

# Christchurch Tramways District Act 1902 Amendment Act 1903

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**An Act to amend “The Christchurch Tramways District Act, 1902.”**

**Preamble.**

WHEREAS it is expedient to amend “The Christchurch Tramways District Act, 1902”:

**Be it therefore 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 is “The Christchurch Tramways District Act 1902 Amendment Act, 1903.” It shall form part of and be read together with “The Christchurch Tramways District Act, 1902” (hereinafter called “the principal Act”).

**2 Interpretation.**

In this Act, if not inconsistent with the context,—

“The Board” means the Christchurch Tramway Board:

“The Riccarton-Sockburn Sub-district” means such portions of the Road Districts of Riccarton and Templeton (as incorporated under “The Road Boards Act, 1882”) as are included in the area described in the Schedule hereto.

**3 Amendment of Schedule to principal Act.**

The Schedule to the principal Act is hereby amended by repealing the words “to the road forming the southern boundary of Section No. 85; thence by that road and its continuation easterly, passing Sections Nos. 95, 78, 153, 153a, 155, and 145, to the Christchurch-Hurunui Railway-line; thence by the said Christchurch-Hurunui Railway-line to Wairarapa Road,” contained in the latter part of the said Schedule, and substituting in lieu thereof the words “to the Southern B Railway-line; thence easterly by the said railway-line to Cutler’s Road; thence northerly along Cutler’s Road to the southern boundary of Section No. 153; thence easterly, passing Sections Nos. 153, 153a, 155, 145, and 10, to the West Town Belt; thence northerly along the said West Town Belt to Fendalton Road; thence by that road to the Christchurch-Hurunui Railway-line; thence by the said Christchurch-Hurunui Railway-line to Wairarapa Road”:

Provided that nothing contained in this section shall be construed to exempt or relieve the rateable property comprised within the area hereby repealed, or the owners or occupiers thereof, from payment of any rate already made and levied in pursuance of the provisions of the principal Act, except so far as such

property, or the owners or occupiers thereof, are specially exempted by this Act.

**4 Extended tramway area.**

The area of land comprised within the limits described in the Schedule hereto, being portions of the Road Districts of Riccarton and Templeton (as incorporated under “The Road Boards Act, 1882”), shall be and be deemed to be included in the Christchurch Tramways District as from the date of the passing of this Act.

**5 Repeal of section 4.**

Section four of the principal Act is hereby repealed, and in lieu thereof it is enacted as follows:—

*Tramway Board.*

There shall be for the Christchurch Tramways District a Tramway Board, which shall consist of nine members, to be elected in manner prescribed by the principal Act. The Board shall be elected by electors as defined in the principal Act for sub-districts, as follows: Four members for the Central Sydenham and St. Albans Wards of the City of Christchurch; one member for the Linwood Ward of the City of Christchurch; one member for the Boroughs of Woolston and Sumner and such part of the Heathcote Road District as is or may be hereafter included in the tramway district; one member for the Borough of New Brighton and such part of the Avon Road District as is or may be hereafter included in the tramway district; one member for such part of the Riccarton-Spreydon and Halswell Road Districts as is included in the Schedule to the principal Act as amended by this Act, or such parts of the Spreydon and Halswell Road Districts as may be hereafter included in the tramway district; and one member for such part of the Riccarton and Templeton Road Districts as is included in the Schedule to this Act, or such parts of the Riccarton and Templeton Road Districts as may be hereafter included in the tramway district. Such Board shall be a body corporate under the name of “The Christchurch Tramway Board,” with perpetual succession and a common seal, having all the rights, powers, privileges, and authorities conferred by the principal Act; it shall be also a “local authority” within the meaning of “The Tramways Act, 1894,” and shall have and may exercise within the Christchurch Tramways District all and each and every of the powers conferred on a local authority by the said Act. The Christchurch Tramway District (hereinafter referred to as “the said district”) shall be and be deemed to be a “district,” the Board shall be and be deemed to be a “local authority,” and the Board’s “fund” shall be and be deemed to be a “local fund” within the meaning of “The Local Bodies’ Loans Act, 1901.”

**6 Status of existing Board and its members not affected.**

The repeal of section four of the principal Act shall not in any way affect or be deemed to affect the rights, powers, privileges, authorities, or status of the Board existing at the time this Act comes into operation, or of the members of such Board; and such Board may and can after and notwithstanding the passing of this Act carry on, complete, and execute all suits and proceedings at law or in equity, and all matters and things whatsoever initiated, begun, or contracted for before the passing of this Act; and such members shall continue and be members of the Board for the full term of time, and for the same sub-districts for which they were respectively elected members before; the passing of this Act, notwithstanding any alteration made in the boundaries of such sub-districts or any of them by this Act, and be entitled to the same privileges and remunerations as if section four of the principal Act had not been repealed, and every such part of the principal Act as refers to or depends upon the said section four shall, *mutatis mutandis*, be read and construed as if section five of this Act had been originally incorporated in the principal Act.

