding the number of persons to be elected, or may give his vote or votes to any one candidate.

(3.) In all cases the votes shall be given in person by the voter unless he is, though resident in the Colony, more than fifteen miles distant from the place of election or resident out of the district on the day of election, in which case they may be given by a proxy or agent duly authorised in writing.

(4.) No votes shall be accepted or taken from any person being or professing to be a proxy or agent, unless such proxy or agent has satisfied a Justice of the Peace or the returning officer by declaration made in pursuance of the 18th Victoria, No. 12, that the signature of the voter thereon is his own proper signature, and that he, the proxy or agent, has been duly authorised by the voter to deliver in the voting paper on his behalf, and such Justice of the Peace or returning officer has endorsed the voting paper hereinafter mentioned to that effect.

(5.) Votes shall be given by the voter or his proxy delivering to the returning officer or his deputy a voting paper containing the christian name and surname, or christian names and surnames, of the person or persons for whom he votes, and the number of votes that the voter is entitled to give. No person shall act as a proxy unless he be authorised by the voter in the form given in Schedule E. to this Act or to the like effect.

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(6.) No voting paper shall be received from any proxy or agent unless it be signed by the elector voting, and also by such proxy or agent, and contain his address.

(7.) No inquiry shall be permitted at any election as to the right of any person to vote, except only as follows: that is to say, that the returning officer or his deputy may, if he think fit, or shall if required by any two persons entitled to vote at the election, put to any person tendering a voting paper, at the time of his delivering in his voting paper and not afterwards, the following questions, and no other:—

Are you the person whose name appears as (*here specify the name contained in the electoral list*) in the electoral list now in force for this district, being registered therein for property described to be situated in (*here specify the property described in the electors' list*)?

Have you already voted at the present election for this district?

(8.) Or, in the case of any such voting paper being tendered by a person being or professing to be a proxy or agent, the following questions, and no other:—

Is the person who signed this voting paper the person whose name appears as (*here specify the name contained in the electoral list*) in the electoral list now in force in this district, being registered therein for the property described to be situated in (*here specify the property described in the electoral list*)?

Is the said person now, to the best of your knowledge and belief, resident within the Colony, and more than fifteen miles from this place or resident out of the district?

Is the name signed on the paper as the name of the proxy or agent delivering the same your name, and signed by you, and is the address of such person your address?

Has the person, whose name is signed to this paper as the voter, ever revoked the authority given to you to deliver it, or has he to your knowledge already voted at this election?

36. NO person so required to answer the said questions shall be qualified or permitted to vote, until he shall have answered such question or questions in such manner as shall show that he is entitled to have the voting paper tendered by him accepted by the returning officer or his deputy.

What votes may be rejected.

37. IF any person shall wilfully and corruptly make a false answer to any of the questions aforesaid, or shall knowingly tender to

Penalty for misrepresentation.

to

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to the returning officer or his deputy, a false, untrue, or fictitious voting paper, such person shall be guilty of a misdemeanor, and on conviction thereof shall suffer the like penalties as if convicted of wilful and corrupt perjury.

Voting papers not to be rejected for want of form.

**38.** NO voting paper shall be rejected for mere want of form, provided that the name or names of the candidates for whom the voter votes be intelligibly expressed, and in a manner to be commonly understood. If at any election any person entitled to more than one vote omit to specify on any voting paper the number of votes he is entitled to, his voting paper shall be counted as if he were entitled to one vote only.

Deputy returning officer to deliver voting papers to returning officer.

**39.** EACH deputy returning officer shall immediately on the close of the ballot collect and seal up all the voting papers which have been taken at the voting place whereat he presided, and shall with the least possible delay deliver the same or cause the same to be delivered to the returning officer.

Names of persons elected to be declared by returning officer.

**40.** (1.) THE returning officer shall, so soon as may be practicable after the election shall have been held, openly declare the general state of the ballot at the close of the election as the same shall have been made up and ascertained by him from the voting papers taken at the several voting places, and shall at the same time and place declare the name or names of the person or persons who shall have been duly elected at such election; and in the event of the number of votes being found to be equal for any two or more candidates. such returning officer may, by his casting-vote or votes, decide which of the said candidates shall be elected.

Returning officer not to vote except by giving a casting vote.

(2.) No returning officer shall vote at any election of which he is the returning officer except in the case of an equality of votes.

Deputy returning officer may vote.

(3.) The deputy of any returning officer, if entitled to vote at any election, may give his vote or votes in like manner as if he had not been appointed and acted as deputy returning officer.

No candidate to act as returning officer or deputy.

(4.) No candidate at any election shall be entitled to act as returning officer or the deputy of a returning officer.

Names of persons elected to be returned to Governor.

**41.** THE name or names of the person or persons so elected shall be returned to the Governor as the name or names of the person or persons elected, and shall be notified in the *Government Gazette*.

If election avoided persons elected to be deemed duly elected till day of declaration of avoidance.

Any person whose name shall have been so returned and notified shall, notwithstanding that his election and return shall subsequently be declared by competent authority to have been void, be deemed to have been duly

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duly elected to all intents and purposes up to the day on which his election and return shall be so declared to have been void.

42. WHENEVER complaint shall be made to a Resident or Police Magistrate of any district by any person who was a candidate at any election held under this Act, or by any six persons entitled to vote at any such election, that any such election for any road board within such Resident or Police Magistrate's district was invalid, or that any other person ought to have been returned thereat as a member of such road board in preference to the person actually returned as elected, the procedure thereafter shall be regulated in the following manner:—

Invalid elections  
how remedied.

- (1.) It shall be lawful for such Resident or Police Magistrate to issue a summons, summoning the returning officer at such election, and also the person or persons returned at such election, in preference to the party or parties complaining as aforesaid, to appear before himself and such other Justice or Justices as may then be present on a day to be named in such summons.
- (2.) On the said parties appearing, or, in default of their appearance, on its being shown that such summons was duly served, it shall be lawful for such Resident or Police Magistrate, and at least one other Justice resident within the district, to investigate the matter of such complaint. And if on such investigation it shall appear to them that such election was invalid, or that any other person ought to have been returned thereat in preference to the person returned as elected, it shall be lawful for the said Justices to declare accordingly. And thereupon, if the said Justices shall declare the said election to have been invalid, the same shall be deemed to have been null and void, and a fresh election shall be held as upon a vacancy; and if the said Justices shall declare that any person ought to have been returned in preference to any other person, the latter person shall at once cease to be a member of the said board, and the person so declared as aforesaid to have been duly elected shall be deemed to all intents and purposes to have been duly elected.
- (3.) No such proceedings shall be taken except within three weeks of the day of the election out of which the complaint arises.
- (4.) It shall be lawful for the said Justices to make such order as to costs as may seem to them right. Such order shall be enforced according to the provisions

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visions of the Ordinance passed in the fourteenth year of Her present Majesty, number five.

Entry of board on office.

**43.** (1.) THE board shall enter upon their office on the day following their election.

(2.) On the third Thursday in December three members shall go out of office by rotation, and an election shall be held to supply their places, and the persons elected shall assume office on their predecessors going out of office.

(3.) If the first election of members of a board for a new district takes place after June in any year, the next election shall not take place till December in the year next after the year of such first election.

