

The Roads Act, 1902.

(2° Edwardi VII., No. 48.)

ARRANGEMENT.

PART I.—PRELIMINARY.

- Sec.
1. Short title and commencement.
 2. Division of Act.
 3. Repeal.
 4. Interpretation.
 5. Sundays and holidays.

PART II.—ROAD DISTRICTS.

6. The Governor may constitute, divide, or abolish districts.
Notice to be published.
Petition for inquiry.
Inquiry.
Report.
7. Existing districts.
8. Apportionment of assets and liabilities on division of district.
9. Townsites to be included in district.
10. Incorporation of district or part thereof as municipality.

PART III.—ROAD BOARDS.

Boards.

11. Boards.
12. Existing Boards.
13. Constitution of Board on division of district into wards.
14. Board to be a body corporate.

Qualification of Members.

15. Qualification of members.
16. Local managers and superintendents of owners of land.
17. Disqualifications.

Retirement and Vacancies.

18. Three members to retire annually.
19. Retirement in case of new districts.
20. Resignations.
21. Retiring member eligible for re-election.
22. When office vacated.

Ouster from Office.

23. Ouster from office.
24. Governor may supersede a Board.

Qualification of Electors.

25. (1.) Electors.
(2.) Wards.
(3.) Number of votes.
(4.) Votes forfeited if rates not paid.
26. Joint owners and occupiers.
27. Corporate bodies.
28. Manager may be registered.
29. New districts.

Electoral Rolls.

30. Preparation of lists.
31. Claims.
32. Objections.
33. Lists to be published of claims and objections.
34. Board to hold court for revision of list.

Sec.

35. Notice to be given.
36. Constitution of Court.
37. Court may be adjourned.
38. Powers of the Court.
39. Hearing of claims and objections.
40. Costs in cases of frivolous, etc., claims or objections.
41. Certificate, etc., of revision.
42. List to be made out and signed by chairman.
43. List so signed to be the electoral roll.
44. Copy of roll to be evidence.
45. Copies of roll to be supplied.
46. (1.) Omission to publish, etc., not to invalidate proceedings.
(2.) If list not revised within the time appointed, Governor may appoint a day for holding a revision court.
(3.) Minister may appoint day for revision, and may correct errors, etc.
(4.) Minister may nominate court on failure of Board to hold same.
47. Where no Board, Minister may appoint person to make roll.

Election of Members.

48. First elections.
49. Annual elections.
50. Extraordinary vacancies.
51. Candidates for election to give seven days' notice to chairman.
52. Returning Officer.
53. Returning Officer not to be a candidate.
54. Polling places.
55. Returning Officer to preside.
56. Proceedings at election.
57. Returning Officer to appoint polling clerks, etc.
58. Returning Officer to appoint deputy at other than chief polling place.
59. Substitutes.
60. Scrutineers.
61. Method of voting.
62. Votes to be given in person :
Exceptions.
63. Voting in absence.
Duty of Returning Officer with regard to the ballot papers of absent voters.
64. Ballot papers.
65. Questions to be put to electors.
66. Consequence of answers.
67. Answer conclusive.
68. Ballot papers to have number of votes inserted, and to be initialed.
69. Deputy Returning Officer to deliver voting papers to Returning Officer.
70. (1.) Names of persons elected to be declared by Returning Officer.
(2.) Returning Officer not to vote except by giving a casting vote.
(3.) Deputy Returning Officer may vote.

Roads.

- Sec.
71. Names of persons elected to be returned to Minister.
If election avoided, persons elected to be deemed duly elected till day of declaration of avoidance.
72. Expenses of Returning Officers, etc.
73. Invalid elections, how remedied.
74. Irregularity in elections.

PART IV.—PROCEEDINGS OF THE BOARD.

75. Election of chairman.
76. Duration of office of chairman.
77. Chairman to preside.
78. Absence of chairman.
79. Resignation of chairman.
80. Appointment and remuneration of officers.
81. Board meetings.
82. Quorum.
83. How questions decided.
84. Member cannot vote when interested.
85. As to adjournment of meetings.
86. As to revocation or alteration of resolutions.
87. Board may appoint committee.
88. Meetings of committee.
89. Proceedings of Board not to be invalidated by vacancy.
90. Minutes of Boards.
91. Minutes to be evidence of proceedings.
92. Minute-book to be open to inspection.
93. Board to provide office.
94. General meeting of ratepayers.

PART V.—POWERS AND DUTIES OF BOARDS.

95. Control of roads.
96. Governor may place reserves, etc., under control of Boards.
97. Governor may exempt roads, etc., from the control of Board.
98. (1.) Powers of Board: General management of roads, etc.
(2.) Water supply.
(3.) Power to make, etc., drains on private land.
(4.) Drainage from roads.
(5.) Tree-planting.
(6.) Temporary closing for repairs.
(7.) Deposit of road material.
99. Expenditure on bridges and culverts to be under direction of Minister.
100. No road of less width than sixty-six feet to be laid out.
101. No road to be set out within sixty-six feet of building.
102. Resolution to open new road to be confirmed by Governor.
103. Procedure for taking land.
104. (1.) Owner or occupier may require fencing to be erected.
(2.) Fences to be erected.
(3.) Expense of making fences.
(4.) Expense of keeping fences in repair.
(5.) In default of owner, Board may repair and recover costs.
(6.) Definition of "sufficient fence."
105. Notification of new road.

- Sec.
106. Board may take materials for road-making.
Compensation.
Arbitration.
Excavations to be fenced.
107. Board may close a road permanently.
108. Board may close a track, not being a road.
109. Persons desiring to place gate across road may apply to Board.
110. Board may remove existing gates.
111. Board may require land on which there is an excavation to be fenced.
112. Trees obstructing or injuring roads.
113. Management of sewers and drains.
114. Board may abate nuisance.
115. Board may establish pounds.
116. Method of entering into contracts.
117. By-laws.
By-laws to be enforced by penalty.
118. By-laws to be approved by Governor and gazetted.
119. By-laws not to relieve offenders from other proceedings.
120. Proof of by-laws.
121. Board relieved from certain actions.
122. Liability of members of Boards.

PART VI.—REVENUE.

Ordinary income: Grants.

123. Ordinary income of Boards.
124. Governor may grant money to Boards.

Rate Book.

125. (1.) Rate Book.
(2.) Valuation.
(a.) Pastoral leases.
(b.) Mines.
(3.) Rate Book to be open to inspection by Health Boards.
126. Assessment on unimproved values.
127. Rating of persons residing on mining leases.
128. Valuation of subdivided lots.
129. Rate book, when to be made up.
130. Ratable value.
131. Notice of valuation to be given.
132. Rate book to be open to inspection.
133. Rate book may be amended.
134. Board may use previous year's rate book.

Appeals.

135. Grounds of appeal against assessment.
136. Appeals, how made.
137. Appeals to the Board.
138. Appeals to the Local Court from decisions of the Board.
139. Court may order costs.
140. Decision of Court final.

Making of Rates.

141. Board may make and levy rates.
142. Maximum rate on unimproved values.
143. On whom rates to be levied.
144. Manner of making rate.

Recovery of Rates.

145. Recovery of rates by distress.
146. Bailiff may sell without license.

Roads.

- Sec.
147. Recovery of rates by action or complaint.
148. Recovery of rates paid by owner from occupier.
149. Recovery of rates paid by occupier from owner.
150. In action against owner, proof of demand on occupier not necessary.
151. Persons liable may be resorted to in succession.
152. Rate books to be evidence.
153. Apportionment of rates between successive owners or occupiers.
154. Premises may be sold for arrears of rates, etc., remaining unpaid for eighteen months.
Certificate of sale.
155. Person ordered to sell need not have auctioneer's license.
156. Overdraft.
157. Board may recover rates notwithstanding division, etc., of District.

PART VII.—BORROWING AND SPECIAL POWERS.

158. Application of this Part.
159. The Board may borrow money.
160. Amount that may be borrowed.
161. Conditions precedent to borrowing.
162. Ratepayers may demand a poll.
163. Proceedings for taking poll.
164. Unless majority in favour of loan, Board prohibited from borrowing.
165. Security for loans.
166. Power to levy special rate.
167. Provisions of Part VI. to apply to special rate.
168. Property to be fenced if Board direct.
169. Subdivisional plans to be approved by Board.

PART VIII.—ACCOUNTS AND AUDIT.

170. Financial year.
171. Books of account, and inspection by persons interested.
172. Quarterly financial statement.
173. Money in hand at end of each year to be paid into bank.
174. Auditors.
175. Election of auditor by ratepayers.
176. Duration of office.
177. Casual vacancies.
178. Failure to elect.
179. Annual balance and audit.
180. Persons interested may be present.
181. Annual financial statement.
182. Duty of auditors.
183. Duty of auditors in case of unauthorised expenditure.
184. Auditors may take legal advice.
185. Any difference between auditors to be settled by Minister.
186. Remuneration.
187. Governor may remove auditor from his office.
188. Provision for repayment of disbursements of Board or members.

Sec. PART IX.—OFFENCES AND MISCELLANEOUS.

189. Electoral offences.
190. Obstructing Board or officers in performance of duty.
191. Penalty for obstructing road, etc.
192. Injury to property of Board.
193. Neglect to keep in repair fence adjoining road.
194. Leaving open gate.
195. Offences.
196. Penalties.
197. Recovery of penalties.
198. Procedure.
199. Penalties recovered to be paid to Board.
200. Board may be represented by secretary or other officer.
201. Property may be stated in indictment, etc., to be the property of the Board.
202. Proceedings against officers, when to be commenced.
203. Notices.
204. (1.) Notices and demands, how served.
(2.) When deemed to have been given.
(3.) When name of owner or occupier unknown.
(4.) Service on corporation.
205. Notices binding on persons claiming under owner or occupier.
206. Notices may be authenticated by signature of chairman without seal.
207. Service on Board.
208. Saving of civil remedy.
209. Books of Land Titles and other offices may be searched without fee.
210. Evidence of ownership.
211. Act not to affect rights of the Crown.

SCHEDULES.

1. Repeal.

Forms.

2. List of Electors.
3. A. Claim of person whose name omitted.
B. Claim to have value altered.
4. A. Notice of objection to retention of name on list.
B. Notice of objection to valuation.
5. Electoral roll.
6. Ballot paper.
7. Ballot paper of absent voter.
8. Rate book.
9. Notice of valuation.
10. Notice of appeal.
11. Notice of appointment for hearing appeals.
12. Notice of appeal from Board to Local Court.
13. Warrant of distress.
14. Scale of bailiff's fees.
15. Notice of petition for sale on default of payment of rates.
16. Certificate of sale.
17. Districts to which Part VII. applies.
18. Voting paper.
19. Form of debenture.



Western Australia.

ANNO SECUNDO

EDWARDI VII. REGIS.

No. XLVIII.

AN ACT to consolidate and amend the Law
relating to Road Boards.

[Assented to, 20th December, 1902.]

BE it enacted by the King's Most Excellent Majesty, by and
with the advice and consent of the Legislative Council and
Legislative Assembly of Western Australia, in this present Parliament
assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

1. THIS Act may be cited as the Roads Act, 1902, and
shall come into operation on the first day of January, 1903.

Short title and com-
mencement.

2. THIS Act is divided into Parts, as follows:—

Division of Act.

PART I.—PRELIMINARY, ss. 1-5.

PART II.—ROAD DISTRICTS, ss. 6-10.

PART III.—ROAD BOARDS, ss. 11-74.

PART IV.—PROCEEDINGS OF BOARDS, ss. 75-94.

PART V.—POWERS AND DUTIES OF BOARDS, ss. 95-122.

PART VI.—REVENUE, ss. 123-157.

PART VII.—BORROWING AND SPECIAL POWERS, ss. 158-169.

PART VIII.—ACCOUNTS AND AUDITS, ss. 170-188.

PART IX.—OFFENCES AND MISCELLANEOUS, ss. 189-211.

Repeal: First
Schedule.

3. THE Acts mentioned in the First Schedule are hereby repealed.

But such repeal shall not affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any such Act, or any act, deed, matter, or thing lawfully done thereunder.

And notwithstanding such repeal:

All by-laws in force within any district at the commencement of this Act, and lawfully made under any repealed Act, shall continue in force until repealed in the manner provided by this Act.

All rates and other moneys which, under any repealed Act, are, at the commencement of this Act, due or become due or are accrued due and payable to or leviable by the Board of any district shall be and continue to be so due, payable, and leviable, and shall be paid to and may be received and recovered by the Board under the provisions of this Act.

All rights and liabilities in respect of any property for arrears of rates due at the commencement of this Act shall remain the same as if this Act had not passed.

All penalties imposed under any repealed Act, and incurred at the commencement of this Act, may be enforced as if this Act had not passed.

All books and documents made evidence shall continue evidence to the same extent as if this Act had not passed.

All works and undertakings authorised to be executed and all engagements existing at the commencement of this Act shall be carried out under this Act.

All lists of ratepayers and electoral lists in force at the commencement of this Act shall be deemed to have been made under this Act, and this Act shall apply to the same accordingly.

Save so far as there is anything in this Act inconsistent therewith, this Act shall apply to all matters and things made, done, or commenced under any repealed Act, as if this Act had been in force at the time they were made, done, or commenced, and they were made, done, or commenced thereunder.

Roads.

4. IN this Act, unless the context otherwise requires, the following terms shall have the meanings stated:—

Interpretation.

“Board” means the Road Board of a district;

“Chairman” includes the person acting as chairman for the time being;

“District” means the road district under the jurisdiction of a Board;

“Land” includes messuages, tenements, hereditaments, houses, and buildings, but, for the purpose of valuation, does not include mining machinery whether fixed to the soil or not, or minerals in or on a mine;

See Municipal Institutions Act, 1900, s. 6.

“Member” means a member of the Board, and includes the Chairman;

“Minister” means the Minister for the time being administering this Act.

“Naturalised subject” means a subject of the King naturalised under the law of the United Kingdom, or of a Colony which has become a State of the Commonwealth, or of the Commonwealth or of a State.

“Occupier” means the inhabitant occupier of any land within the district, and, if there is no occupier, the person entitled to possession thereof.

Divisional Boards Act, 1887 (Q.), s. 6.

“Owner” includes the person, other than the King, for the time being entitled to receive the rent of any land, whether on his own account or as trustee, attorney, or agent for any other person, or who would be entitled to receive the rent if the land were let at a rent.

See *ibid.*

“Person” includes a corporation, sole or aggregate.

“Property” includes all real and personal property, and all estates, interests, easements, and rights, whether legal or equitable, in, to, or out of property, real or personal, including things in action.

