

Taranaki Roads and Bridges Ordinance 1858 Amendment Act 1877

Local Act 1877 No 71
Date of assent 8 December 1877

Contents

	Page
Title	1
Schedule	5

An Act to amend the Ordinances of the Province of Taranaki, intituled “The Roads and Bridges Ordinance, 1858,” and “The Roads and Bridges Amendment Ordinance, 1875.”

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1 Short Title.

The Short Title of this Act shall be “The Taranaki Roads and Bridges Ordinance 1858 Amendment Act, 1877.”

2 Repeal of certain sections of Taranaki Ordinances, Session VI., No. 7, and section 3 of Ordinance, Session XXIV., No. 5.

Sections four, five, twelve, thirteen, nineteen, twenty-one to thirty, both inclusive, and sections thirty-two, thirty-eight, and thirty-nine of the Ordinance of the Province of Taranaki, intituled “The Roads and Bridges Ordinance, 1858” (hereinafter termed “the said Act”), and the third section of the Ordinance of the said province intituled “The Roads and Bridges Amendment Ordinance, 1875,” are hereby repealed: Provided that all proceedings, matters, and things

lawfully had or done under the said repealed sections shall, subject to the provisions herein contained, be of the same force and effect, to all intents and purposes, as if no such repeal had taken place.

3 Interpretation of certain expressions in the said Ordinances.

In construing the said Act the expression “the Superintendent” shall mean the Council of the county within which a district constituted or to be constituted under the said Act is situated. The expression “Provincial *Gazette*” or “Provincial Government *Gazette*” or other similar expressions in the said Act, shall mean some newspaper circulating in the Provincial District of Taranaki. The expression “Provincial Treasurer” shall mean Treasurer, Clerk, Collector, or other person appointed by the Board of Commissioners.

4 Amendments of certain provisions of the, said Ordinances.

There shall be omitted from section three of the said Act all the words after the word “meetings” therein. In section six of the said Act the word “June” shall be substituted for “May.” From section fourteen of the said Act there shall be omitted the words “If the rate shall be determined upon.” From section fourteen the words “three Commissioners” shall be omitted, and from section fifteen, after the word “appoint,” the words “three persons” shall be omitted, and in both of such sections shall be substituted, after the word “district,” where it first occurs in the fourteenth section, and after the word “appoint,” where it occurs in the fifteenth section, the words “such number of Commissioners not less than three as shall have been or shall be appointed to such district under the provisions of this Act.” From section eighteen of the said Act there shall be omitted the words “whether any and if any what rate has been determined upon by such meeting, and shall also set forth.”

In section thirty-six of the said Act there shall be substituted “six weeks” for “one calendar month.”

Section thirty-seven of the said Act shall be read with the following addition:—

If any objection is so made, the County Council within which the district is situate shall fix a day, not later than ten days from the expiration of the said fourteen days, for the hearing of such objection, and on such day shall hear and determine the same. The Council may either sanction the proposed expenditure or refuse such sanction, either wholly or in part, and may direct the Board to expend such funds within the district in such manner as the Council thinks best. The Council’s decision shall be final.

5 Delegation to the County Council of the Superintendent’s powers under said Ordinances.

The County Council of any county within which any portion of the Provincial District of Taranaki is situated shall, with respect of the portion of such provincial district included in such county, exercise and perform all the powers, duties, and functions which immediately before “The Abolition of Provinces

Act, 1875” came into operation were under the said Act vested in or to be exercised or performed by the Superintendent, either alone, or with the advice and consent, or on the recommendation or resolution, or with the approval, of the Executive or Provincial Council of the said Province of Taranaki.

6 Board may levy a general rate.

The Board of Commissioners of a district may make and levy a general rate on all rateable property within the district for carrying into effect the general purposes of the said Act for the current year.

7 Commissioners and Auditors to hold office until successors appointed.

Every Commissioner and Auditor shall come into office on the day of his election, and shall cease to hold office on the day his successor is appointed.

8 Electors.

Every person of the full age of twenty-one years, whose name appears on the electors’ roll for a district constituted or hereafter to be constituted under the said Act, shall be a district elector so long as such roll is in force.