(4.) The members of each board shall go out of office in the following order: that is to say, the three members who had the least number of votes at the first election under this Act shall be the first three to go out of office; the three members who had the next smallest number of votes at the first election under this Act shall be the next three to go out of office; and afterwards the members to go out of office shall always be the three who have been longest in office without re-election, and in cases where two or more members are elected on the same day, as between themselves, those having the smallest number of votes at such election shall be deemed the longest in office for the purpose of retiring by rotation.

(5.) In case at any election of members two or more are elected by an equality of votes, or the election is had without a ballot, it shall be determined by lot in what rotation, as between themselves, such members having an equality of votes shall retire by threes as aforesaid, as the case may be; and in such case, the members shall retire according to the rotation so determined.

Vacancies how declared and filled.

**44.** THE following cause shall create a vacancy in the office of member of a board: absence from three consecutive ordinary meetings of the board followed by a resolution of the board declaring the office vacant, which resolution the board may but are not bound to pass at the next meeting of the board after the expiration of the said three consecutive ordinary meetings.

Members of board to choose chairman.

**45.** SO soon after the first and every annual election of members of a board under this Act as conveniently may be, the members shall choose and appoint, in such manner as they may deem expedient, some one from among themselves to be chairman, who shall go out of office on the determination of the next annual election of members.

Bye vacancy in office of membership of board.

**46.** IF any bye vacancy occurs in the office of member the electors shall, upon a day to be fixed by the chairman of such board, and

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and of which the chairman shall give due public notice, elect another member to supply such vacancy.

47. IN case any bye vacancy occurs in the office of chairman, the members of the board shall choose and appoint, out of their own body, another person to be chairman for the remainder of the then current year, and he shall continue in office till the time when his predecessor would have gone out of office in case no such vacancy had occurred.

Bye vacancy in office of chairman.

48. AT all bye elections of a member of the board, the course of proceeding shall be the same, as near as may be, as is herein directed to be followed at the annual election.

Proceedings in cases of vacancy in members of board.

49. SUBJECT to the provisions of this Act, any chairman or member of the board going out of office shall be eligible for re-election.

Chairman or member eligible for re-election.

50. IN case at any election of members the chairman is one of the members going out of office and is nominated for re-election, the board shall appoint one of their own body to hold such election, who for such purpose shall have the powers and perform the duties by this Act conferred and imposed on the chairman.

Chairman being a candidate for re-election.

51. ALL acts and proceedings of the board, or of any person in possession of the office of chairman or member, and acting as such, shall notwithstanding it is afterwards discovered that there was some defect in the election of the said board, or of any such person, or that any such person was under any disability, be as valid and effectual as if the said board or such person had been duly elected.

Acts of chairman of board to be valid, notwithstanding defect in election.

52. IN case no election is had of any member or members of the board, upon the day or within the time provided for such election, or if in case of any such election being had, the same is or afterwards become void, the electors shall not thereby be disabled from electing such member or members for the future; but in any case the election shall be had as in case of a bye vacancy; and every act necessary to be done in order to and for the completing such election shall and may be done, and shall be as valid and effectual for all purposes as if the election had been upon the day or within the time appointed for that purpose.

Irregularity in elections.

POWERS AND DUTIES OF ROAD BOARDS.

53. (1.) THE possession, care, control, management, construction and repair of all roads within a district, and of all bridges, drains,

Possession in boards.

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drains, culverts, boundary posts, fences, and gates appertaining thereto shall be vested in, exercised, and effected by the road board of such district.

Property in the Crown.

(2.) The property and estate in the soil of all roads, and the bridges, drains, and culverts thereon, shall be vested in Her Majesty, her heirs and successors.

Restriction as to expenditure on roads, &c.

(3.) No board shall expend a sum exceeding One hundred pounds in the making in the first instance of a bridge or culvert, except by the direction and under the control of the Director of Public Works, or his deputy duly authorised by him in that behalf.

The board and certain persons empowered to enter, survey, and erect posts, &c., on lands.

54. FROM and after the passing of this Act, it shall be lawful for a board or the Surveyor General of the Colony, or any person or persons acting under the authority of a board or the Surveyor General, to enter upon any lands for the purpose of examining, surveying, laying out and making lines of communication, and of erecting pegs, posts, or other land-marks upon such lands in such places as the board, Surveyor General, or persons acting as aforesaid may think proper.

Any person obstructing such persons or moving, &c., posts, guilty of an offence.

55. ANY person obstructing or interfering with a board or the Surveyor General, or any person or persons acting under the authority of a board or the Surveyor General as aforesaid, while engaged in the execution of any of the powers mentioned in the last preceding section, and any person wilfully or negligently moving, breaking, throwing down, altering, defacing, destroying, injuring, or concealing any such peg, post, or other land-mark as aforesaid, shall be guilty of an offence, and on summary conviction thereof by any two or more Justices of the Peace shall be liable to a penalty not exceeding Ten pounds.

Board empowered to take lands and material for road-making.

56. IT shall be lawful for a board, subject to the provisions of this Act, to take such land as may be required for making a new line of road or for the purpose of an alteration of an existing road as may, in the judgment of the board, be deemed necessary for the purpose, so that any road through lands other than Crown lands shall not exceed two chains in width; and also from time to time to enter upon any land whether fenced or unfenced, adjoining or contiguous to any road, which requires making or repairing, and take from thence any timber, earth, stone, sand, gravel, or other material that may in the judgment of the board be necessary for making or repairing such road or any bridge, culvert, fence, or gate thereon; and also from time to time to shoot upon and leave on such adjoining land any timber, earth, stone, sand, gravel, or other material that it may be necessary in the judgment of the board for the persons engaged in making or repairing such road, bridge, culvert,

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culvert, fence, or gate, to get rid of. Provided always, that no line of road shall pass through any garden, vineyard, plantation of fruit trees, or cemetery, nor shall injure or damage any dwelling house, church, or other permanently constructed building, nor pass within the distance of sixty-six feet from any inhabited dwelling house without the consent of the owner respectively, or the special order of the Governor in Council; in which latter case the board taking the land shall pay to the owner thereof such compensation if any as the Governor in Council may direct. Provided that such compensation shall be estimated according to the then value of the land taken and to the damage (if any) caused to any building thereon or adjacent thereto, or occasioned by reason of the severance of such land from other lands of such owner, or by reason of such other lands being otherwise injuriously affected by the taking of such first-mentioned land as aforesaid. The board shall not disturb or do any damage to any fence upon any such lands, nor enter upon any such lands when fenced, except through the existing and usual openings in such fence. Provided that if there be no such opening convenient for the use of the board, it shall be lawful for the board, on giving one week's notice in writing of their intention so to do to the owner or occupier of such lands, to open any such fence; and in such case the board shall erect a swing gate at such opening, which gate shall be kept closed by the board; and any person leaving open such gate shall be liable, on conviction thereof, to a penalty not exceeding Ten pounds. Provided further that, in the exercise of the powers by this Act granted, as little damage as may be shall be done.