“Public notice” means notice by advertisement in the *Government Gazette*, but the Board may give notice of any matter or thing by such additional means as to the Board may seem fit.

“Ratable land” or “ratable property” includes all land, with the exception of the following:—Land belonging to the Crown and not used or occupied otherwise than for public purposes; land vested in, or in the occupation or under the control of the Board, or a Local Board of Health, and not in the use or occupation of any private person; land used exclusively for religious or charitable

Roads Act, 1888, s. 3, 99.

Roads.

purposes; land used exclusively as a public hospital, benevolent asylum, orphanage, public school, public library, miners' or mechanics' institute; public reserves, and cemeteries; land belonging to any religious body, and occupied only as a convent, nunnery, or monastery, or by a religious brotherhood or sisterhood, or as a place of residence of a minister of religion; and land reserved or set apart for the benefit of the aborigines.

Ibid., s. 3.

"Ratepayer" means the owner or occupier of ratable land within the district.

"Resident magistrate" includes Government Resident and police magistrate.

See *ibid.*, s. 3.

"Road" means any land notified in the *Government Gazette* as a road, or as a main or minor road, and includes any road declared or notified as such under any repealed Act; and any public highway, whether carriage way, bridle path, track, cycle track, or footpath; and all bridges, culverts, drains, ferries, fords, gates, buildings, and other things appertaining thereto.

"Returning Officer" includes deputy returning officer.

Sundays and holidays.

5. WHEN any day appointed by this Act for any purpose happens in any year on a Sunday, or public holiday either throughout the State or in the district, then such appointment shall take effect as for the next following week day which is not a public holiday.

PART II.—ROAD DISTRICTS.

6. THE Governor may, by Order in Council,—

The Governor may constitute, divide, or abolish districts.

Divisional Boards Act, 1887 (Q.), s. 9, see Roads Act, 1888, s. 4.

- (1.) Constitute any portion of the State which is not included in a municipality, or which may have been lawfully severed from a municipality, a road district, with such boundaries and by such name as may be specified in such order;
- (2.) Unite two or more districts or parts thereof into one district;
- (3.) Divide a district into two or more districts;
- (4.) Divide a district into wards, and define the boundaries of wards;
- (5.) Increase or diminish the number of wards;
- (6.) Alter the boundaries or name of any district or ward;
- (7.) Include in any district or ward outlying land;
- (8.) Abolish a district.

Roads.

Provided as follows:—

- (a.) Before any power conferred by this section is exercised, notice shall be published in the *Government Gazette*. Notice to be published.
 - (b.) Within twenty-one days of the publication of such notice, or within such further time as may be stated in the notice, any ten ratepayers, or any ten persons owning ratable property within a proposed district, may petition the Governor for an inquiry into the advisability of the power being exercised. Petition for inquiry.
 - (c.) Upon receipt of such petition, the Governor may direct an inquiry to be held, after notice in the *Government Gazette*, by such person, at such place, and under such conditions as the Governor may direct. Inquiry.
 - (d.) Upon the conclusion of the inquiry, a report shall be made, by the person holding the same, to the Governor. Report.
7. ALL districts existing at the commencement of this Act, under the provisions of the Acts hereby repealed, shall be and continue districts for the purposes of this Act, and, so far as is necessary, shall be deemed to have been constituted under this Act. Existing districts.
Divisional Boards Act, 1887 (Q.), s. 8.
8. WHEN any district is divided into two or more districts, or a portion is severed from one district and included in another, and in every other case in which it may, in consequence of the alteration of boundaries, be necessary so to do, the Minister shall apportion the assets and liabilities of the respective districts between them, and adjust and finally determine any rights, liabilities, and questions arising therefrom. Apportionment of assets and liabilities on division of district.
Ibid., s. 12.
9. WHERE a townsite, not being a municipality, is surrounded by or adjoins any district, it shall be included in the district. Townsites to be included in districts.
- If such townsite adjoins more than one district, it shall be included in such district, as may be determined by the Governor.
10. NOTHING in this Act shall prevent the Governor from constituting the whole or any part of a district a municipality under the provisions of the Acts in force for the time being relating to municipalities; and the district or part of a district, when so constituted a municipality, shall become subject to the provisions of such Acts. Incorporation of district or part thereof as municipality.
Ibid., s. 275.

Roads.

PART III.—ROAD BOARDS.

Boards.

11. IN every district there shall be a Board, to be called the [name of district] Road Board, and consisting of seven members elected as hereinafter provided.

boards.

See Roads Act, 1888,
s. 5.

If the district is divided into wards, the Governor may increase the number of members of the Board to nine, and shall from time to time determine the number of members for each ward.

12. THE chairman, members, and officers of every Board constituted under any Act hereby repealed shall continue in office as if this Act had been in force at the time when they were elected or appointed.

Existing Boards.

13. ON a district being divided into wards, the then members of the Board shall determine between themselves the ward which each member shall represent, and the Minister may order, settle, adjust, and finally determine any rights, liabilities, questions, and matters which may arise in consequence of any district being so divided.

Constitution of
Board on division of
district into wards.

14. EVERY Board shall be a body corporate, with perpetual succession and a common seal, and may hold land.

Board to be a body
corporate.
See Divisional Boards
Act, 1887 (Q.), s. 14.

Qualification of Members.

15. EVERY adult male person, being a natural born or naturalised subject of the King, and being the owner or occupier of ratable land in the district, and who is not under any of the disabilities hereinafter specified, shall be qualified to be elected and to act as a member of the Board of such district.

Qualification of
members.

See Roads Act, 1888,
ss. 13, 31.

Divisional Boards
Act, 1887 (Q.), s. 15.

Provided that no person shall be qualified to be elected unless on the day of nomination all sums due in respect of any rates upon land within the district, for the payment of which he is liable, have been paid.

When a district is divided into wards, it shall not be necessary that the qualification should arise in respect of land within the ward for which the member is elected.

16. WHERE the owner of any ratable land is qualified to be elected as a member of the Board, the local manager or superintendent of such owner shall be qualified to be elected a member of the Board, if the owner does not reside on the land.

Local managers and
superintendents of
owners of land.

See Roads Act
Amendment Act,
1894, s. 5.

Roads.

17. NO person who—

- (1.) Holds any office or place of profit under or in the gift of the Board; or
- (2.) Is concerned or participates in the profit of any contract with or employment under the Board otherwise than as a shareholder in an incorporated company; or
- (3.) Is an undischarged bankrupt or insolvent; or
- (4.) Is under sentence for any crime or misdemeanour, or any offence punishable by imprisonment for one year or longer; or
- (5.) Is of unsound mind;

Disqualifications.
See Roads Act, 1888,
s. 29.

shall be capable of being or continuing a member.

Retirement and Vacancies.

18. ON the third Thursday in March in every year, except the year One thousand nine hundred and three, three members shall go out of office by rotation.

Three members to
retire annually.

The members to go out shall be the members who have been longest in office without re-election.

As between two or more members who have been in office an equal time without re-election, the member who at his election received the least number of votes shall go out. If they received the same number of votes, or there was no ballot, it shall be decided by lot which of them shall go out.

See Roads Act, 1888,
s. 43.
Divisional Boards
Act, 1887 (Q.), s. 19.

19. IF the first election for a new district is held after the thirtieth day of September in any year, no member shall be required to go out of office until the third Thursday in March in the second year ensuing.

Retirement in case of
new Districts.
See Roads Act, 1888,
s. 43, s.s. (3).

20. ANY member may resign his office by writing under his hand addressed to the Board, and such resignation shall be complete from the time when it is received by the chairman or secretary.

Resignations.
Roads Act, 1888,
s. 31.

21. EVERY member who retires by rotation or resignation shall, if otherwise qualified, be eligible for re-election.

Retiring member
eligible for re-election.
Ibid., s. 49.

22. THE office of a member or a chairman shall be vacated—

When office vacated.

- (1.) If he is or has become disqualified, or has ceased to be qualified under the provisions of this Act; or

Divisional Boards
Act, 1887 (Q.), s. 18.

Roads.

See Roads Act, 1888,
s. 31.

- (2.) If he has been absent from three or more consecutive ordinary meetings of the Board, extending over a period of three months at the least, without leave obtained from the Board in that behalf, and a resolution has been passed by the Board declaring the office vacant; or
- (3.) If he is ousted from office by the Supreme Court.

Any member who, being disqualified, or whose office has become vacant as aforesaid, continues to act as a member of the Board, knowing that he is so disqualified, or that his office has become vacant, shall be liable to a penalty not exceeding Fifty pounds.

Ouster from Office.

Ouster from office.

Divisional Boards
Act, 1887 (Q.), s. 26.

23. (1.) WHERE any person incapable, under the provisions of this Act, of acting or continuing to act as a member, holds or exercises office, the Supreme Court or a Judge thereof may, upon the application of any ratepayer, grant a rule or order calling upon such person to show cause why he should not be ousted from his office.

(2.) If, upon the return of the rule or order, it appears to the Court or Judge that the person so holding or exercising office was, while holding or exercising office, incapable, under the provisions of this Act, of holding office, the Court or Judge may make the rule or order absolute, or, if the matter does not so appear, may discharge the rule or order, and in either case with or without costs.

(3.) The person against whom any such rule or order is made absolute shall be deemed thereby to be ousted from such office accordingly.

Governor may super-
sede a Board.
See Roads Act, 1888,
s. 12.

24. IN all cases where a Board shall not observe the provisions of this Act, or in any other case when the Governor shall think fit in the interests of the public service, it shall be lawful for the Governor to supersede a Board, either wholly or partially, and to authorise the Minister 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 in the *Government Gazette*.

Qualification of Electors.

Electors.
See *ibid.* 13.

Divisional Boards
Act, 1887 (Q.), s. 28.

25. (1.) EVERY adult person, being a natural born or naturalised subject of the King, and being on the first day of January in any year the owner or occupier of land liable to be rated within the district, shall be qualified as an elector, and, when registered on an electoral roll, to vote at elections of members for the district, but subject to the provisions hereinafter contained.

Roads.

(2.) When a district is divided into wards, every person entitled to vote—

Wards.

See *ibid.*

(a.) Shall be so entitled for such ward only in which the qualifying land of such person is situated; and

(b.) Shall be so entitled for every ward wherein any qualifying land of such person is situated.

(3.) Every person entitled to vote shall, at every election, have a number of votes proportionate to the annual ratable value of the land owned or occupied by such person within the district or ward, according to the following scale:—

Number of votes.

See Roads Act, 1888, s. 14.

Divisional Boards Act, 1887 (Q.), s. 28.

ANNUAL VALUE.	NUMBER OF VOTES.
Not exceeding ten pounds	One
Exceeding ten pounds and not exceeding twenty-five pounds	Two
Exceeding twenty-five pounds and not exceeding fifty pounds	Three
Exceeding fifty pounds	Four

(4.) No person shall be entitled to vote at any annual election unless all rates then due upon all land in the district, for the payment of which such person is liable, have been paid.

Votes forfeited if rates not paid.

See Roads Act, 1888, s. 13.

26. WHEN more persons than one are joint occupiers or owners of ratable land, each of such persons shall, for the purpose of the last preceding section, be deemed to be the occupier or owner of land of annual value equal to that of the whole of such land divided by the number of such occupiers or owners.

Joint owners and occupiers.

See *ibid.*, s. 14 (3).

27. WHEN an incorporated body is the owner or occupier of land, any person appointed by such incorporated body, by writing, under its seal, may be registered on the electoral roll, and may vote on behalf of such incorporated body.

Corporate bodies.

See Divisional Boards Act, 1887 (Q.), s. 30.

28. THE manager or superintendent of the owner of any ratable land, in case such owner is qualified as an elector, may, on the written application of the owner, be registered on the electoral roll, and vote in place of the owner of the land, if the owner does not reside on the land.

Manager may be registered.

Roads Act Amendment Act, 1894, s. 5.

29. AT any election in a new district for which no electoral roll is in force, any person qualified to have his name placed upon the electoral list shall be entitled to vote, and each such person shall have one vote.

New districts.

See Divisional Boards Act, 1887 (Q.), s. 31.

Roads.

Electoral Rolls.

Preparation of lists.

See Roads Act, 1888,
s. 15.

Second Schedule.

30. (1.) ON or before the first day of January in every year, the Board shall make out, in the form of the Second Schedule, a list of all persons appearing to be entitled to vote at an election of members of the Board.

(2.) When a district is divided into wards a separate list shall be made out for each ward.

(3.) Every list shall be arranged in alphabetical order of surnames, shall contain the several particulars indicated in the said schedule, and shall be signed by the chairman; and a copy shall, on the said day and on the seven days next following, be exhibited on the outer door of the office of the Board or in some other public place in the district.

Claims.

See *ibid.*, s. 16.

31. ANY person—

(a.) Whose name has been omitted from a list; or

(b.) Who is dissatisfied with the ratable value put upon the land of which he is the owner or occupier,

may apply to the Board to have his name inserted, or to have the ratable value altered, as the case may be.

Third Schedule.

Such application shall be in the form A or B in the Third Schedule, or to the effect thereof, and shall be delivered on or before the thirty-first day of January in any year, and may be sent through the post or by telegraph.

Objections.

See *ibid.*, s. 16.

32. ANY person whose name appears on any electoral list may object to any person as not being entitled to have his name retained on the list, or to the ratable value of land placed against the name of any person.

Fourth Schedule.

Every such objection shall be made to the Board, and to the person objected to, in the form A or B in the Fourth Schedule, or to the effect thereof, and shall be delivered on or before the thirty-first day of January in any year, and may be sent through the post or by telegraph.

Lists to be published
of claims and objec-
tions.

See *ibid.*, s. 17.

33. THE Board shall cause lists to be made of the names and addresses of the persons claiming to have their names inserted on the electoral list, or to have the amount of the ratable value set against their names altered, and the particulars of such claims; and also of the persons whose names, or the ratable value of whose lands have been objected to; and shall cause such lists, with appropriate headings stating the contents thereof, to be exhibited on the outer door of the office of the Board or in some other public place in the district, on or before the fifth day of February in each year.

Roads.

34. THE Board shall hold an open Court within the district for the revision of the electoral list on such day between the tenth and twentieth day of February, both inclusive, in each year as may be appointed by the Board.

Board to hold Court for revision of list. See *ibid.*, s. 18.

35. TEN clear days' notice of the holding of such Court shall be given by exhibiting such notice on the outer door of the office of the Board, or in some public place in the district, and by advertisement in a newspaper usually circulating in the district.