**7 Electoral roll of Riccarton-Sockburn Sub-district.**

The Board shall appoint some person whose duty it shall be to form and prepare in the prescribed manner an electoral roll for the Riccarton-Sockburn Sub-district in respect of the first election of a member of the Board for that sub-district, and such roll when so prepared, and when signed by the Chairman or by a member of the Board, shall be and be deemed to be the Christchurch Tramway District electoral roll for the said sub-district, and shall be the roll to be used for such first election, and shall remain in force until another electoral roll comes into force for the said sub-district.

**8 Election of member.**

The first election of a member of the Board for the Riccarton-Sockburn Sub-district shall be held on such day, being within three months after the passing of this Act, as the Board shall appoint, and the first member of the Board for the Riccarton-Sockburn Sub-district shall be a person whose name appears on the electoral roll for such sub-district at the date of his nomination. Such election shall be carried out in the manner provided by the principal Act for the election of members of the Board, and the member so elected shall retire from office at the same time as the present members of the Board retire, and all subsequent elections of a member of the Board for the Riccarton-Sockburn Sub-district shall be under and by virtue of the provisions of the principal Act relating to members of the Board.

**9 Power to borrow £55,000.**

In addition to the powers conferred upon the Board by the principal Act, the Board may borrow, at a rate of interest not exceeding five pounds per centum per annum, such sum or sums of money, not exceeding in the whole the sum of

fifty-five thousand pounds, as the Board may deem necessary or expedient for the purpose of constructing and equipping a tramway from the point known as the Hospital Corner, being the junction of Lincoln and Riccarton Roads, in the City of Christchurch, along the Riccarton Road to Sockburn and the Riccarton Racecourse, with such loop lines and extensions of the said tramway and other works incidental thereto as the Board may deem necessary or expedient; but no money shall be borrowed under the authority of this Act which shall produce to the lender a higher rate of interest than five pounds per centum per annum. All moneys borrowed under this section shall be devoted exclusively to the purposes authorised by this Act.

**10 Provisions of principal Act to apply to loan.**

The provisions of the principal Act relating to borrowing shall, *mutatis mutandis*, apply to the loan hereby authorised to be raised, except where such provisions are expressly or by necessary implication negatived by this Act.

**11 Power to levy special rate.**

The loan hereby authorised to be raised shall be a charge upon the rateable property comprised within the Riccarton-Sockburn Sub-district, and for the purposes of providing the interest and sinking fund upon such loan the Board shall have power from time to time and at any time notwithstanding the provisions of any existing or future general Act, by special order or special orders, to make and levy a special rate or special rates upon all lands, buildings, and other rateable property within the said Riccarton-Sockburn Sub-district, and such special rate or special rates may be made and levied either according to the annual rateable value or the capital value of such rateable property as the Board shall from time to time determine.

**12 Valuation-roll.**

For the purposes of such rating as is authorised by the last preceding section the Board shall compile a special valuation-roll of the Riccarton-Sockburn Sub-district, and such roll shall be compiled from the district valuation-rolls of the Road Districts of Riccarton and Templeton, and when so compiled shall have the same force and effect as if it were compiled in pursuance of the provisions of the principal Act.

**13 Separate account to be kept.**

The Board shall keep a separate account of all moneys raised or levied for or appropriated or allocated to the special purposes authorised by this Act, and such account shall be credited with the income, profits, and moneys arising or resulting from the working of the line of tramway and other works hereinbefore authorised or otherwise howsoever in connection therewith, and shall be debited with the costs and expenses of maintaining and working the said line of tramway and other charges incidental thereto, including such just proportion as

the Board may from time to time determine of the rent of offices, remuneration of members of the Board, salaries and wages of officers, servants, and workmen, and office expenses generally, and also with the interest and sinking fund of the loan authorised by this Act; and if in any year there shall be a surplus, after payment of all such expenses and charges as aforesaid, such surplus may, at the option of the Board, be used or applied as to the whole or any part or parts thereof respectively in one or both of the following ways, that is to say,—

- (a.) Be accumulated as a reserve to meet any deficiency which may occur in any subsequent year or years;
- (b.) Be applied towards extending, equipping, altering, or improving the said tramway or any work or works incidental thereto.