57. BEFORE any board shall take any lands alienated by the Crown or held under conditional rights of purchase from the Crown, for the purpose of opening a new line of communication, or of making any alteration in any existing line of road, a resolution passed by the board to take any such lands shall be published by the board for three months in the *Government Gazette* and in some newspaper circulating in the district of such board, and after the expiration of three months from the date of the first publication of such resolution the board may apply through the Commissioner of Crown Lands for the confirmation of such resolution by the Governor, and if such resolution be confirmed by the Governor, the board may thereupon take such lands, and without such confirmation such lands shall not be taken by the board. Provided that if the area of land so taken shall in any case exceed, together with any land that may have previously been taken, one-twentieth of the full area of the land comprised in the location as originally granted by the Crown, or held under conditional rights of purchase from the Crown; provided also that if the remainder of the land comprised in the location as originally granted by the Crown or held under conditional

Notice of intention to take lands to be given by board.

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conditional rights of purchase from the Crown shall be damaged, injured, or deteriorated in value, by reason of severance caused by any board taking any land for the purposes aforesaid, or either of them, to an amount which, together with the value of the land resumed by the board, shall exceed one-twentieth of the value of the whole location or of the whole block of land held under conditional purchase, the board taking the land shall pay to the owner of such remainder of such land such compensation in respect of such excess as the Governor in Council may direct.

Before applying for such confirmation, the board shall give to the owner and to the occupier of the lands intended to be taken (in every case where such owner or occupier is known) one month's notice, in writing, of the resolution of the board to open such new line, or to make such alteration as aforesaid.

Notification of road under this Act. 58. ON the confirmation by the Governor of the resolution of a board to open a new line of communication, or to alter the line of any existing road, such line or altered line shall, subject to the provisions of this Act, be taken to be a road within the meaning of this Act, and shall be forthwith notified as such by the Commissioner of Crown Lands in the *Government Gazette*.

Owner or occupier may require fencing to be erected. 59. (1.) WITHIN one month from the receipt of the notice mentioned in section 55, if the land be already enclosed such owner or occupier may in writing require the board serving such notice to erect a sufficient fence within the meaning of "The Cattle Trespass, Fencing, and Impounding Act, 1882," along the land intended to be taken, on both sides thereof, either at once or at some future time to be specified by such owner or occupier.

Fences to be erected. (2.) Thereupon such fences shall be erected according to such requisition.

Expense of making fences. (3.) The expense of making and erecting such fencing shall be borne by the board.

Expense of keeping fences in repair. (4.) The expense of keeping such fencing in thorough repair shall thereafter be borne by the owner or occupier of the land on which such fencing and gates shall be erected.

In default of owner board may repair and recover costs. (5.) In case of default of such owner or occupier the board may effect such repairs and recover the expense thereof by summary proceedings before a Justice or Justices of the Peace in Petty Sessions.

Act not to affect rights of the Crown to resume land, &c. 60. NOTHING in this Act contained shall be deemed to in any way affect any right as to any land heretofore or hereafter to be alienated

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alienated by the Crown reserved to Her Majesty, her heirs and successors, or to any person or persons acting in that behalf by her or their authority, to do any act or thing by this Act authorised to be done in pursuance and by virtue of the powers of this Act, which if this Act had not been passed might lawfully have been done by Her Majesty, her heirs and successors, or any persons acting in that behalf by her or their authority, under any such reservation as aforesaid.

61. WHEREAS roads have from time to time been proclaimed as main or minor roads without the provisions of the 5th, 6th, and 7th sections of the Ordinance the 10th Vict., No. 19, being carried into effect, be it enacted that all such proclamations shall notwithstanding be and be deemed to be valid and effectual for all purposes whatsoever.

Saving of previous proclamations of roads.

62. THE board may make, publish, alter, modify, amend, or repeal such by-laws as to it shall seem meet:

By-laws.

1. For regulating their own proceedings and the appointment of officers, clerks, and servants, and their duties, and for the custody of its deeds, records, books, and writings.
2. For the conduct of the election of members of a board so far as the same is not sufficiently provided for by this Act.
3. As to the times and mode of collecting and enforcing payment of rates either in arrear or current, and also of any license fees.
4. To regulate the publication of notices.
5. For the general control, use, management, and repair of all lands, roads, bridges, ferries, jetties, piers, wharves, and landings under their control or management, and the prevention of obstruction thereto.
6. For the preservation of public decency and public health.
7. To prevent and prohibit animals suffering from any infectious or contagious disease, straying or being driven or ridden on any road, and for the slaughter and destruction of all animals found so suffering on any road.
8. For lighting roads.
9. For the prevention and abatement of nuisances.
10. For directing the manner in which oxen or horses in teams shall be driven, yoked, or harnessed upon a road.
11. For the general regulation of traffic upon roads and the general good rule and government thereof.

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Until by-laws made,  
old by-laws in force.

**63.** UNTIL any by-law shall be so made for a district, any by-laws theretofore made by a road board for such district or any part thereof shall be in force.

By-laws to be ap-  
proved.

**64.** (1.) SUCH by-laws as aforesaid shall not be inconsistent with or repugnant to any of the provisions of this Act, or to any law in force, and when confirmed by the Governor, and published in the *Government Gazette*, but not sooner or otherwise, shall have the force of law; and copies thereof shall be laid before the Legislative Council as soon as confirmed, if then sitting, and if not, within fourteen days after the opening of the next session.

(2.) Short particulars of such by-laws and of all by-laws affecting the persons being the officers or servants of the board shall be painted on a wooden frame or printed and fastened thereon.

(3.) Such frame and particulars shall be set up in some conspicuous part of the principal office of the board, and in the principal court-house of the district, if there be such a court-house; and also

(4.) Where any such by-laws are of local application, such frames and particulars shall be set up in some conspicuous place in the immediate neighborhood to which such by-laws are applicable.

(5.) Such frames and particulars shall be renewed as often as they shall be obliterated or destroyed.

(6.) No penalty shall be recoverable under a by-law unless such particulars shall continue to be so set up.

And enforced by  
penalty.

**65.** ALL by-laws so to be made as aforesaid shall, where the nature of the case may require, state some maximum penalty for any neglect or breach thereof respectively, provided that no such maximum penalty shall exceed Twenty pounds.

In same manner as  
offences against the  
Act.

**66.** ALL the provisions hereof, relative to offences against this Act punishable upon summary conviction, shall be taken to apply to all offences committed in breach of any by-law duly made and confirmed by virtue of this Act.

Enforcement of  
claim by board to  
money, property, &c.,  
in hands of an  
officer.

**67.** ALL claims by or on the part of a board to any money due from any member, officer, clerk, or servant of a board, or to any documents, letters, books, papers, and writings, property, chattels, and effects, not duly accounted for or retained by such member, officer, clerk, or servant may be heard and determined by any two or more Justices in a summary way.

Justices may order  
delivery of account  
or payment and the  
delivery of docu-  
ments or goods.

1. Such Justices may order the delivery of any account and the payment to a board of any money appearing thereby to be due from such member, officer, clerk, or servant, whether

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whether he shall be then or have ceased to be a member of or in the employ of such board, and also the delivery of all such documents, letters, books, papers, and writings, chattels, and effects by such member, officer, clerk, or servant.