Notice to be given. *Ibid.*

36. THE Court shall consist of three or more members of the Board. The chairman, if present, shall preside, but in his absence the members present may appoint one of their number to be chairman.

Constitution of Court. *Ibid.*

37. EVERY Court may from time to time be adjourned; and if at any time, for half-an-hour after the time appointed for holding any Court, three members of the Board are not present, any one member, or if no member is present, the secretary, may adjourn the Court.

Court may be adjourned. *Ibid.*

38. THE 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 the Court to require any person to appear before the Court, and to produce all such books and papers in his possession or under his control as may appear necessary for the purpose of his examination; and the Court shall have the like powers for compelling the attendance of witnesses summoned, and their examination, as by any law in force for the time being is vested in Justices exercising summary jurisdiction; and the Court shall, upon hearing in open Court, by the decision of a majority, determine upon the validity of all claims and objections.

Powers of the Court. *Ibid.*, s. 19.

Any person failing to obey the summons of the Court shall be liable to a penalty not exceeding Ten pounds.

39. THE Court shall—

- (a.) Insert in the list under revision the name of every person who has claimed, and is proved to the satisfaction of the Court, to be entitled to have his name inserted.
- (b.) Determine the claim of every person to have the ratable value put upon the land of which he is owner or occupier altered.
- (c.) Retain upon the list the name of every person objected to, with the ratable value set against his name unaltered, unless the person objecting appears in support of the objection.

Hearing of claims and objections. See *ibid.*, s. 20.

- (d.) On the appearance of the person objecting, require proof by the person objected to, of so much of the qualification as is embraced in the grounds of objection; and in case such qualification is not proved to the satisfaction of the Court, strike out the name of the person objected to, or alter or correct the ratable value set against his name, as the case may require.
- (e.) Retain on the list the name and qualification of every person against whom no objection has been sustained.
- (f.) Strike out the name of any person proved to be dead.
- (g.) Correct any mistake, or supply any omission which may appear to have been made in the list in respect of the name, address, or occupation of any person, or in respect of the description or situation of the ratable land.

No name shall be inserted or, except in case of death, struck out, nor shall the ratable value of any land be altered unless the Court is satisfied that notice has been given as hereinbefore required in each case.

Costs in cases of
frivolous, etc., claims
or objections.
Ibid., s. 21.

40. IF it appears to the Court that any person has made or attempted to sustain any frivolous or vexatious claim or objection, the Court may award such costs as to the Court 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 two Justices.

Certificate, etc., of
revision.
Ibid., s. 22.

41. THE chairman shall, in open Court, write his initials against the names struck out or inserted, 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 at least two other members of the Court shall sign such certificate.

List to be made out
and signed by
chairman.
See *ibid.*, s. 23.
Fifth Schedule.

42. THE list so certified shall be delivered to an officer appointed by the Board for the purpose, who shall forthwith cause the names thereon to be copied or printed in alphabetical order in the form of and with the several particulars required by the Fifth Schedule; and to every name a number shall be prefixed, such numbers beginning at the first name with the number one and continuing in regular arithmetical series to the last name on the list.

The chairman having satisfied himself of the correctness of such list shall, on the first day of March, sign the same.

Roads.

43. THE list so signed as aforesaid shall be the electoral roll for the district, and shall not be added to or altered, and shall continue in force until a new roll is made.

List so signed to be the electoral roll.
Ibid., s. 24.

44. ANY copy purporting to be a copy of the electoral roll signed by the chairman shall be *prima facie* evidence of the contents of the roll in any court of justice, or for any other purpose.

Copy of roll to be evidence.
Ibid., s. 25.

45. THE Board shall supply a copy of the electoral roll to any person requiring the same on payment of a reasonable charge not exceeding five shillings.

Copies of roll to be supplied.

46. (1.) NO omission to give any notice with regard to any list, or to keep any list for perusal or inspection, shall 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, etc., not to invalidate proceedings.
Ibid., s. 26.

(2.) If from any cause the revision of any list has not been made or completed within the time appointed for that purpose, the Minister may extend the time, and appoint another day to be the day for holding a revision court for revising the said list; and such day shall be deemed to be for all intents and purposes the day appointed for such revision, and the time for making and signing the roll 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.

Ibid.

(3.) If the preparation, printing, or revision of the electoral list has been omitted or not completed, or if the electoral list is not signed, the Minister may, at the request of the Board, order the same to be done, and such order shall be forthwith published in the *Government Gazette*; and upon such publication the omission or non-compliance shall be rectified, and the list and roll completed or signed according to the tenor of such order.

Minister may appoint day for revision, and may correct errors, etc.

Ibid.

(4.) When a Board fails to hold a Court for the revision of the electoral list, the Minister, on extending the time, may authorise such Court to be formed and held by any three persons nominated by him.

The persons so nominated (of whom one shall be nominated chairman) shall have the same powers as if they were members of the Board, and as if the chairman so nominated were chairman of the Board.

47. IN the case of any new district, or of any district where there is no Board, the acts and things required to be done in and about the preparation of the roll of persons entitled to vote at any election shall be done by such person at such time and at such place as the Minister may appoint in that behalf.

Where no Board, Minister may appoint person to make roll.
See *ibid.*, s. 28.

Roads.

Election of Members.

First elections.
Ibid., s. 32.

48. THE first election of members of a Board for a new district shall be held on such day as the Minister may appoint.

Annual elections.
See *ibid.*, s. 32.

49. AN annual election of members of the Board shall be held in every district on the third Thursday in March in every year, except the year one thousand nine hundred and three.

Provided that when the first election for a new district is held after the thirtieth day of September in any year, the next election shall not take place until the second year ensuing.

If in any district the electors fail to duly elect the members of a Board, the Minister may, by notice in the *Government Gazette* and a newspaper circulating in the district, appoint another day for holding the election.

Extraordinary
vacancies.
See *ibid.*, s. 46.

50. WHEN a vacancy arises from any cause except annual retirement, an election shall be held to fill such vacancy upon a day to be fixed by the chairman, and of which public notice shall be given.

Candidates for elec-
tion to give seven
days' notice to chair-
man.

See *ibid.*, s. 34.

51. (1.) ANY person desirous of being a candidate for election as a member of a Board shall, by himself or his agent, give notice in writing of such his desire addressed to the chairman of the Board at least seven days before the day of such election.

(2.) When the district is divided into wards, the notice shall state the ward for which such person is a candidate.

(3.) The Board shall forthwith give notice of the intention of such person to become a candidate by affixing a notice to that effect on the outer door of the office of the Board, and keeping the same there affixed until the day of election.

(4.) 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.

(5.) No person shall be deemed a candidate at any such election for the office of member of a Board who shall not have given such notice as is herein provided.

(6.) Any candidate may, not later than four clear days before the day of election, by writing addressed to the Returning Officer, withdraw such notice.

Returning Officer.
See *ibid.*, s. 32.

52. AT every election the chairman, or other person appointed by the Board, or if there is no Board, or no person is appointed by the Board, then such person as the Minister may appoint shall be the Returning Officer.

Roads.

53. NO person who acts as Returning Officer at an election shall be or become a candidate for any office at such election.

Returning Officer not to be a candidate.
See *ibid.*, s. 40.

54. THE Board shall appoint and give public notice of a chief polling place and such other polling places within the district as they may think necessary.

Polling places.

55. THE Returning Officer shall preside at the chief polling place.

Returning Officer to preside.

56. (1.) IF, at ten o'clock in the morning of the day of election, it appears that there is not more than one candidate for any one vacancy, the Returning Officer shall declare such candidate duly elected.

Proceedings at election.
See *Ibid.*, s. 34.

(2.) If it appears that there are two or more candidates for one vacancy, the Returning Officer shall order a ballot, and the ballot shall immediately take place, and shall close at seven o'clock in the afternoon of the same day.

57. THE Returning Officer may appoint all necessary polling clerks and doorkeepers, and shall provide ballot boxes, ballot papers, and lists of electors.

Returning Officer to appoint polling clerks, etc.

58. THE Returning Officer shall appoint a deputy returning officer to preside at each polling place other than the chief polling place.

Returning Officer to appoint deputy at other than chief polling place.

59. ANY presiding officer may appoint a substitute to perform his duties during his temporary absence.

Substitutes.

60. EACH candidate may appoint, in writing, one scrutineer to be present at each polling place during the election.

Scrutineers.

61. EVERY person entitled to vote may give the number of votes to which he is entitled on the electoral roll to each of as many candidates as are to be elected, but no voting paper shall be counted which purports to vote for less than the full number of candidates to be elected.

Method of voting.

62. EVERY elector shall vote in person unless he—

(a.) Intends to be absent from the State on the day of election ;
or

Votes to be given in person :

(b.) Resides more than five miles from a polling place ; or

Exceptions, see *ibid.*, s. 35 (3).

(c.) Is prevented by illness or infirmity from attending a polling place.

Roads.

Voting in absence.

63. (1.) WHENEVER any person entitled to vote is unable to record his vote personally for any of the reasons stated in the preceding section, he may apply to a Returning Officer, or to any Resident Magistrate, Justice of the Peace, postmaster, or other person appointed by the Minister in that behalf, for leave to vote in absence.

(2.) The Returning Officer, Resident Magistrate, Justice of the Peace, postmaster, or other person appointed as aforesaid, shall then write on each of two counterfoils, numbered alike, the name of the district and the ward (if any) for which the applicant is registered to vote, together with the names in full and address of the applicant, and shall sign the back of a ballot paper bearing the same number as the counterfoils, and on the face thereof shall write the name of the district and the ward (if any) as on the counterfoils, and shall give the ballot paper to the elector.

(3.) The elector shall then write on the ballot paper the name or names of the candidate or candidates for whom he votes, and the number of his votes; and shall fold it up and, in the presence of the Returning Officer, Resident Magistrate, Justice of the Peace, postmaster, or other person appointed as aforesaid, put it into an envelope.

(4.) The Returning Officer, Resident Magistrate, Justice of the Peace, postmaster, or other person appointed as aforesaid, shall then seal up the envelope, and write "Ballot paper" on both sides thereof, and shall put one of the counterfoils into an envelope, and seal it up and write "Counterfoil" on both sides thereof, and shall then send both envelopes, enclosed in another envelope, by post or otherwise, to the Returning Officer.

Duty of Returning Officer with regard to the ballot papers of absent voters.

(5.) The Returning Officer, on receipt of any such envelopes, shall, without opening them, retain them in his possession until the commencement of the poll, and shall, at any convenient time or times during or immediately after the taking of the poll, in the presence of the scrutineers, proceed to open the envelopes containing the counterfoils, and having made a mark on the copy of the electoral roll in use at the polling place against the name of each person who appears by such counterfoils to have voted, shall keep such counterfoils in the same manner as the counterfoils of the ballot papers used by him at such election. Having thus dealt with the counterfoils, the Returning Officer shall proceed to open the envelopes containing the ballot papers received up to the close of the poll, allowing the scrutineers the opportunity (if they desire it) of seeing that the seals of the said envelopes are intact; and, as he takes out any ballot paper from its envelope, he shall, without opening the same, deposit it in the ballot box.

Roads.

(6.) Any person who has applied to a Returning Officer, Resident Magistrate, Justice of the Peace, postmaster, or other person appointed as aforesaid, for the purpose of voting under this section, and has complied with the provisions of this section, shall not be entitled to vote otherwise at the election, although the said envelopes, or either of them, may not have been sent to the Returning Officer, or although they or either of them have miscarried.

(7.) For all subsequent purposes the Returning Officer shall treat any counterfoils and ballot papers received in accordance with the provisions of this section in the same way in which he is required to treat counterfoils of ballot papers given by himself to voters and ballot papers received by himself from voters.

64. BALLOT papers shall be in the forms in the Sixth and Seventh Schedules. Each ballot paper shall have a number on the back corresponding with the number on the counterfoil.

Ballot papers.
Sixth and Seventh
Schedules.

65. THE Returning Officer or his deputy may, and if required so to do by any scrutineer shall, put to any person tendering his vote the questions following:—

Questions to be put
to electors.

Are you the person whose name appears as [*here state the name under which the person claims to vote*] in the electoral roll now in force for this Road Board District [*or ward*], being enrolled therein in respect of land described to be situated in [*here specify the road or other place described in the roll*]?
Are you of the full age of 21 years?
Have you already voted at the present election?

Roads Act, 1888,
s. 35 (7).

66. IF any person refuses to answer the said questions when put to him, or by his answer shows that he is not entitled to vote, his claim to vote shall be rejected.

Consequence of
answers.
See *ibid.*, s. 36.

67. THE elector's answer shall be conclusive, and the matter shall not be further inquired into during the polling.

Answer conclusive.

68. BEFORE delivering a ballot paper to an elector, the Returning Officer or his deputy shall,—

Ballot papers to have
number of votes
inserted, and to be
initialed.

(1.) Insert the number of votes to which the elector is entitled, and

(2.) Initial the ballot paper on the back thereof.

69. EACH deputy returning officer shall, immediately on the close of the ballot, collect and seal up all the ballot papers taken at the polling 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.

Deputy Returning
Officer to deliver
voting papers to
Returning Officer.
Ibid., s. 39.

Roads.

Names of persons
elected to be declared
by Returning Officer.
Ibid., s. 40.

70. (1.) THE Returning Officer shall, so soon as may be practicable after the election shall have been held, openly declare the result of the election; and in the event of the number of votes being found to be equal for any two or more candidates, by his casting vote, decide which of the candidates shall be elected.

Returning Officer not
to vote except by
giving a casting vote.
Ibid.

(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.
Ibid.

(3.) The deputy of any Returning Officer, if entitled to vote, may vote in like manner as if he had not been appointed and acted as deputy returning officer.

Names of persons
elected to be return-
ed to Minister.
Ibid., s. 41.

71. THE names of the persons elected shall be returned to the Minister, and shall be notified in the *Government Gazette*.

If election avoided,
persons elected to be
deemed duly elected
till day of declara-
tion of avoidance.
Ibid.

Any person whose name has been so returned and notified shall, notwithstanding that his election shall subsequently be declared invalid, be deemed to have been duly elected to all intents and purposes up to the day on which his election shall be so declared to have been invalid.

Expenses of Re-
turning Officers, etc.
See Divisional
Boards Act, 1887
(Q.), s. 56.

72. ALL reasonable expenses of and incident to any election incurred by the Returning Officer and approved by the Board shall be repaid to him by the Board, and the Board may grant to the Returning Officer a fee not exceeding Two guineas, and to each deputy returning officer and poll clerk a fee not exceeding One guinea.

Invalid elections,
how remedied.
Roads Act, 1888, s.
42.