**14 Exemption of certain property from liability or loans under principal Act.**

No rateable property in the Riccarton-Sockburn Sub-district, or the owner or occupier of any such property, shall be liable to be rated for any loan or loans already raised, or which may hereafter be raised, under the authority of the principal Act; and all such property, and the owners and occupiers thereof, are hereby absolutely exempted from liability in respect of any and every such loan or loans.

**15 Board to pay cost of preparation of Act, &c.**

The Board shall pay the costs, charges, and expenses of preparing, promoting, and passing this Act, the preparation of the first roll of electors within the Riccarton-Sockburn Sub-district, and conducting the first election of a member of the Board for such sub-district; and such costs, charges, and expenses may be paid out of the moneys by this Act authorised to be borrowed.

**16 Electoral roll.**

It shall not hereafter be necessary for the clerk or other person charged with the preparation of the Christchurch Tramway District electoral roll to make out annually the said roll, but such roll shall be made out on or before the fifth day of June in every year in which a general election of members of the Board is to be held.

**17 Supplementary roll.**

All corrections and additions required to be made after the completion of the said roll shall be made on a supplementary electoral roll, which shall be corrected, completed, and authenticated in the same manner as in the case of the Christchurch Tramway District electoral roll; and thereupon shall become a supplementary electoral roll, and shall form part of the Christchurch Tramway District electoral roll.

**18 Section 7 of principal Act amended.**

Section seven of the principal Act is hereby amended by repealing the word “March,” and substituting in lieu thereof the word “May.”

**19 Section 8 of principal Act amended.**

Section eight of the principal Act is hereby amended by adding at the end thereof the following proviso: —

“Provided always that the poll at every election shall close at seven o’clock instead of at six o’clock in the afternoon of the day appointed.”

**20 Section 11 of principal Act repealed.**

Section eleven of the principal Act is hereby repealed.

The members of the Board elected at the first general election, on the twenty-second day of January, one thousand nine hundred and three, and the first member to be elected in pursuance of this Act for the Riccarton-Sockburn Sub-district, shall hold office until the next general election of the whole of the members of the Board.

The next general election of the whole of the members of the Board shall be held on the last Wednesday in June in the year one thousand nine hundred and six; and on the same day in every succeeding third year thereafter all the members of the Board shall go out of office, and on every such day a fresh general election of members of the Board shall be held.

**21 Combined roll.**

For taking any poll on any matter or proposal relating to loans or rates and which under the principal Act or any other Act is to be submitted to the votes of all or some of the electors of the whole of the Christchurch Tramways District, exclusive of the Riccarton-Sockburn Sub-district thereof, the electoral rolls of the remaining several sub-districts shall be a combined roll of all the electors entitled to vote on such matter or proposal, but so that no person’s name shall appear more than once on such combined roll.

## Schedule

All that area of land in the Canterbury Land District commencing at the corner of Alliance Street and the West Belt, being the south-eastern corner of Section 10; thence extending northerly along the western side of the said West Belt to Fendalton Road; thence north-westerly along the Fendalton Road to the Christchurch-Huruni Railway-line; thence southerly along the railway-line to the Waimairi Stream; thence generally in a north-westerly direction along the Waimairi Stream and the Coringa Road to the Kaiapoi Junction or Russley Road; thence south-westerly along the last-mentioned road to Yaldhurst Road; thence westerly along the Yaldhurst Road to a point north-west of and 40 chains distant from the Hornby Junction Road; thence south-westerly in a straight line to the north-west corner of Section 1490; thence

southerly along the north-west boundaries of Sections 1490, 1305, and Gilbertthorp's Road to Factory Road; thence across Factory Road and along the western boundary of Section 1792 to the South Road, and westerly along the South Road to a point in line with the south-west boundary of Section 1605; thence across South Road, and south-easterly along the said south-western boundary of Section 1605 to Shand's Road; thence south-westerly along Shand's Road to a point opposite the south-western boundary of Section 1239; thence south-easterly across Shand's Road and along the south-west boundaries of Sections 1239, 1238, 1247, 1510, 1511, and northerly along the south-east boundary of Section 1511 to Chapel Road; thence south-easterly along Chapel Road to the Middle Lincoln Road; thence north-easterly along Middle Lincoln Road, and north-westerly along the Lincoln-Riccarton Junction Road to the South Railway-line; thence easterly along the railway-line to Cutler's Road; thence northerly along Cutler's Road to the southern boundary of Section 153; thence easterly, passing Sections 153, 153a, 155, 145, and 10, to the commencing-point.