2. Such order may be enforced by such Justices, ordering the member or officer not complying therewith to be imprisoned in any common gaol, with or without hard labor, for any term not exceeding six calendar months or until such order shall be complied with.
3. Such order shall be in addition to any other remedy a board may have with reference to the subject matter in respect of which the order shall be made.
4. A board may also obtain a search warrant in respect of any of its property, on oath being made that such property is believed (on grounds to be stated) to be in any house or place.

Order may be enforced.

Such order to be cumulative on other remedies if any.

Board may obtain search warrant.

68. THE board shall have power, subject to the provisions of this Act, to make, alter, extend, macadamise, light, water, and cleanse, or otherwise improve, repair, and keep in good order and condition all public roads, paths, ways, thoroughfares, jetties, wharves, and other premises, ferries and ferry boats, within their district, and to plant and maintain such trees on such roads and thoroughfares as may seem to them proper; and to make all proper gutters, drains, and watercourses along or under the said roads, paths, wharves, jetties, ways, and thoroughfares for carrying off the water, mud, or other filth, and to remove or alter the same as occasion shall or may require, and to place bars and other fences across or along the said roads, paths, wharves, jetties, ways, or thoroughfares when under or preparatory to their alteration or repair, and to erect posts or railings, and suspend chains for guarding ways, gutters or the like, and generally to do and make or cause to be made and done all acts and things whatsoever that may be necessary and proper for accomplishing the several purposes aforesaid.

Board to have certain powers as to roads, drains, wharves, &c.

69. A BOARD may, subject to the provisions of this Act, close all or any tracks or ways which may have been in use by the public for any number of years over any lands within the district of such board, and thereupon all public right of way over any such track or way shall cease and determine: Provided that

Board may close a track, not being a "road."

1. No such track or way shall be closed until three months notice shall have been given by the board in the *Government Gazette*, and in one newspaper circulating in the district, of the intention to close the same.

2.

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2. After three months from the date of the first insertion of such notices a board may, by public notice under the hands of the chairman of the board, notify that the track or way has been closed; and thereupon the same shall be deemed to be closed.
3. In such notices it shall not be necessary to name or define any such track or way to be closed, but the board shall in such notices clearly name and define all tracks or ways that are to be retained and kept open in the locality, and they shall be declared roads accordingly.
4. At any time within twelve months after the notification of the closure by the board of any such track or way, any person who shall think himself aggrieved by the closure of such track or way may appeal therefrom to the Governor.
5. The Governor may decide such appeal summarily, and either confirm the closure of the track or way, or disallow the same, in which latter case the notification of closure by the board shall be absolutely void.
6. After such closure any person may use such track or way until it shall be shut off by a fence or otherwise.

Persons desiring to place a gate across any road to apply to board.

**70.** ANY person desiring to place a gate across any road shall apply to the board of the district in which such road is situated for permission so to do, and shall also insert in three consecutive numbers of the *Government Gazette* a notice that he has done so, and shall in such application and notice give full particulars of the locality where he desires to place such gate. And the board to whom such application is made may grant or withhold such permission. Provided always, that any person who shall place a gate across any road without leave first obtained as above shall, on conviction thereof before any one or more Justices of the Peace, be liable for each offence to a penalty not exceeding Five pounds.

Penalty for leaving gate open.

**71.** ANY gate to be placed across a road shall be of such a description as shall meet the approval of the board. And any person or persons leaving open any such gate or gates shall be liable, on conviction thereof, to a penalty not exceeding Ten pounds, to be recovered as above.

Board may remove gate.

**72.** THE board of the district may, with the approval of the Governor, and on giving six months' notice in writing of their intention so to do to the owner or occupier of the lands adjoining the road closed by any gate sanctioned by a road board, remove any such

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such gate. Provided that such approval shall not be given until a period of two months shall have elapsed from the date of the owner being served with such notice.

73. (1.) IF the majority of the ratepayers, in public meeting assembled, pass a resolution in favor of the closure of a road, or if the owner or occupier of any land over or along which any road may pass make application to the board in writing to close a road giving full particulars of the road, with reference to its locality, dimensions, the owners and occupiers on each side thereof, and (to the best of the applicant's information and belief) how it became a road, whether by resumption, dedication, or otherwise, and inserting such application in three consecutive numbers of the *Government Gazette*, the board shall post notice of such resolution or application in some conspicuous part of the Court House and Police Office (if there be such) in the district.

Board may close a road permanently.

(2.) If the board shall assent to such resolution or application, it shall request, in writing to the Commissioner of Crown Lands, the Governor's confirmation of such assent.

(3.) The Governor may, through the Commissioner of Crown Lands, confirm or overrule such assent.

(4.) If six weeks shall elapse from the day of the receipt by the Commissioner of Crown Lands of the request for confirmation, the confirmation shall, in the absence of notice of such rejection, be taken and deemed to have been given.

(5.) On the confirmation of such resolution or application, whether express or implied, the soil in such road shall again form part of the location or other holding from which it was originally taken, and in the event of the land comprised in said road not having been alienated from the Crown it shall remain in and be at the disposal of the Crown.

(6.) Public notice of such confirmation of any such resolution or application, whether express or implied, shall be given in the *Government Gazette* in the case of an application at the applicant's cost.

74. NO person shall—

1. Remove or damage any real or personal property in the possession or under the care and control of a board.
2. Nor wilfully obstruct a road.
3. Nor having so obstructed it refuse to remove such obstruction when directed in writing to do so by a board.
4. Nor neglect to keep in repair gates and fences on the sides of a road separating the land owned or occupied by him from such road.

Removal or damage of personal property in the possession or under the care of a board.

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Penalties.

Every person so offending shall be liable to a penalty not exceeding Twenty Pounds. And also

1. To the costs and expenses attending the removal of such obstruction.
2. And attending the repair and replacing of any such real or personal property, including posts, fences, and gates.
3. Such penalty, costs, and expenses may be recovered summarily before two or more Justices of the Peace in Petty Sessions on the complaint of a board or other the person aggrieved.

Liability of boards.

75. IN the execution and performance by any road board of the powers and duties conferred upon it by this Act, a member of the said board shall not be personally liable in respect of the execution or non-execution of the said powers or the performance or non-performance of the said duties, unless it shall be proved that such member has been guilty of wilful or intentional misconduct or negligence. Provided that the said board shall be liable for any act done or omitted to be done if it be proved that such board has been guilty of culpable negligence.

Management of sewers and drains.

76. A BOARD, within its jurisdiction, shall cause all drains and water courses to be kept so as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied; and for the purpose of clearing, cleansing, and emptying the same may construct and erect such works as may be necessary, and may cause all or any of such drains to communicate with and be emptied into any place, the same not being a fresh water running stream, as they may deem fit or necessary; and no person shall, without the consent of the board, cause any private drain or sewer to be emptied or flow into any public drain under the control of such board, nor do any act, matter, or thing which shall, in the opinion of such board, tend to the injury or stoppage of any such drain.

Board may abate nuisances.

77. WHENEVER it appears that the person by whose act, default, permission, or sufferance a nuisance arises, or the owner of the premises whereon the nuisance exists, is not known or cannot be found, then the board within the jurisdiction of which such premises are situate may remove, abate, or discontinue the nuisance, and the cost shall be defrayed out of the rates or moneys applicable to the execution of this Act, but shall be recoverable from any owner of the said premises.