73. WHENEVER complaint shall be made to a Resident Magistrate by any person who was a candidate at any election, or by any six persons entitled to vote at any election, that any election held within such magistrate's district was invalid, or that any other person ought to be returned as a member of the Board in preference to the person actually returned as elected:—

(1.) It shall be lawful for such magistrate to issue a summons summoning the Returning Officer at such election, and any person returned at such election, and any other persons, to appear before himself and such other Justices as may then be present, on a day to be named in such summons.

(2.) On the parties appearing, or, in default of their appearance, on its being shown that such summons was duly served, it shall be lawful for such magistrate, and at least one other Justice resident within such district, to investigate the matter of such complaint; and if on such investigation it shall appear that such election was invalid, or that any other person ought to have been returned, in preference to the person returned as elected, it shall be lawful for

Roads.

the Court to declare accordingly ; and thereupon, if the Court 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 Court 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.) The Court may make such order as to costs as may seem to them right, which may be enforced as an order of a Court of summary jurisdiction.

74. 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 becomes void, an election shall be had as in case of an extraordinary 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.
Ibid., s. 52.

PART IV.—PROCEEDINGS OF THE BOARD.

75. AT the first meeting of the Board of a new district, and at the first meeting of every Board after every annual election, the Board shall elect one of the members to be chairman.

Election of chairman.
See Roads Act, 1888, s. 45.

76. THE chairman shall hold office until the conclusion of the next annual election of members.

Duration of office of chairman.
Ibid.

77. THE chairman shall, when present, preside at all meetings of the Board.

Chairman to preside.
Ibid., s. 11.

78. (1.) IN the absence of the chairman from any meeting, or if after being present he retires, the members present may elect one of their number to be chairman for that meeting, or for the remainder of the meeting.

Absence of chairman.
Ibid.

(2.) In the absence of the chairman from the district, or in case of the illness of the chairman, the members present at any meeting may elect one of their number acting chairman during such absence or illness.

Roads.

Resignation of chairman.
Ibid., s. 31 (2).

79. THE chairman may resign his office by writing under his hand addressed to the Board, and in such case, or if his office becomes vacated, the Board shall elect another member to be chairman in his place.

Appointment and remuneration of officers.
Ibid., s. 7.

80. THE Board may appoint, from time to time, a secretary and such other officers and servants as may be deemed necessary, and may define their duties; and may assign reasonable remuneration for their services; and may remove them and appoint others in their stead; and shall require the secretary and any other officer entrusted with money to give security, or a bond with sureties, or the guarantee of an insurance company, to be approved by the Minister, for the faithful discharge of his duties.

Board meetings.
Roads Act, 1888, s. 9,
Amendment Act,
1894, s. 11.

81. (1.) THE Board shall meet for the transaction of business at such place and at such times as the Board may from time to time appoint, and at least once in every three months.

(2.) (a.) The chairman may call a meeting of the Board as often as he shall think proper, by notice in writing under the hand of the chairman or secretary, sent to each member at least seven days before such meeting.

(b.) If the chairman shall refuse or neglect to call any 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 notice in writing of such meeting at least seven days before the date thereof. Such notice shall be signed by such three members, and shall state the business proposed to be transacted.

Quorum.
Roads Act Amendment Act, 1888, s. 2.

82. ALL powers vested in the Board may be exercised by a quorum, which shall consist of at least three members, inclusive of the chairman or member elected to preside in his absence.

How questions decided.
Roads Act, 1888, s. 9.

83. EVERY question coming before the Board shall be decided by open voting, and by the majority present. Each member, including the chairman, shall have one vote, and in the case of an equality of votes the chairman shall have a second or casting vote.

Member cannot vote when interested.
Roads Act, 1888, s. 30.

84. NO member 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 partner, any interest, or in which any person of whom he is an employee has any interest, apart from any interest in

Roads.

common with the public, and any member who knowingly offends against this section shall be liable to a penalty not exceeding Fifty pounds for every such offence.

85. ANY meeting of the Board may be adjourned, and if a quorum is not present within half-an-hour of the time appointed for any meeting the members, or member if there is only one present, or the secretary if no member is present, may adjourn such meeting to another day, and notice of such adjourned meeting shall be given to each member.

As to adjournment of meetings.
Divisional Boards Act, 1887 (Q.), s. 127.

86. ANY resolution of the Board may be revoked or altered at a subsequent meeting, either by the unanimous vote of all the members, or by a vote of the majority of the Board, subject in such last-mentioned case to the condition that, seven days at least before such subsequent meeting, notice thereof, and of the proposal to alter or revoke such resolution, shall be given to each member.

As to revocation or alteration of resolutions.
Ibid., s. 128.

87. THE Board may, from time to time—

- (1.) Appoint committees, either for general or special purposes;
- (2.) Delegate to a committee power to do any specific act or hold any inquiry.

Board may appoint committee.
Ibid., s. 131.

The Chairman of the Board shall, by virtue of his office, be a member of every committee, and if present at any meeting shall preside. Every committee shall report to the Board.

88. A COMMITTEE may meet at such time and place as it may think fit, and may adjourn any meeting, but no business shall be transacted unless three members at least are present.

Meetings of committee.
Ibid., s. 132.

If the chairman of the Board is not present, one of the members present shall be appointed chairman for the meeting. All questions shall be determined by a majority of votes of the members present, and the chairman shall have an original, and in case of an equality of votes, a second or casting vote.

89. NO proceedings of the Board, or of any committee, or of any person acting as member shall be invalidated in consequence of there being a vacancy in the number of the members at the time of such proceedings, or by reason of the discovery after such proceedings that there was some defect in the election or appointment of any person so acting, or that he was incapable of being a member.

Proceedings of Board not to be invalidated by vacancy.
See Roads Act, 1888, s. 51.

90. MINUTES of proceedings of the Board shall be kept in a book, in which shall be entered the names of the members attending each meeting, and the names of the members voting on each

Minutes of Boards.
See Roads Act, 1888, s. 10.
Divisional Boards Act, 1887 (Q.), s. 133.

Roads.

question on which there is a division, and every resolution, order, or other proceeding of the Board; and the minutes of the proceedings of every meeting shall be read at the next ordinary meeting of the Board, and if found correct shall be signed by the chairman of such meeting.

Minutes to be evidence of proceedings.
Ibid., s. 133.

91. THE minutes of proceedings of the Board kept as above provided, or a certified copy, sealed with the seal of the Board and signed by the chairman, shall be received in any court of justice, and for all purposes whatsoever, as evidence of the proceedings appearing by such entry to have been taken, without proof of the meeting to which the same refers having been duly convened or held, or of the persons attending such meeting having been or being members of the Board, or the signature of the chairman, or the fact of his having been chairman; all of which matters shall be presumed until the contrary is proved.

Minute-book to be open to inspection.
Ibid., s. 134.

92. THE said minute-book shall be kept at the office or usual place of meeting of the Board, and shall be open to inspection, without fee, during all office hours, by any member of the Board, or by any ratepayer of the district.

Board to provide office.

93. THE Board shall from time to time provide and maintain a public office within the district, or, if more convenient, without the district, for holding meetings, and for the use of its officers, and for transacting public business relating to the district.

General meeting of ratepayers.
Roads Act, 1888, s. 8.

94. THE Board shall hold a general meeting of ratepayers once at least in every year, and at any time upon the requisition of any seven or more ratepayers. Seven days' notice of the time and place of every such meeting shall be given by advertisement in a newspaper usually circulating in the district, and by posting the same on the outer door of the office of the Board.

The Chairman of the Board, if present, shall preside at every such meeting.

PART V.—POWERS AND DUTIES OF BOARDS.

Control of roads.

See Roads Act, 1888, s. 53.

95. THE Board shall, subject to the provisions of this Act, have the care, control, and management of all roads within the district.

Governor may place reserves, etc., under control of Boards.
See Roads Act Amendment Act, 1894, s. 6.

96. SUBJECT to the provisions of the Permanent Reserves Act, 1899, the Governor may place under the control and management of the Board any public reserve, park, recreation ground, common, well, dam, tank, reservoir, building, machine, implement, or other work or thing in the district, and may at any time alter or rescind any such order.

Roads.

For the purpose of controlling or managing any park, recreation ground, or reserve, the Board shall have all the powers of a Board of Parks and Reserves appointed under the Parks and Reserves Act, 1895, or any amendment thereof, together with the powers conferred by this Act.

97. THE Governor may exempt from the jurisdiction of the Board any road or bridge or any public work connected therewith, or portion of a district which may be required for roads or bridges.

Governor may exempt roads, etc., from the control of Board.

98. THE Board may—

(1.) Make, form, alter, level, grade, improve, repair, maintain, light, water, cleanse, and keep in good order and condition all roads, bridges, ways, footpaths, cycle tracks, culverts, drains, watercourses, and other things within the district, and do all such acts and things necessary for or incidental to the proper management thereof;

Powers of Board :
General management of roads, etc.
See Roads Act, 1888, s. 53.

(2.) Construct, sink, and maintain tanks, wells, dams, and reservoirs, and bore for water for the purpose of providing a water supply along any line of road within the district;

Water supply.
Roads Act Amendment Act, 1894, s. 8.

(3.) In and through any lands within the district, make and open such ditches, gutters, tunnels, drains, and watercourses for the drainage of any road as to the Board may seem fit, and may scour, cleanse, and keep open the same, and, for any of the purposes aforesaid, may enter upon any land; but the Board shall make compensation to the owners and occupiers thereof for any damage they may sustain through the exercise of any of the powers conferred by this subsection;

Power to make, etc., drains on private land.

(4.) Drain the waters falling or flowing upon a road into the lands adjacent thereto upon paying compensation to the owners and occupiers of such lands: Provided that no compensation shall be payable when the drainage follows the natural flow of the water:

Drainage from roads.

(5.) Plant and maintain trees and shrubs on any roads or in any public places.

Tree-planting.

(6.) During such time as any road or place or any part thereof shall be under repair or alteration, or during the making, altering, or repairing of any bridge or drain or other necessary work in such road or place, prevent the passing of vehicles and animals by causing such fences or barriers to be placed on or across any such road or place as they may deem proper; but shall, during the

Temporary closing for repairs.

Roads.

time that such fences or barriers shall be continued, cause to be affixed thereon such lights during the night as shall be sufficient to prevent injury or danger to vehicles and passengers, and where needed and practicable provide passable and suitable side tracks: Provided always, that no such fences or barriers shall be erected without the written consent of the Board.

Deposit of road material.

- (7.) For the purpose of repairing any road, cause road metal or material to be placed upon any roadway, clear of the made portion thereof: Provided that no such metal or material shall be placed on any road so as to obstruct any other road, whether public or private, intersecting the same, or the entrance or approach to any private land.

Any difference as to the amount of compensation under subsections three and four shall be determined by the award of a Resident Magistrate, with two assessors, one to be appointed by the owner or occupier and the other by the Board.

Expenditure on bridges and culverts to be under direction of Minister.
Roads Act, 1888, s. 53.

99. THE Board shall not expend a sum exceeding One hundred pounds in making any bridge or culvert, except by the direction and under the control of the Minister, or an officer authorised by the Minister in that behalf.

No road of less width than sixty-six feet to be laid out.

100. NO road shall, without the consent of the Governor, be set out unless the width of such road, to be ascertained by measuring at right angles to the course of such road from front to front of the boundary line on either side thereof, shall be sixty-six feet at least.

No road to be set out within sixty-six feet of building.

See Roads Act, 1888, s. 56.

101. (1.) NO road shall be set out within a distance of sixty-six feet of any permanently constructed building without the consent of the owner thereof, or the order of the Governor, and on payment of such compensation, if any, as the Governor may award.

(2.) The Governor may, if he thinks fit, direct the amount of compensation to be determined by the award of a Resident Magistrate, with two assessors, one to be appointed by the owner and the other by the Board.

Resolution to open new road to be confirmed by Governor.

102. EVERY resolution of the Board to open a new road, or to divert an existing road, shall be subject to confirmation by the Governor.

Roads.

103. WHENEVER any land is required for the purposes of this Act, such land may be entered upon, surveyed, and taken under the powers contained in and in accordance with the procedure prescribed by the Public Works Act, 1902.

Procedure for taking land.

104. (1.) WITHIN one month of the taking of any portion of enclosed land, the owner or occupier may, in writing, require the Board to erect a sufficient fence 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.

Owner or occupier may require fencing to be erected.

Ibid., s. 59.

(2.) Thereupon such fencing shall be erected according to such requisition, or if the land enclosed is held on pastoral lease, the Board may, instead of erecting fencing, erect gates in the fences through which a road is required to pass.

Fences to be erected.

(3.) The expense of making and erecting such fencing or gates shall be borne by the Board.

Expense of making fences.

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

Expense of keeping fences in repair.

(5.) In case of default of such owner or occupier, the Board may effect such repairs and recover the expense from such owner or occupier in any Court of competent jurisdiction.

In default of owner, Board may repair and recover costs.

(6.) "Sufficient fence" in this section means any substantial fence reasonably deemed sufficient to resist the trespass of great and small stock, including sheep, but not including goats and pigs.

Definition of "sufficient fence."

105. ON the confirmation by the Governor of the resolution of the Board to open a new road, or to alter the line of an existing road, the Minister shall cause notification thereof to be published in the *Government Gazette*, and thereupon such road, or altered line of road, shall become a road within the meaning of this Act.

Notification of new road.

See Roads Act, 1888, s. 58.

106. (1.) THE Board may—

(a.) Enter upon any land within the district, not being land under cultivation, a garden, yard, vineyard, orchard, plantation, park, recreation ground, or cemetery, and whether fenced or unfenced, 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 any road or any bridge, culvert, fence, or gate thereon;

Board may take materials for road-making.

See Roads Act, 1888, s. 56.

See Divisional Boards Act, 1887 (Q.), s. 152.

(b.) Deposit and leave on land adjoining any road any timber, earth, stone, sand, gravel, or other material that it may be necessary, in the judgment of the

Roads.

Board, for the persons engaged in making or repairing such road, bridge, culvert, fence, or gate to get rid of.

(2.) 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; but if there is no such opening convenient for the use of the Board, it shall be lawful for the Board, on giving three days' 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 immediately make good such fence or 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.

Compensation.

(3.) The Board shall make compensation to the owner of any private land for any damage which such owner may sustain through the exercise by the Board of the powers conferred by this section, including the value of the material taken, except so far as material is taken for use in the construction or repair of that section of the road which abuts upon the land of such owner or occupier.

Arbitration.

(4.) Any difference as to the amount of compensation shall be determined by the award of a Resident Magistrate, with two assessors, one to be appointed by the owner or occupier and the other by the Board.