Every person whose name appears on the valuation roll of the district in respect of rateable property shall be entitled to be enrolled as a district elector for such district.

9 District electors, the privileges, powers, and franchises.

Every district elector shall be entitled to take part in the proceedings at general meetings for the district, and to vote thereat, and to vote at every election of a Commissioner and Auditor, and shall have and exercise the like privileges, powers, and franchises as are given to or vested in electors for a district by the said Act, according to the following scale, that is to say,—

- (a.) If his rateable property, whether in one or more tenements, is valued on any valuation roll at not less than five pounds, nor more than thirty pounds, he shall have one vote.
- (b.) If such property is so valued at not less than thirty pounds but less than sixty pounds, he shall have two votes.
- (c.) If such property is so valued at not less than sixty pounds but less than one hundred pounds, he shall have three votes.
- (d.) If such property is so valued at not less than one hundred pounds but less than two hundred pounds, he shall have four votes.
- (e.) If such property is valued at three hundred pounds and upwards, he shall have five votes.

10 Roll of district electors, how prepared.

The Clerk to the Board of Commissioners, or some other person to be appointed by the Board, shall, on or before the fifteenth day of March in each year,

cause a roll to be prepared for the district, in the form in the Schedule hereto, containing the names, arranged in the alphabetical order of their surnames, of all the district electors in the district, and shall enter thereon the number of votes which each elector is entitled to.

In making the valuations of property for the purpose of determining the number of such votes, the person making the same shall be guided by the provisions of "The Rating Act, 1876," for the valuation of rateable property.

11 Inspection thereof.

A copy of the roll for the district shall be kept at the office of the Board, or at some other convenient place in the district to be appointed by the Board, and such roll shall be open to public inspection at all reasonable hours, from the twentieth day of March until the fifteenth day of April in each year. Any person who considers himself aggrieved by his own name or that of any other person being entered on or omitted from such roll, or by the number of votes allotted to him or to any other person thereon being more or fewer than that to which he or such other person is entitled under this Act, may, on or before the last day of April, apply for relief to the Resident Magistrate's Court in the district.

If there is no such Court, or more than one in the district, the County Council shall appoint the Resident Magistrate's Court in which such applications shall be heard.

12 Appeal.

The Resident Magistrate shall, by public notice, appoint a time and place, on and after the first day of May, at which the said Court will sit to hear all such applications, and may summon any person whose evidence may be deemed necessary in the case, to attend at such time and place, and, after making due inquiry, may enter any name on or erase any name from the roll which it is proved to the satisfaction of the Court ought to be entered thereon or erased therefrom, or to alter the number of votes set against any name on such roll which it is proved to the satisfaction of the Court ought to be so altered; and the Resident Magistrate shall initial every such alteration therein. The Resident Magistrate may adjourn such Court from time to time.

13 Correction and signature of roll.

The said roll so corrected shall be signed by the said Resident Magistrate, and shall come into force on the first day of June, and shall be the electors' roll for the district in force until a fresh roll is made as herein provided.

14 Copy, when evidence that roll has been properly made.

Any copy of such roll, signed by the Resident Magistrate or by two Commissioners of the district, shall be evidence that the said roll has been duly made, unless the contrary is proved; and no defect in the title to office of any person making, correcting, or signing such roll shall invalidate such roll.

15 Who shall be district electors for purposes of first general meetings of new districts.

For the purposes of the first general meetings of new districts under the said Act, the following persons shall, until the making of an electors' roll for such district as is hereinbefore provided, be deemed to be district electors:—

Every person who is for the time being entitled to vote at an election of County Councillors for the county within which the district is situate upon a qualification in the district.

16 Rating Act and Regulation of Local Elections Act incorporated.

“The Rating Act, 1876,” and “The Regulation of Local Elections Act, 1876,” are hereby incorporated with and shall be read as part of the said Act and this Act.

Schedule**Form or Roll for a District**

Number.	Name of Elector.	Name of Road District.	Number of Votes.