## MISCELLANEOUS.

Expenses recoverable from occupier may

78. ANY expenses incurred by a board in doing any matter or thing which by this Act the occupier of any premises is requested to do

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do after default made by the occupier in that behalf may be recovered from such occupier in a summary manner by proceedings before any two Justices; and in the event of the board being unable to obtain payment thereof by any such occupier, or if such occupier is not known or cannot be found within the Colony, or it should be returned to a warrant of distress that there are not goods or chattels of such occupier sufficient to pay the sum for which such warrant of distress has issued, such expenses may be recovered against the owner of the premises as if such owner and not the occupier were primarily liable to pay the same.

be recovered in a summary manner; and in default of occupier, may be recovered from the owner.

79. (1.) ANY expenses incurred by a board in doing any matter or thing which by this Act the owner of any premises is required to do after default made by the owner in that behalf may be recovered against such owner by summary proceedings before any two Justices in Petty Sessions.

How expenses to be recovered from owner.

(2.) Any summons issued by any Justice in this behalf against any such owner may, if such owner is not known or cannot be found within the Colony, be served in the same way as is provided by the next section of this Act in the case of notices.

(3.) Thereupon, on proof of such service, it shall be lawful for the Justices to adjudicate upon the case; and any order made by the Justices in this behalf against any owner (who, if he be not known, need not be named but only described as the owner) may be enforced by warrant of distress against the goods and chattels of such owner.

(4.) If such owner be not known, or it be returned to a warrant of distress that there are not goods and chattels of such owner sufficient to pay the sum for which such warrant of distress has issued, the board may, at any time within twelve months of such expenses being incurred, obtain a warrant from any two Justices (which warrant such Justices are hereby empowered to issue) authorising such board, by any officer authorised by such board in that behalf, to enter upon and take possession of the premises, or any part thereof in the name of the whole, upon which the said expenses have been incurred, and to hold the same until out of the rents and profits thereof such expenses together with all expenses incurred in the recovery thereof have been paid, any lease, tenancy, sale, mortgage, charge, or other encumbrance, whether created or not by such owner, notwithstanding.

(5.) Where such land and premises shall have been brought under the provisions of "The Transfer of Land Act, 1874," such board shall, within six weeks of the date of such warrant as aforesaid, direct a memorandum of the issue of such warrant to be endorsed on the certificate of title whereof such land is the subject,  
and

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and thereupon such endorsement shall operate as a preferential encumbrance or charge upon such land.

*Services of notices.*

**80.** WHENEVER, under this Act, any written notice is required to be given to the owner or occupier of any building or land, such notice, addressed to the owner or occupier thereof, as the case may require, may be served on the occupier of such building or land, or left with some inmate of his abode, or, if there is no occupier then resident there, may be put up on some conspicuous part of such building or land; and it shall not be necessary in any such notice to name the occupier or the owner of such building or land.

When the owner of any such building or land and his residence are known, or if such owner is known not to be resident within the Colony, but to have an agent whose name and address are known to the board by which such notice is given, the board shall, if such owner or agent as aforesaid is residing within its jurisdiction, cause every notice required to be given to the owner to be served on such owner or his agent, or left with some inmate of his abode; and if such owner is not resident, and has no known agent, within its jurisdiction, shall send every such notice by post, addressed to the last known place of residence of such owner.

*Operation of notices.*

**81.** ALL written notices required under this Act to be served on any owner or occupier shall, if due service thereof has been once made on any owner or occupier, be binding on all persons claiming by, from, or under such owner or occupier, to the same extent as if such notice had been served on such last-mentioned persons respectively.

*Penalties for obstructing the execution of this Act.*

**82.** (1.) NO person shall wilfully obstruct any member, servant, or officer of the board acting under the authority thereof or any officer or person duly employed in the execution of this Act, nor incite any other person to do so, nor remove, destroy, pull down, injure or deface any boundary post, board, placard, or notice made, put up, or published under this Act.

(2.) No occupier of any premises or any other person whomsoever shall wilfully prevent or attempt to prevent the owner thereof, or his agent, from obeying or carrying into effect the provisions of this Act, or of any by-law made hereunder, under a penalty not exceeding Five pounds for every day of such prevention.

(3.) The occupier of any premises, when requested by the board within the jurisdiction of which the same are situate, or by any officer thereof, shall state to the best of his knowledge, information

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tion, and belief, the name and address of the owner of the premises occupied by him, under a penalty not exceeding Ten pounds.

83. WHERE any act is by this Act, or by any by-law of any board made under the authority hereof, directed to be done, or forbidden to be done, or where any authority is given to a board, or any member or officer of a board, to direct any act to be done, or to forbid any act to be done, and such act having been duly directed to be done shall remain undone, or such act having been duly forbidden to be done shall be done, in every such case the person making default as to such direction or prohibition respectively, as the case may be, shall be deemed guilty of an offence against this Act. Every person guilty of an offence against this Act, for which no penalty is specially provided hereby, shall be liable for any such offence to a penalty not exceeding the sum of Twenty pounds, in addition to all costs and expenses to which he is otherwise liable.

Penalties for disobedience to this Act.

## FINANCIAL.

84. THE ordinary income of a board shall be made up of:—

1. The rents, issues, profits, and dues arising from or out of the lands, tenements, and other property of the board or under its control and management, together with any fines or penalties that may be payable in consequence of any injury done to the same, or otherwise.
2. Fees, profits, or rents arising from or out of any public reserve with which it may have been endowed.
3. All dues and fees authorised by the Governor to be exacted in respect of any building, ferry, jetty, wharf, erection, or work placed by the Governor under its control or management.
4. All fees for licenses, and all fines and penalties which by this Act or any other Act or Ordinance are made payable to any board or recoverable under any by-law, excepting so much of the latter as may be payable to any informer.
5. All fines and penalties that may be incurred and recovered under the provisions of this Act within the district.
6. Any general rate made and levied.
7. Voluntary subscriptions of money or labor for the general or special purposes of a board.
8. All sums of money which may from time to time be granted or apportioned from public funds for the purposes of the district. Provided always that of all such money not more than one-fourth shall be expended on minor roads,

Income of board, how made up.

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roads, and the balance thereof shall be expended on main roads.

**85.** A BOARD is hereby authorised to make and levy such rate or rates within the limits of the district, not exceeding in the aggregate one shilling in the pound in any one year upon the rateable value of all rateable property within the district, as may be deemed by the board requisite for the purposes of this Act, and such rate shall be called the general rate.

Board authorised to make a rate

**86.** FOR the purpose of determining the rateable value of property for the purpose of the said rate, a board shall cause a book to be kept (to be called "The Rate Book") according to the form contained in Schedule F. to this Act, and shall enter therein all rateable property within the district, and shall in the appropriate column state the full, fair, average, estimated net annual value of the same clear of all outgoings: and such value shall, in the case of all lands, tenements, and hereditaments that have been unoccupied for a period of six months previous to making up such book, and of any waste piece of land, be taken at one-tenth of its full fair value in fee; and the said board shall cause to be entered in the said book the names of the owner and occupier and the other particulars indicated by the form given in the said schedule.