Excavations to be fenced.

(5.) If the Board, in the exercise of the powers hereby conferred, cause to be made any pit or hole in any land, the Board shall cause the same to be either filled up, sloped down, or securely fenced.

Board may close a road permanently.
Roads Act, 1888, s. 73.

107. (1.) IF—

(a.) The majority of the ratepayers of a district, in public meeting assembled, pass a resolution in favour of the closure of a road; or

(b.) The owner or occupier of any land over or along which any road may pass makes 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

Roads.

(c.) The Board assent to such resolution or application, the Board, after giving public notice thereof, shall request the Minister to obtain the Governor's confirmation of such assent.

(2.) The Governor may confirm or overrule such assent.

(3.) On the confirmation by the Governor of such assent, 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 such road not having been alienated from the Crown, it shall remain in and be at the disposal of the Crown.

(4.) Public notice of such confirmation of any such resolution or application shall be given by the Board.

(5.) In the case of an application, the public notices required by this section shall be given at the applicant's cost.

108. THE Board may close any track or way, not being a road, which may have been in use by the public over any lands within the district, 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.

See Roads Act, 1888, s. 69.

- (1.) No such track or way shall be closed until notice of the intention to close the same shall have been published in the *Government Gazette*, and in a newspaper usually circulating in the district, three times at intervals of not less than one week between each publication.
- (2.) After one month from the date of the last publication of such notice the Board may, by notice in the *Government Gazette*, notify that the track or way has been closed; and thereupon the same shall be deemed to be closed.
- (3.) At any time within twelve months after the notification of the closure of any such track or way, any person who shall think himself aggrieved by the closure may appeal therefrom to the Minister.
- (4.) The Minister may, on such appeal, 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.
- (5.) After such closure any person may use such track or way until it shall be shut off by a fence or otherwise.

109. (1.) ANY person desiring to place a gate across a road shall apply to the Board for permission to do so.

Persons desiring to place gate across road may apply to Board.

(2.) The Board may grant or withhold such permission, and may, before dealing with the application, require the applicant to publish notice thereof in such manner as to the Board may seem fit.

Roads Act, 1888, s. 70.

Roads.

(3.) The Board may at any time withdraw any such permission, and may require such gate to be removed by the person by whom it was erected, or may remove it and recover the expense of the removal from such person.

(4.) Any person leaving open any such gate shall be guilty of an offence against this Act.

Board may remove
existing gates.
Roads Act, 1888, s.
72.

110. THE Board 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 a road across which any gate has been placed, under the provisions of any repealed Act, remove any such gate.

Board may require
land on which there
is an excavation to
be fenced.

111. IF upon any land adjoining a road there is an excavation which in the opinion of the Board is dangerous, the Board may, by notice in writing to the occupier or owner of the land, require such excavation to be securely fenced; and if such owner or occupier shall, for seven days after service of such notice, or such extended time as the Board may allow, neglect to comply therewith to the satisfaction of the Board, the Board may fence the excavation and recover the cost as a debt due from such occupier or owner to the Board.

Trees obstructing or
injuring roads.

112. IF the Board are of opinion that any road under their control is obstructed by any tree growing or being on land adjoining thereto, it shall be lawful for any two Justices, on the application of the Board, after summons served on the occupier or owner of the land, to make an order for the removal of such tree, or any part thereof, by such occupier or owner, and in default of compliance with such order within such time as the Justices may appoint, such occupier or owner, as the case may be, shall be liable to a penalty not exceeding Five pounds, and the Board may remove such tree or such part thereof, and the cost of such removal may be recovered from such occupier or owner as a debt due to the Board.

Management of
sewers and drains.
Roads Act, 1888,
s. 76.

113. THE Board shall cause all drains and watercourses of the Board 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 such drains to communicate with and be emptied into any place, not being a fresh water running stream, as they may deem fit or necessary.

No person shall, without the consent of the Board, cause any private drain or sewer to be emptied or to flow into any public drain of the Board, or do any act, matter, or thing which shall, in the opinion of such Board, tend to the injury or stoppage of any such drain.

Roads.

114. WHENEVER it appears that the person by whose act, default, permission, or sufferance a nuisance arises, or the owner of the land whereon the nuisance exists, is not known or cannot be found, then the Board may remove and abate the nuisance, and the costs may be defrayed out of the rates or moneys applicable to the execution of this Act, but shall be recoverable from such person or the owner of the land, when discovered, in any Court of competent jurisdiction.

Board may abate nuisance.
Ibid., s. 77.

115. (1.) ALL powers and authorities and all things authorised or required to be exercised or done by the Justices mentioned in section thirty-two of the Cattle Trespass, Fencing, and Impounding Act, 1882, in relation to pounds and poundkeepers under the provisions of that Act or any Act amending the same (save and except the hearing of complaints and informations) shall, within the limits of any district, be exercised and done by the Board of such district.

Board may establish pounds.

(2.) The Board may, with the assent of the Board of an adjoining district, by notice in the *Government Gazette*, declare that a pound established in such adjoining district, and the keeper of such pound for the time being, shall be the pound and poundkeeper of the district of the first-mentioned Board as well as of such adjoining Board; in which case the districts shall be deemed one district for the purposes of the said Act, so far as it relates to pounds and poundkeepers; and such declaration may, by similar notice, be cancelled by the Board making the same.

(3.) All pounds and poundkeepers established and appointed at the commencement of this Act, and all tables of fees and prices, and all regulations in relation thereto, shall pass to and be binding upon and enforceable by the Board in whose district the same may be: Provided that such tables and regulations may be rescinded, altered, or amended, and any such poundkeeper may be dismissed by the Board.

116. THE Board may enter into contracts for the purposes of this Act, and every such contract may be made, varied, or discharged as follows, that is to say:—

Method of entering into contracts.

- (1.) Any contract which, if made between private persons, would by law be required to be in writing and under seal may be made in writing and under the common seal of the Board, and may be varied or discharged in the same manner.
- (2.) Any contract which, if made between private persons, would by law be required to be in writing may be

Roads.

made in writing, signed by the chairman, acting by the direction and on behalf of the Board, and may be varied or discharged in the same manner.

- (3.) Any contract which, if made between private persons, would be by law valid, although not reduced into writing, may be made without writing by the chairman, acting by the direction and on behalf of the Board, and may be varied and discharged in the same manner.

By-laws.

See Roads Act, 1888
s. 62, Amendment
Act, 1894. s. 9.

117. THE Board may from time to time make, alter, and repeal by-laws for any of the following purposes:—

- (1.) For the conduct of the election of members of the Board so far as the same is not sufficiently provided for by this Act.
- (2.) To regulate the meetings, proceedings, and general conduct of the Board.
- (3.) To regulate the appointment, duties, and conditions of service of officers and servants of the Board.
- (4.) For the custody of deeds, records, books, and papers.
- (5.) As to the times and mode of collecting and enforcing payment of rates, either in arrear or current, and of license fees.
- (6.) As to the publication of notices.
- (7.) For the general regulation of traffic upon roads, and the general good rule and government thereof.
- (8.) 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.
- (9.) As to the manner in which horses, oxen, or other animals in teams shall be driven, yoked, or harnessed upon a road.
- (10.) Providing for a special yearly license-fee for vehicles or machines engaged in heavy traffic.
- (11.) Regulating the weight of any engine, agricultural or other machine, or vehicle of any kind, and the weight of any load or material of any kind which shall be permitted to cross any bridge or culvert, and the times when such engines, agricultural or other machines, or vehicles shall be allowed to cross any bridge or culvert.

Roads.

- (12.) Regulating the pace, mode, or manner, and times at which any horses, cattle, engines, agricultural or other machines, or vehicles shall cross or be driven, led, or taken over any bridge or culvert.
- (13.) Regulating the mode or manner in which bicycles, tricycles, or motor cars may pass any vehicle.
- (14.) Regulating the times during which vehicles shall carry lights and the position and number of such lights, and the times when such lights shall be lighted and extinguished.
- (15.) Providing for the annual licensing of camel drivers, and regulating the issue, suspension, and cancellation of licenses, and prohibiting any camels being driven within the district by any person other than a licensed driver, and limiting the number of camels to be driven by each licensed driver; but every license granted in any district shall be a general license having effect in every other district.
- (16.) Requiring the annual registration of camels and providing for the seizure and sale or destruction of every unregistered camel. But no person shall be required to register the same camel in more than one district.
- (17.) Imposing a license fee, not exceeding Ten shillings per annum, on every camel driver, and a registration fee, not exceeding One pound per annum, for every cow or gelded camel or bull camel under the age of three years plying for hire, if used for packing; but not exceeding Ten shillings per annum for every such camel used for draught, and not exceeding Five pounds per annum for every bull camel over the age of three years. But no fees shall be payable in respect of camels used by prospectors for prospecting purposes.
- (18.) Regulating the driving of or preventing any camels from being driven along any part of a road or track or within twenty yards of the centre thereof.
- (19.) Requiring every camel driver or person having the charge of any camel to produce, for inspection, his license or certificate of registration.
- (20.) For the lighting of roads and other public places.
- (21.) For the prevention and abatement of nuisances.
- (22.) For the preservation of public decency and public health.

Roads.

- (23.) To prevent and prohibit animals from straying, or, if suffering from any infectious or contagious disease, from being driven or ridden on any road, and for the slaughter and destruction of any animal found so suffering on any road.
- (24.) For regulating the management and use of any public reserve, common, or public buildings, public works, and other things under the control of the Board, and the rights and privileges to be enjoyed by the inhabitants of the district or other persons over such reserve, common, or building respectively.
- (25.) Providing for the annual licensing of, and prohibiting the use of any unlicensed bicycle, tricycle, or motor car. But the license fee shall not exceed Five shillings per annum, and any person licensed for the district in which he resides shall not be required to take out a license in any other district.
- (26.) Requiring all licensed vehicles plying for hire, bicycles, tricycles, motor cycles, and motor cars to have their license number affixed on some conspicuous part of such vehicle, cycle, or motor car.
- (27.) Prescribing the fees and charges to be paid for grazing stock on any reserve or common, and providing for the collection and enforcing payment of such fees and charges.
- (28.) For any purpose within the powers conferred by section ninety-six of this Act.
- (29.) For preventing the pollution of watercourses, pools, wells, dams, tanks, reservoirs, and other waters within the district of the Board.
- (30.) For regulating the supply and distribution of water at any public well, bore, or place formed for the storage of water and under the control of the Board, and imposing, collecting, and enforcing payment of charges therefor by consumers.
- (31.) For the prevention of injury and damage to any public building, dam, well, bore, or other place as aforesaid, or to the machinery appliance and property used therewith.
- (32.) For effectually regulating, observing, and carrying out all and every the powers and authorities conferred by this Act.

Such by-laws shall state some maximum penalty for any neglect or breach thereof, but no such penalty shall exceed Twenty pounds.

Roads.

118. BY-LAWS shall not be inconsistent with or repugnant to any of the provisions of this Act, and when confirmed by the Governor and published in the *Government Gazette* shall have the force of law.

By-laws to be approved by Governor and gazetted.
See *ibid.*, s. 64.

Copies thereof shall be laid before both Houses of Parliament forthwith, if then sitting, or within fourteen days after the next meeting of Parliament.

119. NOTHING in any by-law shall relieve any person from any penalty, punishment, or action to which he would otherwise be liable in respect of anything done by him in breach of any such by-law; and the Board may sue any person for any damage done to any road or bridge or other works in addition to recovering the amount of the penalty for the breach of the by-law.

By-laws not to relieve offenders from other proceedings.
N.Z. Act, No. 42, 3, 1894, s. 133.

120. (1.) A COPY of the *Government Gazette* containing any such by-law shall be evidence in all Courts of the same having been duly made under the authority of this Act.

Proof of by-laws.

(2.) A copy of all by-laws having special reference to bridges and jetties shall be conspicuously displayed at each and every bridge and jetty to which such by-laws have reference.

(3.) Printed copies of all by-laws having reference to the traffic on roads generally, or on any road in particular, shall be on sale to every person applying for the same, at a price of not more than a shilling a copy, at the office of the Board having the control of the same.

121. NO action shall be brought against any Board in respect of any works made or constructed under or by virtue of this Act, or in respect to any damage or injury arising out of the making or constructing of any such works, by reason only that the Board made or constructed the same, or caused the same to be made or constructed, without exercising any power created or conferred by this Act.

Board relieved from certain actions.

122. IN the execution and performance by any Board of the powers and duties conferred upon it by this Act, a member of the 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.

Liability of members of Boards.
Roads Act, 1888, s. 75.

Roads.

PART VI.—REVENUE.

Ordinary income: Grants.

Ordinary income of
Boards.
See Roads Act, 1888,
s. 84.

123. THE ordinary income of a Board shall be made up of—

- (1.) The rents, issues, profits, and dues arising from or out of any real or personal property of the Board ;
- (2.) All fees, dues, profits, or rents arising from and authorised by the Governor to be exacted in respect of any lands, parks, recreation grounds, reserves, commonage, buildings, or public works placed under the control or management of the Board ;
- (3.) All fees for licenses and registrations which by any Act are made payable to the Board ;
- (4.) All fines and penalties incurred and recovered under the provisions of this Act within the district ;
- (5.) All fines and penalties which by any Act are made payable to the Board ;
- (6.) All fines and penalties incurred and recovered under the provisions of the Police Acts for any offence committed within the district, except as much as may be payable to any informer ;
- (7.) All moneys payable in respect of any general rate made under the provisions of this Act.

Governor may
grant money to
Boards.

Roads Act Amend-
ment Act, 1894, s. 7,
altered.

124. (1.) THE Governor may from time to time place to the credit of a Board, for the purpose of any specific object or for general purposes, any sum of money out of moneys appropriated by Parliament for such purpose. Such sum shall not be deemed to be ordinary income of the Board, and a separate detailed account of the expense incurred by the Board upon such specific object (if any) shall from time to time, and whenever required, be furnished to the Minister.

(2.) Any money granted to a Board under this section shall be paid to the credit of the Board at the Treasury, and when granted for a specific object shall not, without the consent of the Minister, be operated upon except to pay sums actually due for the work for which the money has been granted.

Rate Book.

Rate book and
valuation.
Eighth Schedule.

See Roads Act, 1888
s. 86.

125. (1.) THE Board shall cause a rate book to be kept in the form of the Eighth Schedule, and shall enter therein all ratable land in the district, with the several particulars indicated in the said schedule, and in the appropriate column shall state the estimated net annual and capital value of such land.

Roads.