Rate book to be made.

To be completed before 2nd Saturday in December.

To be conclusive as to annual value for ensuing year.

And open to inspection.

Manner of making rate

1. Such book shall be made up and completed on or before the second Saturday in December in each year, and the chairman shall then sign his name at the bottom of each page therein and shall set his initials against any alteration or erasure therein.
2. The net annual value set against all rateable property in the said book so signed by the chairman shall for all purposes be deemed to be the rateable value thereof during the year, beginning on the first day of January next ensuing.
3. The said rate book shall at all times thereafter be open to inspection by a ratepayer.

**87.** WHENEVER any such general rate has been ordered to be made and levied by the board as aforesaid, the chairman shall on a vacant page or pages of the rate book, to be left blank for such purpose, enter a memorandum of such order and shall sign the same and shall then give public notice thereof, and shall publish a copy of the same in some newspaper published in the Colony and circulating in the district.

Thereupon, at the expiration of fourteen days after the publication of the last of such notices the amount of such rate shall, subject to any by-law that may be made by

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by the board relative to the times and modes of payment and of enforcing payment of the same, become due from and payable by, in the first instance, the tenant or occupier at the time of the making of such rate of every such rateable property, and in the next instance within the year in which any rate is made, from and by any subsequent tenant or occupier, or if there be no such tenant or occupier, or if the board be unable to enforce payment by any such tenant or occupier as aforesaid, then from and by the owner of the same.

88. IF it shall at any time appear to the board that any property which ought to be included in any rate book shall have been omitted therefrom, or that the name of any person has been inserted therein as the owner or occupier of any property in respect of which some other person ought to have been assessed, or that any other matter purely of error shall need rectification, the board may cause a description of the property so omitted and the name of the owner or occupier to be inserted therein, together with the annual value at which such property shall be rated, and may also substitute for the name of the person erroneously inserted therein as the owner or occupier of any property rated the name of the true owner or occupier thereof, and correct any such other error in the said rate book as may be requisite.

Amending rate books.

89. THE board may in their discretion, instead of causing to be prepared and published a fresh assessment in any year, use the assessment of the last or any previous year, with such alterations and additions as may appear necessary, and such assessment, with such alterations and additions as aforesaid, shall, on public notice being given that the same will be used as the assessment for the ensuing year, be deemed to have been duly made and published.

Board may use previous year's rate book.

90. A BOARD, pending the collection of any rates or subsidies in aid of rates or grants which may be payable by the Government, may, for the purpose of carrying on or completing public works then in progress, obtain advances from any bank by overdraft of the current account; but no such overdraft shall at any time under any circumstances exceed one-fourth of the prior year's income.

Overdraft.

91. IN any proceeding taken to enforce payment of any general rate authorised to be levied under this Act, it shall be sufficient for the board to prove that a memorandum of the order ordering such rate to be made was signed by the chairman, that notice of the same was duly given, that demand has been made for payment of the said rate at least fourteen days before the commencement of the said proceedings, and that the same has not been paid, that the person against whom such proceedings are taken is or was at the time of the

What to be proved in order to recover rate.

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the making of such rate or such demand as last aforesaid the tenant or occupier of the premises, or, if the proceedings are taken against the owner, that the premises are unoccupied or that the board is unable to enforce payment by the tenant or occupier liable in the first instance as aforesaid ;

Proceedings there-  
after.

Thereupon the board shall be entitled to judgment for the amount of the rate calculated on the rateable value of the land or premises as the same appears in the rate book, or on some less value which the court or Justices before whom the proceedings are taken may determine to be the full, fair, average net annual value of the rated premises, free of outgoings as aforesaid.

How rates may be  
recovered.

**92.** (1.) ALL rates leviable under this Act shall be recoverable either by action at law, by summary proceedings before any two Justices in the same way as any fine or penalty is now recoverable, or by distress and sale.

(2.) If any person shall think himself aggrieved by the valuation put upon property, and whether as regards the amount thereof or the manner in which such valuation shall have been made, or otherwise howsoever, it shall be lawful for such person to appeal against the same in the Local Court of the district within which the property is situate by serving a notice in writing to that effect on the chairman of the board at any time within twenty-one days after publication of the notice of every general rate, and by depositing in the hands of such chairman the amount of the rate assessed on such valuation and complained of by the appellant, together with a sum of two guineas to answer costs.

(3.) Such court shall have power to hear and determine all such appeals, not only as regards the subject matter thereof and the disposal of the deposits, but also to adjudicate on all the costs involved, as justice may require.

(4.) If any person shall think himself aggrieved by any such distress as aforesaid, and shall, whether there has been a previous appeal against such valuation or not, deposit in the hands of such chairman the amount for which such distress has been made, together with a sum of five guineas to answer costs, and serve him with notice in writing against such distress at any time before sale, then, but not otherwise, it shall be lawful for such person to appeal to the said court against such distress ; and the said court is hereby empowered to hear and finally determine the same ; and to confirm or disallow the distress ; and to make such other orders in the matter in all respects as it shall deem just.

Power to board in  
certain cases to dis-  
train for rates.

**93.** (1.) SUBJECT to the provisions of the next preceding section, the board shall be and is hereby empowered, in case of the non-

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non-payment of any portion of any rate leviable under this Act, within twenty-one days after demand made on their behalf on or at the residence of any tenant or occupier of the rated premises liable to pay the same or by posting the same upon the property in the manner hereinbefore provided with regard to notices, to issue a warrant under the hand of the chairman and seal of the board, directed to the bailiff to be named therein, and enjoining him to levy the amount by distress and sale by public auction of the goods and chattels that may be found on the premises so rated, or that may have been removed therefrom to avoid seizure and can be re-taken, or that belong to such tenant or occupier and can be distrained in any part of the Colony.

(2.) No sale of goods or chattels under this section shall take place until the expiration of five days after the seizure thereof, and no more fees than those stated in Schedule G. to this Act shall be taken.

Time for sale.

94. (1.) WHEN payment of any rate has been enforced against or made by any tenant or occupier not primarily liable to pay the same, such tenant or occupier may recover the same from the tenant or occupier primarily liable by action at law, as money paid for such tenant or occupier, or by summary proceedings before any two Justices, or he may in like manner recover the same from the owner, or deduct the same from any rent payable by him to the owner of the land, any covenant or agreement by or between such occupier and owner to the contrary notwithstanding.

Remedy to persons who, not being primarily liable to pay a rate, have paid the same.

(2.) The production of the receipts for such rates so recovered from or paid by such tenant or occupier shall be a good and sufficient discharge for the amount so paid or recovered on payment of rent to the owner.

(3.) When payment of any rate has been enforced against or made by the owner of any property, or the amount of any such rate has been deducted as aforesaid from the rent otherwise payable by any tenant not primarily liable to pay the said rate, such owner may recover the amount so paid from the tenant or occupier primarily liable by action at law, as money paid for such tenant or occupier, or by summary proceedings before any two Justices.

95. EVERY board shall cause to be published in the *Government Gazette*, and in a newspaper circulating in the district, issued after the first day of January and July, respectively, in each year, a list of all persons who shall be in arrear in respect of any rate, and of the amounts due by them respectively, and in respect of what property; and from and after the date of such publication, such rates, with interest thereon at ten per centum per annum, and the expense of proceedings to recover the same, shall constitute a charge and have priority, after Crown Debts, to every security or claim of any description

List of defaulters to be published.

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description against the estate real and personal of the debtors respectively.

Premises may be sold for arrears of Rates, &c., remaining unpaid for eighteen months.

96. (1.) IF any rate or rates imposed or money payable and recoverable under this Act shall remain due and unpaid for the term of twelve months in respect of any property whatsoever, whether the owner thereof be resident in the Colony or not, and if no sufficient distress can be found on the property applicable thereto, it shall be lawful for and incumbent upon the board to cause a notice according to the form of the Schedule H. to this Act to be signed by the chairman, and a copy thereof to be published in three successive numbers of the *Government Gazette* or of two newspapers circulating in the district, stating the amount of rates due and unpaid or moneys payable and recoverable as aforesaid in respect of such property (describing the same by the name, if any, by which it is most usually known, and by the name of the owner or last known owner of the same), and warning the owner, and all other persons interested therein, that in default of the payment of the said amount due, and all expenses caused by non-payment of the same, within two months after the first publication of the said notice, a petition will be presented to the Supreme Court as hereinafter mentioned.

(2.) If the amount and the said expenses be not paid at or before the expiration of the time specified in such notice for payment, it shall be lawful for the board, and the said board is hereby required, to present a petition to the Supreme Court, stating the imposition of the rate on or money payable and recoverable in respect of the said property, the non-payment of the same, the fact that no distress can be found on the said property sufficient to satisfy the same, and the publication of the notices aforesaid.

(3.) Any Judge of the Supreme Court, on being satisfied of the proof of such circumstances, shall order the said property or such part thereof as may be deemed sufficient to satisfy the said rate and moneys and all expenses caused by the non-payment thereof as aforesaid to be sold by some person to be named in such order by public auction, and the proceeds of such sale (after deducting the expenses thereof) to be paid to the Registrar of the Supreme Court.

(4.) The Registrar, on receiving the same, shall out of such moneys pay to the board on demand the amount of such rates or moneys as aforesaid, and of all rates imposed on such property and due in respect thereof up to the day of such sale, and all costs and expenses incurred by such board in the premises, and shall hold the overplus (if any) in trust for such person or persons as may prove himself or themselves entitled to the same.

(5.) The said Judge may, at the time of making any such order, give any directions that he may deem proper touching the time and place of such sale, and the notices to be given thereof.

(6.)

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(6.) No neglect of any of such directions shall in anywise invalidate any such sale, but the person or persons neglecting the same shall be deemed guilty of contempt of Court, and may be ordered by the said court to make compensation, to be assessed as the said court may direct, to any person injured or damnified by such neglect.

97. A CERTIFICATE of the sale of any such property as aforesaid, according to the form contained in Schedule I. to this Act, shall be given by the person named in the order of the court as the person to sell the said property.

Certificate to be given to purchaser.

The Registrar of Titles shall, on production by the purchaser thereof of the said certificate and of an office copy of the said order, forthwith bring the said property mentioned in the said order and certificate under the operation of "The Transfer of Land Act, 1874," by registering the name of the person named in the said certificate as the purchaser and the proprietor of the said property.

98. ANY person ordered to sell any such property as aforesaid may act as an auctioneer in respect of any such sale without any license authorising him so to act.

Person ordered to sell need not have auctioneer's license.

99. NO rate whatever shall be levied on the property of Her Majesty, not being let or hired to any private individual, nor on any premises vested by Her Majesty or by any Ordinance or Act in any trustee or trustees constituted for any religious or other public purposes, or permanently appropriated for the purposes of public recreation, nor on any allotment or part of allotment containing any hospital, benevolent asylum, orphanage, building used exclusively for charitable purposes, church, chapel, or other erection used for public worship, nor on any convent or nunnery, monastery or edifice of a religious brotherhood, public school, public library, museum, or mechanics' institute or public reserve.

Exemption from rates.

100. THE whole of the income of the road board of any district, from whatever source accruing, shall be applicable solely to doing or carrying out those things which by this Act the board is empowered or required to do or carry out.

Power of board as to expending its income.

## ACCOUNTS AND AUDIT.

101. TWO auditors shall be appointed, one of whom shall be the Resident Magistrate of the district or a person appointed by him, the other shall be elected by the ratepayers at the annual general

Auditors to be appointed.

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general meeting. Should the ratepayers neglect or refuse to elect their auditor, the appointment shall be made by the Resident Magistrate.

Books of account,  
and inspection by  
persons interested.

**102.** (1.) EVERY board shall cause books to be provided and kept in such form (if any) as may from time to time be appointed by the Governor, and true and regular accounts to be entered therein of all sums of money received and paid on account of and for the board, and of the several purposes for which such sums of money have been received and paid; the said books shall at all reasonable times be open to the inspection of any member of the board, ratepayer, or creditor of the board, without fee or reward; and any such person may take copies of or extracts from the said books without paying anything for the same.

(2.) Any person having the custody of the said books who shall not on any reasonable demand of any such member, ratepayer, or creditor, permit him to inspect the said books or to take copies or extracts as aforesaid, shall be liable to a penalty not exceeding Five pounds for every such offence.

(3.) All moneys of the board amounting to Twenty pounds and upwards shall, within seven days, or such shorter period as the board may direct, after they have come into the hands of the board, or of any of the officers, servants, or clerks for the use of the board, be paid into such bank and in such manner as the board shall from time to time appoint and direct for that purpose.

(4.) No such money shall be drawn out of such bank excepting by a cheque signed by the chairman and countersigned by another member of the board or by the clerk or secretary.

Annual balance and  
audit.

**103.** (1.) THE board shall cause the accounts of the board to be balanced annually up to the thirty-first day of December in each year; and after such balancing the auditors shall audit the said accounts as soon as conveniently may be.

(2.) The board shall, by their clerk or other proper officer, produce and lay before the auditors the accounts so balanced as aforesaid, with all vouchers in support of the same, and all books, papers, and writings in their custody or power relating thereto.

(3.) If the accounts be 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 part of the said accounts so disapproved of, and take such steps thereupon as are hereinafter provided.

Persons interested  
may be present.

**104.** ANY person interested in the said accounts, either as a creditor of the board or as a ratepayer, may be present at the audit  
of

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of the said accounts, by himself or his agent, and may make any objection in writing, signed by such person or his agent, to any part of such accounts.

105. AN annual statement or summary, showing the financial position of the board at the end of December in each year, shall be prepared by the board, showing on the one side the amount received from each source of ordinary income, and, on the other, the various matters and things on which the same has been expended, and such statement shall be audited by the auditors, and if found correct, shall be certified as correct under the hand of the auditors, and when so certified shall be published in the *Government Gazette* and in at least one newspaper circulating in the district.

Annual financial  
statement.