(2.) The annual value shall, at the option of the Board, be either—

- (a.) The yearly rent at which the land might reasonably be expected to let, free from all usual tenant's rates and taxes, and deducting therefrom the probable annual average cost of insurance and other expenses (if any) necessary to maintain such property in a state to command such rent; or
- (b.) An amount not exceeding Five pounds per centum on the capital value of the land in fee simple.

Provided as follows:—

- (a.) The net annual value of land leased by the Crown for pastoral purposes shall be taken at the annual rent payable to the Crown by the lessee; or, if sub-let at an increased rent, then at such increased rent.
- (b.) In estimating the annual or capital value of mines, no regard shall be had to the minerals therein or the mining machinery, whether fixed to the soil or not, or to buildings used exclusively for the housing of such machinery, but subject thereto the valuation shall be made on the assumption (if necessary to be made) that the sub-letting of the land is authorised by law.

Pastoral leases.
See Roads Act
Amendment Act,
1894, s. 4.

Mines.

(3.) The rate book shall at all times during office hours be open to inspection by any District Board of Health.

126. (1.) THE Board may, except in the case of mining leases, adopt a general system of valuation on the basis of the unimproved value of lands instead of a valuation as prescribed by the last preceding section.

Assessment on un-
improved values.

(2.) In such case the unimproved capital value of ratable property shall be inserted in the rate book in place of the net annual or capital value thereof.

“Unimproved value” means the sum which the owner's estate, or interest in any land, if unencumbered by any mortgage or other charge thereon, and if no improvements existed on the land, might be expected to realise at the time of valuation if offered for sale on such reasonable terms and conditions as a *bona fide* seller might be expected to require.

127. ANY person in occupation of any portion of the surface of a gold-mining lease or mineral lease shall be deemed an occupier, and liable to be rated in respect of such occupation, notwithstanding any want of title to occupy the same.

Rating of persons
residing on mining
leases.

128. WHERE any ratable land held by any person liable to be rated in respect thereof is divided into lots, the Board may either value such land as a whole or may value each lot separately:

Valuation of sub-
divided lots.

Roads.

Provided that so far as any lots are unimproved, the total valuation of such lots separately valued shall not exceed the valuation of the land taken as a whole.

129. THE rate book shall be made up on or before the second Saturday in June in each year, and the chairman shall sign his name to each page, and set his initials against any alteration or erasure.

Rate book, when to be made up.
See Roads Act, 1888, s. 86.

130. THE net annual value set against all ratable land in the rate book shall, subject to appeal as hereinafter provided, be the ratable value thereof for the year beginning on the first day of July next ensuing.

Ratable value.
Ibid.

131. NOTICE of every valuation, and of the amount thereof, shall be given to the owner or occupier of the land in the form or to the effect of the Ninth Schedule.

Notice of valuation to be given.
Ninth Schedule.

132. THE rate book shall, at all reasonable times, be open to inspection by ratepayers.

Rate book to be open to inspection.

133. THE Board may from time to time amend the rate book by inserting the particulars of any ratable property omitted therefrom, or by substituting for the name of any person erroneously inserted as the owner or occupier of any property the name of the true owner or occupier, and by correcting any error that may need rectification:

Rate book may be amended.
Roads Act, 1888, s. 88, altered.

Provided that, within fourteen days of any such amendment, the Board shall cause notice to be given to every person affected by the same, and every such person shall have the same right of appeal from such amendment as he would have had if the amendment had appeared in the rate book as made up.

134. THE Board may, in their discretion, instead of causing a new rate book to be made up in any year, use the rate book of the last or any previous year, with such alterations and additions as may appear necessary; and such rate book, with such alterations and additions, shall, on notice being given by advertisement in the *Government Gazette* and a newspaper usually circulating in the district that the same will be used as the rate book for the ensuing year, be deemed to have been duly made and published.

Board may use previous year's rate book.
See Roads Act, 1888, s. 89.

Appeals.

135. ANY person may appeal against any valuation in the rate book, or any alteration thereof or addition thereto, on any of the grounds following, that is to say,—

Grounds of appeal against assessment.
See Roads Act, 1888, s. 92 (2).

Roads.

- (1.) That he is not the owner or occupier of the whole or some particular part of the ratable land for which his name appears as owner or occupier ;
- (2.) That any ratable property is valued above its full and fair value ;
- (3.) That any property included is not ratable.

136. APPEALS shall be made to the Board, and from the decision of the Board there may be a further appeal to a Local Court having jurisdiction within the district, as hereinafter provided. Appeals, how made.

137. (1.) EVERY appeal to the Board shall be by notice setting out the grounds of appeal in the form or to the effect of the Tenth Schedule. Appeals to the Board.
Tenth Schedule.

(2.) The notice of appeal shall be given to the chairman or secretary to the Board within one month after the receipt by the appellant of notice of the valuation appealed from. See sec. 196, s.s. (2)

(3.) No appeal shall be entertained unless the appellant deposits in the hands of the chairman or secretary the amount of the rates due and payable, or any instalment thereof then payable, from the appellant in respect of the valuation complained of.

(4.) Notice of the day appointed by the Board for the hearing of such appeal shall be given to the appellant six days at least before the day of hearing, and notice shall also be posted outside the office of the Board in the form or to the effect of the Eleventh Schedule. Eleventh Schedule.

138. EVERY appeal to the Local Court from the decision of the Board shall be commenced by notice setting out the grounds of the appeal, in the form in the Twelfth Schedule or to the like effect— Appeals to the Local
Court from decisions
of the Board.
Twelfth Schedule.
See Roads Act, 1888.
s. 92, (2), (3).

- (1.) The notice shall, within ten days after the decision appealed from, be served on the chairman or secretary to the Board and the clerk of the Local Court.
- (2.) The appeal shall come on for hearing at the sitting of the Local Court next after ten days from the service of such notice on the clerk of the Local Court.

139. (1.) ON the hearing of all appeals, the rate book shall be produced ; and the Board, or the Local Court on appeal from the Board, on the day of hearing, or at any adjournment thereof, may make such order as shall be just, and shall cause any alterations or additions occasioned by such order to be made in the rate book by the chairman or secretary of the Board if the appeal is to the Board, or by the clerk of the Court if the appeal is to the Local Court. Court may order
costs.

Roads.

(2.) On any appeal to the Local Court, the Court may make such order as may seem just for the payment of the costs of the appeal, and may determine the amount of such costs; and payment of the same may be enforced in the same manner as a judgment of the Local Court.

Decision of Court final.

140. THE decision of the Local Court on any appeal shall be final.

Making of Rates.

Board may make and levy rates.

See Roads Act, 1888, s. 85.

141. THE Board shall in every year make and levy general rates equally upon all ratable land in the district, but no such rates made in any one year shall exceed in the aggregate One shilling and sixpence in the pound on the annual ratable value of such land.

Provided that the Governor may exempt any district from the operation of this section for such time as to the Governor may seem fit, but the Minister shall place before both Houses of Parliament particulars in writing of every exemption granted and the grounds thereof.

A minimum rate of Two shillings and sixpence may be levied on any allotment of ratable land the annual rates in respect of which would not amount to Two Shillings and sixpence.

Maximum rate on unimproved values.

142. WHERE the system of valuation on the basis of unimproved values of lands is adopted by the Board, the general rate to be levied in any year shall not exceed Twopence halfpenny in the pound on the capital unimproved value of the land rated.

On whom rates to be levied.

See Roads Act, 1888, s. 87.

143. EVERY general rate shall be made and levied upon the occupier, or, if there is no occupier, upon the owner, of all ratable land within the district.

Manner of making rate.

See *ibid.*, s. 87.

144. WHENEVER any rate is ordered by the Board to be made and levied, the chairman shall, on a vacant page of the rate book, to be left blank for the purpose, enter a memorandum of such order, and shall sign the same, and cause notice thereof to be published in a newspaper usually circulating in the district.

On the publication of such notice, the said rate shall, subject to any by-law as to the time and mode of payment, become due and payable by the occupier or owner of the land rated.

Recovery of Rates.

Recovery of rates by distress.

See Roads Act, 1888, s. 92.

Divisional Boards Act, 1887 (Q.), s. 206.

145. (1.) IF any person liable to pay any rates under the provisions of this Act fails to pay the same for the space of thirty days after demand thereof made, in writing, by the chairman or secretary or any authorised collector, the chairman may issue his warrant for levying the amount with costs, by distress and sale of

Roads.

the goods and chattels found on the land in respect of which the rates are due, in accordance with the law for the time being relating to distress for rent.

(2.) A warrant of distress may be in the form or to the effect of the Thirteenth Schedule.

Thirteenth
Schedule.

(3.) The chairman may include in any one warrant any number of persons liable to pay rates.

(4.) The fees prescribed in the Fourteenth Schedule shall be payable on every distress.

Fourteenth
Schedule.

146. A BAILIFF appointed by the Board to levy rates by distress and sale shall have power and authority to sell by public auction any goods and chattels seized under warrant of distress, without taking out a license as an auctioneer.

Bailiff may sell with-
out license.

147. INSTEAD of proceeding by distress and sale, or in case no sufficient distress can be found on the premises, the Board may, fourteen days after demand thereof, in writing, by the chairman or secretary, and notwithstanding any change of occupation or ownership, recover any rates in arrear from the occupier or owner for the time being of the land in respect of which the rates are due, by complaint before two Justices, or by action in any Court of competent jurisdiction.

Recovery of rates by
action or complaint.
See *ibid.* (altered).
See Divisional Boards
Act, 1887 (Q.), s. 206.

148. WHEN the owner of any land has paid any rates, which, as between the owner and occupier, should have been paid by the occupier, the owner may recover the sum so paid on demand from the occupier as arrears of rent could be recovered from the said occupier by the said owner.

Recovery of rates
paid by owner from
occupier.

149. WHEN the occupier of land has paid any rates which, as between such occupier and the owner, should have been paid by the owner, the occupier may deduct the amount paid from any rent due or to become due to the owner, or may recover the amount from the owner in any Court of competent jurisdiction.

Recovery of rates
paid by occupier
from owner.

150. IN any action or other proceeding against the owner of land for the recovery of rates, it shall not be necessary to prove service upon the occupier of any demand for payment.

In action against
owner, proof of de-
mand on occupier
not necessary.

151. ANY unsatisfied judgment or order of any Court against any person for the recovery of rates shall not be a bar to the recovery thereof from any other person liable under the provisions of this Act to the payment thereof.

Persons liable may
be resorted to in suc-
cession.
Divisional Boards
Act, 1887 (Q.), s. 212.

Roads.

Rate Books to be evidence.

152. IN any proceeding to levy and recover or consequent on the levying or recovering of any rate under the provisions of this Act, the rate book of the Board, and all entries purporting to be made therein in manner by this Act directed, by the production thereof alone, or a certified copy thereof or extract therefrom signed by the chairman and sealed with the seal of the Board, shall be *prima facie* evidence of such rate and of the contents thereof, without any evidence that the notices required by or other requirements of this Act have been given or complied with.

Apportionment of rates between successive owners or occupiers.

Divisional Boards Act, 1887 (Q.), s. 211.

153. WHEN an occupier or owner ceases to be the occupier or owner of the land in respect of which a rate is made, before the end of the period in respect of which such rate was made, such occupier or owner shall, as between himself and the succeeding occupier or owner, be liable to pay a portion only of the rate payable for the whole of such period proportionate to the time during which he continued to be the occupier or owner, and any person who is the occupier or owner of the land during the remainder of the period shall, as between himself and the preceding occupier or owner, be liable to pay a portion of such rate in proportion to the time during which he is such occupier or owner.

But any rate made in respect of such property shall continue in force, and may be recovered by the Board, from the owner or occupier for the time being, without regard to any change in the occupation or ownership.

Premises may be sold for arrears of rates, etc., remaining unpaid for eighteen months.

Fifteenth Schedule.

See Roads Act, 1888, s. 96.

154. (1.) IF any rates imposed and recoverable under this Act shall remain due and unpaid for the term of eighteen months in respect of any land, and if no sufficient distress can be found on the land, it shall be lawful for and incumbent upon the Board to cause a notice, in the form of the Fifteenth Schedule, to be published in the *Government Gazette*, and in a newspaper usually circulating in the district, three times, at intervals of not less than one week between any two publications, stating the amount of rates due and unpaid in respect of such property, 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 rates due and expenses are not paid at or before the expiration of the time specified in such notice, it shall be lawful for the Board, and the Board is hereby required, to present a petition to the Supreme Court, stating the imposition of the rate on the said land, the non-payment of the same, the fact that no distress can be found on the said land sufficient to satisfy the same, and the publication of the notices aforesaid.

Roads.

(3.) Any Judge of the Supreme Court, on being satisfied of the proof of such circumstances, shall order the said land or such part thereof as may be deemed sufficient to satisfy the said rate, expenses, and costs 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 the amount of such rates as aforesaid, and of all rates imposed on such land and due in respect thereof up to the day of such sale, and all expenses and costs incurred by the Board in the proceedings, and shall hold the surplus (if any) in trust for such person or persons as may prove himself or themselves entitled to the same.

(5.) The 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.) 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 by such neglect.

(7.) A certificate of sale of any ratable land, according to the form in the Sixteenth Schedule, made out by the person directed in the order of Court to sell the same, shall be given to the purchaser; and the Registrar of Titles, on production of the said certificate, and of an office copy of the said order, shall, after ascertaining the correct boundaries of the land sold, and that it has been alienated by the Crown, bring the same under the operation of the Transfer of Land Act, without advertisement, and issue to such purchaser a certificate of title as the proprietor in fee simple, or if such land be already under the operation of the last-mentioned Act, then the said Registrar shall register the certificate of sale in like manner as a transfer of the land therein mentioned. The purchaser of any such land as aforesaid shall pay to the said Registrar all such fees as he would be entitled to demand and receive in the case of an applicant or transferee.

Certificate of sale.
Sixteenth Schedule.
Roads Act Amendment Act, 1894, s. 2.

155. ANY person ordered to sell any such land 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.
Roads Act, 1888, s. 98.

156. 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.
Ibid., s. 90.

Roads.

overdraft of the current account ; but no such overdraft shall at any time, under any circumstances, exceed one-fourth of the prior year's ordinary income of the Board :

Provided that the bank making such advances shall not be concerned to inquire whether the same have been obtained for the purposes set forth in this section, nor be required to see to the application of such advances.

Board may recover rates notwithstanding division, etc., of District.

157. NOTWITHSTANDING the exercise by the Governor of the power to divide a district, or unite districts, or alter the boundaries of districts, or to abolish a district, conferred by section six of this Act, all rates already made shall be recoverable by the Board making the same in the same manner as if such power had not been exercised.