106. IT shall be the duty of the auditors, if they shall find any account or statement submitted to them for audit under the provisions of this Act to be erroneous or deficient in any particular, unless such error or deficiency be at once made good by the person or persons liable to make it good, instead of signing such account or statement, to publish in the *Government Gazette*, and in some one newspaper circulating in the district, a statement showing in what respects they have found such account or statement erroneous or deficient, and shall take the proper steps to have such error or deficiency made good by the person or persons liable to make it good.

Duty of auditors.

107. (1.) IN auditing the accounts of any board, the auditors shall disallow any expenditure which is not authorised by or which contravenes any provision of this Act, and shall refer to the minutes of proceedings kept by such board to ascertain by whom such expenditure was authorised.

Duty of auditors.

(2.) The individual members of the board who have sanctioned any such expenditure as may have been disallowed shall be personally liable, jointly and severally, to make good to the board the amount or amounts so spent.

(3.) The auditors shall certify to the board the amount of any such unauthorised expenditure, and the names of the members who are liable to make good the same as aforesaid; and in case the said sums are not made good to such board to the satisfaction of the auditors within seven days after such certificate is given, the auditors shall, in the name and on behalf of the board, sue for the same in any court of civil jurisdiction, and shall, if it appear to such court that such expenditure was not authorised, or was in contravention of any provisions of this Act as aforesaid, be entitled to judgment for the sum or sums so spent by any person or persons sued who may appear to have concurred in such expenditure; and the amount

so

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so recovered by the auditors in any such action shall be forthwith paid over by them to the board.

(4.) In any such action as aforesaid, the minutes of proceedings kept by the board shall be *prima facie* evidence of any facts therein stated.

Procedure.

**108.** (1.) EXCEPT when otherwise provided by this Act, all penalties under this Act and all orders for the payment of money or otherwise may be enforced and recovered summarily before any two or more Justices of the Peace in Petty Sessions.

(2.) Sections A, C, F, G, & H of "The Shortening Ordinance, 1853," shall be incorporated with and form part of this Act to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth in this Act.

(3.) Every person who shall think himself aggrieved by any order made under this Act for the payment by such person of any sum exceeding Five pounds, or by the infliction of any penalty exceeding Five pounds, or of any term of imprisonment shall have a right of appeal to the Supreme Court, shall give notice of such appeal to the other party within three days, and shall also enter such appeal for hearing within one month after the date of the making of the order or conviction appealed against.

Notices.

**109.** (1.) EXCEPT where otherwise provided by this Act or by a by-law, "Public Notice" shall be given by one insertion in the *Government Gazette* and in a public newspaper circulating in the district and by posting the notice in some conspicuous part of the road board's office of the district or the office of the Resident Magistrate.

(2.) All other notices shall be in writing signed by the chairman or some person on behalf of the board, and shall be given or sent through the post to the usual or last known place of abode in the Colony of the person for whom it shall be intended or his agent.

(3.) Production of the *Government Gazette* shall be sufficient proof of the matters therein contained, as provided by this Act.

Actions brought and defended in name of Chairman.

**110.** ALL actions or suits brought by or against a road board may be brought or defended in the name of the chairman of such road board.

In the name and on behalf of the Queen I hereby assent to this Act.

F. NAPIER BROOME, Governor.

SCHEDULES.

*Roads Act.*

SCHEDULES.

Schedule A. (Section 2).

The Ordinances	4 William IV., No. 1.
"	7 William IV., No. 1.
"	10 Victoria, No. 19.
"	12 Victoria, No. 23.
The Acts . . . .	34 Victoria, No. 26.
"	39 Victoria, No. 12.
"	40 Victoria, No. 12.
"	43 Victoria, No. 6.
"	44 Victoria, No. 6.

Schedule B. (Section 15).

*List of Voters for the Road District of*                      *made for the year 18* .

Surname of person supposed to be entitled to vote.	Christian name of same person.	Trade or occupation.	Description and situation of property giving title to vote.	Whether as owner or occupier.	Value at which property is assessed.	Number of Votes.

(Signed) A.B.  
Chairman of the Board.

Schedule C. (Section 16).

*Application by a person whose name has been omitted from any list to have his name inserted thereon.*

To the Chairman of the Board of the                      Road District.  
Sir,—I hereby claim to have my name inserted on the electoral list for the Road District of                      in accordance with my qualification, as stated hereunder.

Dated this                      day of                      A.D. 18 .  
(Signed) A.B.                      (name in full)

Surname of Claimant.	Christian name of Claimant.	Trade or occupation.	Description and situation of property in respect of which claim is made.	Whether claiming as owner or occupier.	Rateable value of property according to rate book.	Number of votes claimed.

Schedule D

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Schedule D. (Section 23).

*Electoral List for the Road District of \_\_\_\_\_, for the year beginning November 1st, 18\_\_\_\_, and ending October 31st, 18\_\_\_\_.*

Number.	Voter's Surname.	Voter's Christian Name.	Trade or Occupation.	Description and situation of rateable property.	Number of votes to which voter entitled.

(Signed) A. B.  
Chairman of the Board.

Schedule E. (Section 35).

*Form of proxy.*

..... District. Road Board Election.

To .....  
of .....

" fill in the number of votes

I, the undersigned, being a ratepayer, entitled to <sup>(a)</sup> vote at the Road Board Election for the..... District to be holden on the day of \_\_\_\_\_ 18\_\_\_\_ hereby authorise you to be and act as my proxy and agent in voting on my behalf at the said election.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_  
(Signed).....

Schedule F. (Section 85).

*Form of the Rate Book.*

Surname of person rated.	Christian Name of person rated.	Trade or Occupation.	Name of owner of rateable property.	Description and situation of rateable property.	Net annual value.

Schedule G. (Section 93).

For every Warrant of Distress..... One Shilling  
For man in possession each day or part of day.... Five Shillings

For inventory, sale, commission, and delivery of goods { Not exceeding one shilling in the pound on the proceeds of the sale.

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## Schedule H. (Section 96)

*Form of Notice.*

By virtue of the provisions of "The Roads Act, 1888," notice is hereby given to all parties interested therein that the sum of £        has now been due and unpaid for the term of twelve months in respect of rates made and assessed by the board of the District of        upon (*here describe the premises*) within the said District (or otherwise as the case may be), and payment of the said sum is now required; and the owner of the said property, and all other persons interested therein, are hereby warned, that in default of payment of the said sum of £       , together with all expenses caused by the non-payment of the same, on or before the        day of 18       , to (*the person appointed by the Board to receive the same*) a petition will be presented by the said Board to the Supreme Court, praying the said Court to order the said property, or a competent part thereof, to be sold, pursuant to the provisions of the said Act.

Dated this        day of        A.D. 18       .

(Signed) A.B.,

Chairman of the Board of the District of

## Schedule I. (Section 97).

*Form of Certificate of Sale.*

Whereas, by an order of the Supreme Court, dated the        day of 18       , it was ordered that (*here describe the property ordered to be sold*) should be sold by public auction by me, the undersigned, and the proceeds of such sale be dealt with as in the said order mentioned; Now I, the undersigned, do hereby certify that the said property was put up to sale by public auction on the        day of       , and that        of        became the purchaser thereof, for the sum of £       .

In witness whereof I have hereto set my hand this        day of        A.D. 18       .

(Signed) A.B.