PART VII.—BORROWING AND SPECIAL POWERS.

Application of this Part.

Seventeenth Schedule.

158. THIS Part shall apply only to such of the districts mentioned in the Seventeenth Schedule as the Governor may direct and after a petition in favour thereof signed by a majority of ratepayers in the district has been presented to the Governor.

The Board may borrow money.

159. THE Board of any district to which this Part applies may, subject to the provisions hereinafter mentioned, borrow money for the construction of new roads in the district.

Amount that may be borrowed.

160. THE amount of money so borrowed shall not exceed ten times the average amount of general rates collected by the Board for the two years terminating with the yearly balancing of accounts next preceding the publication of notice of such proposed loan in the *Government Gazette*, or, in the case of a Board already indebted, the difference obtained by subtracting from ten times such average ordinary income the balance remaining unpaid of any previous loan.

Conditions precedent to borrowing.

161. (1.) NO proposition for borrowing money shall be adopted by the Board unless—

(a.) Notice has been published in the *Government Gazette* and a newspaper usually circulating in the district three times, at intervals of not less than one week between any two publications; and

(b.) The question has been submitted to a general meeting of ratepayers held after the last publication of such notice.

(2.) The notice shall state—

(a.) The amount proposed to be raised ;

Roads.

- (b.) The rate of interest;
- (c.) The time at which the money borrowed is to be repayable;
- (d.) The purpose to which it is to be applied; and
- (e.) That plans and specifications and an estimate of the cost of the proposed work are open for inspection at the office of the Board.

(3.) Such plans and specifications and estimate shall, at all times during office hours, be open to the inspection of ratepayers for one month at least from the last publication of the said notice.

162. WITHIN one month from the last publication of such notice as aforesaid, any twenty ratepayers whose names are on the electoral roll of the district may, by writing under their hands delivered to the chairman or secretary of the Board, demand that the question whether or not such loan be incurred be submitted to a ballot of the ratepayers.

Ratepayers may demand a poll.

163. (1.) WHEN any such demand has been made, a poll shall be taken of the ratepayers whose names are on the electoral roll of the district, on a day, not being less than twenty-one days after the demand, to be appointed by the chairman.

Proceedings for taking poll.

(2.) Notice of the day appointed shall be exhibited at the office of the Board and published three times in a newspaper usually circulating in the district.

(3.) On the taking of the poll the provisions contained in Part III. of this Act relating to the taking of the poll at elections of members of a Board shall, as nearly as may be, apply; but the voting paper shall be in the form of the Eighteenth Schedule, and each elector shall have one vote.

Eighteenth Schedule.

164. UPON such poll being taken, unless a majority of the ratepayers on the electoral roll for the district vote in favour of the loan being incurred, the Board shall not borrow the money.

Unless majority in favour of loan, Board prohibited from borrowing.

165. ALL moneys borrowed by the Board under the provisions of this Part shall be raised and secured by debentures in the form or to the effect of the Nineteenth Schedule.

Security for loans.

Nineteenth Schedule.

166. WHENEVER any money has been borrowed by any Board under the provisions of this Part, and so long as any such money remains unpaid, the Board, from time to time, shall strike a special rate of such an amount, not exceeding One shilling and sixpence in the pound upon the annual value of all ratable property,

Power to levy special rate.

Roads.

as the Board deems necessary to pay the interest on the money borrowed, and also such percentage of the principal sum as the Board thinks fit, or may have agreed to in the debentures, for the purposes of a sinking fund:

Provided that such sinking fund shall not be less than two pounds per centum per annum, commencing one year after such borrowing.

Provisions of
Part VI. to apply
to special rate.

167. ALL the provisions of this Act with reference to making or striking the general rate, and levying and recovering the amount due in respect thereof, and all arrears of the same, shall be equally applicable to any special rate, and the amount due in respect of any such special rate made or struck under this Part.

Property to be fenced
if Board direct.

168. (1.) WHERE any land abutting upon any road within a district to which this Part applies (which road has been macadamised, or otherwise made in whole or in part), is not fenced in to the satisfaction of the Board, or the fence is in a state of disrepair, the Board may, from time to time, order that such frontage of such land be fenced or refenced with a substantial fence of such description and material as the Board may prescribe.

(2.) The owner of the said land, after service on him or upon the occupier of the land of such order, shall, in such manner and in such time as shall be expressed therein, at his own cost, fence, refence, or repair to the satisfaction of the Board, so much of the said land as shall abut upon any such road.

(3.) If any owner neglects to observe such order in the manner and time expressed therein, the Board may fence or refence such land, and demand and recover payment of the cost thereof from such owner.

(4.) In default of payment within thirty days from such demand, the Board may lodge a caveat with the Registrar of Titles against the transfer of such land until payment is made, and may sue for the amount so expended.

Sub-divisional plans
to be approved by
Board.

169. NO sub-divisional plan of any land within a district to which this Part applies shall be registered by the Department of Lands, or in the Office of Land Titles and Registry of Deeds, until such plan has been submitted to and approved by the Board, unless the Minister, on an appeal from the decision of the Board, otherwise directs.

PART VIII.—ACCOUNTS AND AUDIT.

Financial year.

170. (1.) THE financial year of every Board shall end on the same day as the Government financial year, that is to say, on the thirtieth day of June in every year.

Roads.

(2.) If at any time hereafter the Government financial year shall end on a day other than the thirtieth day of June, the financial year of every Board shall end on such other day.

(3.) In such case the Governor may, by notice in the *Government Gazette*, make any necessary consequential change in the dates prescribed by this Act for giving any notice or doing any act or thing.

171. (1.) EVERY Board shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid on account of and for the Board, and of the several purposes for which such sums of money have been received and paid; and 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, and any such person may take copies of or extracts from the said books without payment of any fee.

Books of account,
and inspection by
persons interested.
Roads Act, 1888, s.
102, with additions.

(2.) The Minister may from time to time prescribe the manner and form in which the books and accounts of the Board shall be kept, and the same shall be kept accordingly.

(3.) All books, accounts, and vouchers of the Board shall at all times be open to the inspection of any person nominated by the Minister.

(4.) Any person having the custody of the said books who shall not, on any reasonable demand of any such member, ratepayer, or creditor, or person nominated by the Minister, 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.

(5.) All moneys of the Board shall be paid into such bank, and in such manner as the Board shall from time to time appoint and direct for that purpose, and no sum exceeding Five pounds shall be held in the hands of any member, or any officer, servant, or clerk of the Board, for any period exceeding seven days.

(6.) 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 and by the secretary.

(7.) The Minister may remove any member or summarily dismiss any clerk or other officer of the Board who fails or neglects to observe the provisions of this section.

172. EVERY secretary shall, once in every three months, prepare and place before the Board a true statement of the financial position of the Board, including ordinary revenue and grants, which

Quarterly financial
statement.

Roads.

shall be entered on the minutes; and such statement shall be examined and compared with the vouchers and the minutes signed by the secretary and the chairman.

Money in hand at
end of each year to
be paid into bank.

173. ALL moneys in hand on the last day of the financial year shall be paid to the credit of the banking account of the Board, and shall be included in the banker's certificate of the amount standing to the credit of the Board on that day, which certificate the Board shall obtain and produce to the auditors.

Auditors.
See Roads Act, 1888,
s. 101.

174. THERE shall be two auditors for every district, one to be appointed by the Minister and the other to be annually elected by the ratepayers.

Election of auditor
by ratepayers.

175. THE election shall take place at the same time and in the same manner as the annual election of members of the Board, and the same persons shall be entitled to vote, except that, notwithstanding the division of the district into wards, the auditor shall be elected for the whole district, and no one elector shall have more than four votes.

Duration of office.

176. THE auditors shall be appointed and elected respectively for the financial year next following their appointment or election, and shall continue in office until the completion of the audit of the accounts for such financial year, and shall be eligible for re-appointment or re-election.

Casual vacancies.

177. ON any vacancy occurring in the office of an auditor elected by the ratepayers between one election and the next, the Board shall appoint an auditor to fill the vacancy until the next annual election

Failure to elect.

178. IF no auditor is elected or the Board fail to make an appointment on the occurrence of any such vacancy, the auditor appointed by the Minister may act alone.

Annual balance and
audit.
Ibid., s. 103, altered.

179. (1.) THE Board shall cause the accounts of the Board to be balanced annually, up to the last day of each financial year; and, within three months after such balancing, or within such extended time as the Minister may allow, the auditors shall audit the said accounts.

(2.) Notice of the time at which the audit will take place shall be exhibited at the office of the Board on the seven days next preceding.

(3.) The Board shall, by their secretary 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.

Roads.

(4.) If the accounts are found correct, the auditors shall sign the same in token of their allowance thereof, but if they think there is just cause to disapprove of any part of the said accounts, they may disallow any part of the said accounts so disapproved of, and take such steps thereupon as are hereinafter provided.

180. 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 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.

Persons interested
may be present.
Ibid., s. 104.

181. (1.) AN annual statement or summary, in the form prescribed by the Minister, showing the financial position of the Board at the end of every financial year, shall be prepared by the Board, showing, on the one side, the amount received from every source of income, and, on the other, the various matters and things on which the same has been expended; and

Annual financial
statement.
Roads Act, 1888, s.
105.

(2.) In the case of any Board that has borrowed any money during the year, or has brought forward any borrowed money from the preceding year, a statement shall be made, showing, on the one side, all moneys so received or brought forward, and, on the other, the application of all such moneys as have been expended, and the amount remaining unexpended and to be carried forward; in the case also of any such Board, a statement shall be made, showing, on the one side, the amount received from any special rate levied in respect of any loan as aforesaid, and, on the other, the application thereof, and also a statement with respect to the sinking fund, showing the amount standing to the credit of the Board.

(3.) Such statements 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 a newspaper usually circulating in the district within thirty clear days of the completion of such audit.

182. IT shall be the duty of the auditors, if they shall find any accounts or statements submitted to them for audit 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 a newspaper usually circulating in the district, a statement showing in what respects they have found such accounts or statements erroneous or deficient, and to 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.
Ibid., s. 106.

Roads.

Duty of auditors in case of unauthorised expenditure.

Ibid., s. 107.

183. (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 the Board to ascertain by whom such expenditure was authorised.

(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 competent 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 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.

Auditors may take legal advice.

184. THE auditors may, at the expense of the Board, take legal opinion on any question arising in the course of an audit.

Any difference between auditors to be settled by Minister.

185. ANY difference between the auditors shall be referred to and finally settled by the Minister.

Remuneration.

186. THE auditors shall be paid, out of the funds of the Board, such remuneration as the Board may from time to time recommend and the Minister approve.

Governor may remove auditor from his office.

187. THE Governor may at any time remove any auditor, whether appointed or elected, from his office.

Provision for repayment of disbursements of Board or members.

188. THE Board may, in any year, expend a sum not exceeding three per cent. of its ordinary income in payment of any disbursements of the Board, or of any member or officer of the Board in the performance of the duties of his office, although such disbursements may not be otherwise authorised by this Act.

Roads.

PART IX.—OFFENCES AND MISCELLANEOUS.

189. ALL acts prohibited and penalised by any Act in force for the time being relating to corrupt and improper practices at parliamentary elections shall be deemed to be offences with reference to elections under this Act; and every person committing any such act with reference to an election under this Act shall be liable to the same punishment as if the act had been committed with reference to a parliamentary election.

Electoral offences.

The acts of all authorised agents of a candidate shall be held to be the acts of their principal, unless proved to have been committed without his knowledge or consent.

190. EVERY person who wilfully obstructs the Board, or any member, or any person employed by the Board in the performance of any act or thing which they are respectively authorised or required to do in the execution of this Act or any by-law made thereunder, shall be liable to a penalty not exceeding Twenty pounds.

Obstructing Board or officers in performance of duty.
See Roads Act, 1888, s. 82.

191. EVERY person who—

- (1.) Wilfully obstructs any road; or
- (2.) Having obstructed a road, refuses to remove the obstruction when required so to do by the Board;

Penalty for obstructing road, etc.
See Roads Act, 1888, s. 74.

shall be liable to a penalty not exceeding Twenty pounds, together with the cost incurred by the Board in removing such obstruction.

192. ANY person who shall deface, damage, or injure in any way any land, work, or property whatsoever owned by, vested in, or under the care, control, or management of the Board shall be liable to a penalty not exceeding Twenty pounds, and may be ordered by the convicting Justices to pay to the Board, in addition to such penalty, the cost and expense of making good any damage, or replacing any property destroyed: Provided that this provision shall not protect or exempt any such person from the provisions of any law in force relating to injuries to property.

Injury to property of Board.
See Roads Act, 1888, s. 74.

193. ANY person who neglects to keep in repair any fence or gate separating the land owned or occupied by such person from any road shall be guilty of an offence against this Act.

Neglect to keep in repair fence adjoining road.
See *ibid.*

194. ANY person leaving open any gate which has been placed across a road with the authority of the Board shall be guilty of an offence against this Act.

Leaving open gate.
See *ibid.*, s. 71.

Roads.

Offences.

Roads Act, 1888, s. 83.

195. WHEN by this Act, or by any by-law thereunder, any act is directed to be done, or forbidden to be done, or where any authority is given to the Board, or any officer of the Board, to direct any act to be done, or to forbid any act to be done, and such act shall remain undone, or having been forbidden shall be done, in every such case the person making default as to any such direction or prohibition, as the case may be, shall be deemed guilty of an offence against this Act.

Penalties.

See Roads Act, 1888, s. 83.

196. EVERY person guilty of an offence against this Act, or of any by-law made thereunder, shall, for every such offence, if no other penalty is imposed, be liable to a penalty not exceeding Twenty pounds.

Recovery of penalties.

Roads Act, 1888, s. 108.

197. EVERY penalty imposed by this Act or any by-law thereunder, and any other moneys made payable therewith, may be recovered in a summary way before any two Justices of the Peace in Petty Sessions.

Procedure.

Ibid., s. 108 (2).

198. (1.) ALL informations and proceedings in respect of offences against this Act or any by-law shall be commenced within six months after the offences thereby respectively charged have been committed, and shall be heard and determined, and the penalties in respect of the same may be enforced, subject to and in accordance with the provisions of the Justices Act, 1902.

(2.) Sections F, G, H, and I of the Second Schedule of the Interpretation Act, 1898. are incorporated with this Act.

Penalties recovered to be paid to Board.

199. ALL penalties recovered for offences against this Act, or any by-law thereunder, shall be paid to the Board of the district in which the offence was committed.

Board may be represented by secretary or other officer.

200. IN all proceedings in any Court of Petty Sessions or before any Justice, the secretary or any other officer of the Board appointed by the chairman in writing under his hand may represent the Board in all respects as if he were the party concerned.

Property may be stated in indictment, etc., to be the property of the Board.

201. IN any proceedings to be instituted in relation to any land, property, or thing belonging to, vested in, or under the care, control, or management of a Board, it shall be sufficient to state generally the land, property, or thing in respect of which such proceedings shall be instituted to be the property of such Board; and for the purpose of all legal proceedings all roads, bridges, reserves, and other property and things whatsoever vested in or placed under the care, control, or management of a Board shall be deemed to be the property of the Board.

Roads.

202. (1.) ALL legal proceedings against a Board or any member, officer, or servant of a Board for anything done, or omitted to be done, in pursuance of this Act, shall be commenced within six calendar months after the happening of the cause of action, and not otherwise; and

Proceedings against officers, when to be commenced.

(2.) Notice in writing of any action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action.

203. ALL notices and demands under this Act may be in writing or in print, or partly in writing and partly in print.

Notices.

204. (1.) ANY notice or demand required by this Act to be given to or made upon any person may be served—

Notices and demands, how served.

(a.) By delivering the same to such person;

See Divisional Boards Act, 1887 (Q.), s. 230.

(b.) By leaving the same at his usual or last-known place of abode;

(c.) By forwarding the same by post in a prepaid letter addressed to such person at his usual or last-known place of abode.

(2.) A notice or demand forwarded by post shall be deemed to have been given or made and to have been received at the time when, by ordinary course of post, the letter would be delivered.

When deemed to have been given.

(3.) When a notice or demand under this Act is required to be given or made to any owner or occupier whose name or address is unknown to the Board, it shall not be necessary to name such owner or occupier, and such notice or demand may be served by placing it on some conspicuous part of the land of such owner or occupier, and by publishing it three times at intervals of not less than a week between any two publications in the *Government Gazette* and a newspaper usually circulating in the district.

When name of owner or occupier unknown.

(4.) A notice or demand may be served on a corporation, or incorporated company, or the members of a partnership, by being delivered, left, or posted in a prepaid letter; the notice or demand being addressed in each case to the corporation, company, or partnership at the principal office or place of business thereof in the State.

Service on corporation.

205. ALL notices and demands duly given to or made upon any owner or occupier shall be binding upon all persons claiming by, from, or under such owner or occupier.

Notices binding on persons claiming under owner or occupier.

206. EVERY order, summons, notice, or other document requiring authentication by the Board may be sufficiently authenticated without the common seal of the Board, if signed by the chairman.

Notices may be authenticated by signature of chairman without seal.

207. ANY summons or notice, or any writ or other proceeding requiring to be served upon the Board, may be served upon the chairman or secretary of the Board.

208. THE institution of any proceedings, or the conviction of any person for any offence against this Act, shall not affect any remedy which the Board or any person aggrieved may be entitled to in any civil proceedings.

209. ANY person appointed under the hand of the chairman of the Board may, for the purposes of this Act, search the public registers of the office of Land Titles and Registry of Deeds, or any office of the Department of Lands or of Mines without payment of any fee.

210. IN any legal proceedings under this Act, in addition to any other method of proof available—

- (1.) Evidence that the person proceeded against is rated as owner or occupier in respect of any land to any general or special rate for the district within which such land is situated; or
- (2.) Evidence by the certificate in writing of—
 - (a.) The Registrar of Deeds, or his deputy, that any person appears from any memorial of registration of any deed, conveyance, or other instrument, to be the owner of any land; or
 - (b.) The Registrar of Titles, or any assistant or deputy registrar, that any person's name appears in any register book kept under the Transfer of Land Act, 1893, as proprietor of any land; or
 - (c.) The Under Secretary for Lands or the Under Secretary for Mines, that any person is registered in the Department of Lands or of Mines as the occupier or lessee of land—

shall, until the contrary is proved, be evidence that such person is the owner or occupier, as the case may be, of such land.

211. NOTHING in this Act contained shall be deemed in any way to affect any right as to any land heretofore or hereafter to be alienated by the Crown reserved to His Majesty, his heirs and successors, or to any person or persons acting in that behalf by his

Roads.

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 His Majesty, his heirs and successors, or any persons acting in that behalf by his or their authority, under any such reservation as aforesaid.

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

E. A. STONE, Administrator.

2° EDWARDI VII., No. 48.

Roads.

Section 3.

First Schedule.

REPEAL OF ACTS.

Date.	Title.	Extent of Repeal.
52 Vict., No. 16	The Roads Act, 1888	The whole.
52 Vict., No. 22	The Roads Act, 1888, Amendment Act, 1889 . . .	The whole.
58 Vict., No. 17	The Roads Act, 1888, Amendment Act, 1894 . . .	The whole.

Section 30.

Second Schedule.

THE ROADS ACT, 1902.

List of Electors for the [] Road District.

[Ward] for the year 19 .

Surname of person supposed to be entitled to vote.	Other names of same person.	Address.	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)

Chairman of the Board.

2º EDWARDI VII., No. 48.

Roads.

Third Schedule.

Section 31.

A.

THE ROADS ACT, 1902.

Claim 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 19 .

(Signed) _____ [Name in full.]

Surname of Claimant.	Other names of Claimant.	Address.	Trade or occupation	Description and situation of property in respect of which claim is made.	Whether claiming as owner or occupier.	Ratable value of property.	Number of votes claimed.

B.

THE ROADS ACT, 1902.

Claim by a person to have the Amount of the Ratable Value of his Property altered.

To the Chairman of the Board of the Road District.

Sir,--I hereby claim to have the Ratable Value of my property as specified on the Electoral List (*or* Ward Electoral List) altered in accordance with the following particulars.

Dated this day of 19 .

(Signed) _____ [Name in full.]

Surname of Claimant.	Other names of Claimant.	Address.	Trade or occupation.	Description and situation of property in respect of which claim is made.	Whether claiming as owner or occupier.	Ratable value of land.	Number of votes claimed.

2° EDWARDI VII., No. 48.

Roads.

Section 32.

Fourth Schedule.

A.

THE ROADS ACT, 1902.

Notice of Objection to Retention of Name on Electoral List.

To the Chairman of the Board of the Road District.

SIR,—I give you notice that I object to the retention of [*name of person objected to*] on the Electoral List (*or* Ward Electoral List) on the following grounds:—

[*State grounds.*]

Dated this day of 19 .
(Signed) [*Name in full.*]

B.

THE ROADS ACT, 1902.

Notice of Objection to Ratable Value of Lands.

To the Chairman of the Board of the Road District, and to
[*the person objected to.*]

SIR,—I give you notice that I object to the Ratable Value of the Ratable Lands set against [*name of person on List*] on the Electoral List (*or* Ward Electoral List) on the following grounds:—

[*State grounds.*]

Dated this day of 19 .
(Signed) [*Name in full.*]

Section 42.

Fifth Schedule.

ELECTORAL ROLL.

ROADS ACT, 1902.

Electoral Roll for the Road District of (or if the District is
divided into Wards, for the *Ward of the Road District*
of *) for the year ending June 30th, 190 .*

Number.	Voter's Surname.	Voter's other Names.	Whether Occupier or Owner.	Description and Situation of Ratable Land.	Number of Votes.

(Signed)

Chairman of the Board.

2° EDWARDI VII., No. 48.

Roads.

Sixth Schedule.

Section 64.

THE ROADS ACT, 1902.

BALLOT PAPER.

Road District of

[Ward.]

COUNTERFOIL.

Names of Candidates.

No.

BRADY, SAMUEL

CARTER, WILLIAM

DAVIS, CHARLES

KING, JAMES

SMITH, JOHN

NUMBER OF VOTES.....[To be inserted by Returning Officer.]

DIRECTIONS.

You must vote for (.....) candidates.

Strike out the names of the candidate(s) for whom you *do not* vote.

Leave the names of the candidate(s) for whom you vote uncanceled.

Seventh Schedule.

Section 64.

THE ROADS ACT, 1902.

COUNTERFOIL.	COUNTERFOIL.	Road District of.....	
No.....	No.....	..... Ward (if any).	
Name of } Road } District }	Name of } Road } District }	BALLOT PAPER FOR ABSENT VOTER.	
Election of.....	Election of.....	Write Name(s) of Candidate(s) you wish to vote for.	Number of Votes.
Name of } Voter }	Name of } Voter }	.....	.....
Address	Address .....	.....	.....
Date	Date .....	.....	.....

2° EDWARDI VII., No. 48.

Roads.

Section 125.

Eighth Schedule.

THE ROADS ACT, 1902.

Road District of _____

RATE BOOK.

Surname of person rated.	Other Names of person rated.	Trade or Occupation.	Name of Owner.	Description and situation of ratable property.	Net Annual value.	Amount payable in respect of rate at in the £.

Section 131.

Ninth Schedule.

THE ROADS ACT, 1902.

Road District of _____

VALUATION BY THE BOARD OF THE UNDERMENTIONED RATABLE LAND.

Surname of person rated.	Other names of person rated.	Trade or Occupation.	Name of Owner.	Description and situation of ratable property.	Net annual value.	Amount payable in respect of rate at in the £.

You may appeal to the Board against this valuation within one month after the receipt of this notice (see "The Roads Act, 1902," section 136).

Dated the _____ day of _____, 19____.

Chairman of the Board.

Section 137.

Tenth Schedule.

THE ROADS ACT, 1902.

To the Chairman of the _____ Road Board.

Take notice that I appeal against the valuation in the Rate Book in respect of the undermentioned property, on the grounds stated.

Land Rated :

.....

Grounds of Appeal :

.....

Dated the _____ day of _____, 190____.

(Signed) _____

Name
Address

Roads.

Eleventh Schedule.

Section 137.

THE ROADS ACT, 1902.

Road District of

Notice is hereby given that the Board have appointed the _____ day of _____, 19____, at _____ o'clock in the _____ noon, at the Office of the Board at _____, in the said District, to hear the undermentioned appeals from the valuation in the Rate Book for the year 19____.

APPEALS.

[illegible]

Dated the day of , 19 .
Chairman.

Twelfth Schedule.

Section 138.

ROADS ACT, 1902.

Road District of

NOTICE OF APPEAL FROM THE BOARD TO THE LOCAL COURT AGAINST VALUATION.

To the Chairman of the Board and the Clerk of the Local Court, holden
at _____.

Take notice that it is my intention to appeal from the decision of the Board in the matter of the valuation of the undermentioned land to the Local Court, holden at _____ on the _____ day of _____, 190 ____.

Description of Land.

.....

.....

Grounds of Appeal.

.....

.....

Dated the day of , 190 .
 (Signed) Name
 Address

2° EDWARDI VII., No. 48.

Roads.

Thirteenth Schedule.

Section 145.

THE ROADS ACT, 1902.

WARRANT OF DISTRESS.

The Road District of

To and his assistants.

Whereas the several persons whose names appear in the Schedule are liable to pay to the Road Board the amount of rates set opposite their respective names, in respect of the land stated, and demand for payment thereof has been made in accordance with "The Roads Act, 1902," and default has been made in payment. These are therefore to authorise you to make distress of the several goods and chattels in the first place of the persons named in the Schedule, if resident on the land and have any goods and chattels there, and in case of change of occupation, then upon the goods and chattels of any person who is the occupier in possession of the premises at the time of the execution of this warrant, and if, within five days next after the making of any distress under this warrant, the several sums so distrained for, including any lawful charges for levy, inventory, sale, commission, and delivery of goods in each case are not paid, then that you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale you retain the respective sums so due and owing according to the said Schedule, and render to the parties respecting whose goods you have sold, the surplus (if any), and that you certify to me on or before the day of what you have done by virtue of this warrant.

Schedule.

Names of Ratepayers.	Description of Lands rated.	Amounts payable for Rates.		
		£	s.	d.

Given under my hand this day of , 190 .
Chairman.

Fourteenth Schedule.

Section 145.

SCALE OF FEES ON DISTRESS FOR RATES.

Warrant (each person)	...	...	...	...	One shilling.
Levy	...	...	...	...	Five shillings.
For man in possession	...	...	...	...	One shilling an hour for the first three hours, and if longer detained eight shillings a day or part of a day.
For inventory, sales, commission, and delivery of goods	...	...	...	...	Not exceeding One shilling in the pound on proceeds of sale.

Roads.

Fifteenth Schedule.

Section 154.

THE ROADS ACT, 1902.

Notice.

By virtue of the provisions of "The Roads Act, 1902," notice is hereby given to all parties interested therein that the sum of £ has now been due and unpaid for the term of eighteen months in respect of rates made and assessed by the Board of the District of upon *[here describe the land]* within the said District, 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 , 19 , 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 , 19 .

(Signed)

Chairman of the Board of the District of

Sixteenth Schedule.

Section 154.

THE ROADS ACT, 1902.

Certificate of Sale.

Whereas, by an order of the Supreme Court, dated the day of , 19 , 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 for sale by public auction on the day of 190 , and that of became the purchaser thereof for the sum of £

In witness whereof I have hereto set my hand this day of , 19 .

(Signed)

Seventeenth Schedule.

Section 158.

Districts to which Part VII. applies.

The Road Districts of--

Bayswater,	Cottesloe,
Belmont,	Kalgoorlie,
Buckland Hill,	Melville,
Bunbury Suburban,	Peppermint Grove,
Cannington,	West Guildford.
Claremont,	

Eighteenth

Roads.

Section 163.

Eighteenth Schedule.

VOTING PAPER.

YES.

NO.

Directions.

If you approve of the loan strike out the word "No."

If you disapprove of the loan strike out the word "Yes."

Section 165.

Nineteenth Schedule.

THE ROADS ACT, 1902.

No. Debenture £

(Total Issue £).

Issued by the [] Road Board, Western Australia.

TRANSFERABLE BY DELIVERY.

This Debenture was issued by the Road Board of the Road District, Western Australia, and is to secure to the bearer the principal sum of pounds, payable on the day of 19 .

Interest on such principal sum at the rate of pounds per centum per annum is payable in the meantime by half-yearly payments on the day of , and the day of in every year, and a coupon is annexed for each payment, which entitles the bearer of such coupon thereto.

Such principal sum and interest are payable at , and are charged on the revenues of the said Board, and are not otherwise secured.

pounds per centum of the amount of the loan will be invested every year in accordance with the provisions of the said Act to form a sinking fund.

Dated the day of , 19 .

[SEAL]

(Signed)

Chairman of the Board.

Member of the Board.

Secretary.