

No. XXII.

AN ACT to constitute the Island of Inch Clutha a separate Riding of the County of Clutha, and to enlarge the Powers of the Board of River Conservators established for the said Island.

INCH CLUTHA.

[29th October, 1878.]

**W**HEREAS it is expedient to concentrate the resources of the residents within the Island of Inch Clutha, to admit of sufficient protective works being erected by them against the encroachments of the rivers surrounding the said Island: And whereas the said Island has been already created a separate river district, and a Board of Conservators has been appointed thereto, and it is necessary for the purpose aforesaid to enlarge the powers of the said Board, and to augment the funds under their control: Preamble.

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

1. The Short Title of this Act shall be “The Inch Clutha Act, 1878.” Short Title.

2. All matters required to be published within the Island of Inch Clutha, as forming a separate district or subdivision of a district of Publication of notices relating to Inch Clutha.

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any sort, or relating thereto in any respect, may be published in some newspaper printed at Balclutha, and such publication shall be deemed sufficient compliance with the requirements of any enactment in that regard.

## ROAD DISTRICT OF INCH CLUTHA.

North Molyneux and Inch Clutha created separate road districts.

**3.** Notwithstanding anything contained in "The Otago Roads Ordinance, 1871," the North Molyneux and the Inch Clutha subdivisions of the Matau Road District, in the Provincial District of Otago, are hereby respectively constituted separate road districts under the aforesaid Ordinance, by the name of the "Matau Road District" and the "Inch Clutha Road District" respectively.

Boundaries of new districts.

**4.** The boundaries of the Matau Road District shall be the same as are described in the Schedule of the aforesaid Ordinance as forming the boundaries of the North Molyneux subdivision of the Matau Road District heretofore existing.

The boundaries of the Inch Clutha Road District shall be the same as are described in the said Schedule as forming the boundaries of the Inch Clutha subdivision of the aforesaid former road district.

District Board of new Matau District.

**5.** The District Board of the new Matau Road District shall be constituted as follows:—

- (1.) The members of the former Matau District Board, representing the North Molyneux subdivision thereof, who shall be in office at the time of the coming into operation of this Act, shall continue in office as members of the District Board of the Matau Road District hereby constituted, and shall remain in office for the same period as they would have so continued had this Act not been passed, and shall retire as they would have done in such case.
- (2.) The office of the members of the former Matau District Board representing the Inch Clutha subdivision thereof shall on the coming into operation of this Act become vacant; and every vacancy thus created in the former District Board of Matau shall be deemed to be an extraordinary vacancy in the new District Board of Matau as hereby reconstituted.
- (3.) Every such last-named vacancy shall be supplied by election in the manner provided by the nineteenth section of the above-named Ordinance, and the new members elected shall hold office as in the said section is provided.

Boards to apportion assets and liabilities.

**6.** As soon as possible after the passing of this Act, the Board of the new Matau Road District and the Board of the Inch Clutha Road District shall meet and agree as to the following matters:—

- (1.) What part of the property, real and personal, of the old Matau Road Board shall become the property of the new Boards respectively;
- (2.) What part of any rates payable to the old Matau Road Board at the date of the passing of this Act shall be deemed to be rates payable to the new Matau Road Board and the Inch Clutha Road Board respectively;
- (3.) What part of the liabilities and engagements of the old Matau Road Board outstanding at such date shall be liabilities and engagements of the new Matau Road Board and the Inch Clutha Road Board respectively.

Governor may appoint person to hold inquiry.

**7.** If no such agreement is made within two months from the passing of this Act, the Governor may, upon the application of either Board, appoint a person to hold an inquiry and make an award as to the several matters mentioned in the foregoing section, and his award shall be final.

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## AMALGAMATED DISTRICT OF INCH CLUTHA.

8. For the Island of Inch Clutha, as a river district and a road district (hereinafter called "the amalgamated district"), there shall be one Board of administration, having the powers of the Board of River Conservators under "The Hawke's Bay and Marlborough Rivers Act, 1868," and the powers of a District Road Board under "The Otago Roads Ordinance, 1871," and the enactments amending the same (hereinafter called "the Road Acts"), or under any Act to be passed in substitution of any of the aforesaid Acts respectively.

Amalgamated Board  
of administration  
for Inch Clutha.

9. The said Board shall be constituted as follows, that is to say,—

Constitution of  
Board.

- (1.) The Board shall be named "The Inch Clutha River and Road Board" (hereinafter called "the amalgamated Board").
- (2.) The members of the Board of Conservators of the Inch Clutha River District in office at the time of the coming into operation of this Act shall form the first amalgamated Board under this Act, and shall remain in office until the second Thursday in June next.

The Chairman of the existing Board of Conservators shall be the Chairman of the amalgamated Board.

- (3.) All the provisions of the above-named "Hawke's Bay and Marlborough Rivers Act, 1868," relating to the election of members of Boards of Conservators and their continuance in office are hereby suspended from operation within the Island of Inch Clutha for so long as the provisions of this part of this Act remain unrepealed.
- (4.) The provisions of the above-named Road Acts relating to members of District Road Boards, their number, and retirement by rotation, as also to vacancies, shall regulate all proceedings relative to the election of members of the amalgamated Board, and their retirement by rotation, and respecting vacancies in the said Board.
- (5.) Every person qualified as an elector under the Rivers Acts or the Road Acts respectively shall be qualified as an elector for members of the amalgamated Board.

Elections.

Every person qualified as an elector shall be qualified to be elected a member of the amalgamated Board.

- (6.) On the second Thursday in June next the duly-qualified electors of the amalgamated district shall elect, in manner as provided by the aforesaid Road Acts, six persons to be the first elected amalgamated Board, whose retirement by rotation shall be determined by ballot, as provided in the aforesaid Acts.
- (7.) On the second Thursday in June in every year after next June one-third of the whole number of members of the amalgamated Board shall go out of office, and fresh elections shall be held to supply the places of the retiring members, in manner provided by the aforesaid Road Acts.

10. All moneys received by the amalgamated Board under "The Hawke's Bay and Marlborough Rivers Act, 1868," or under the Road Acts, shall be paid over by the person receiving the same to the Board of the amalgamated district.

All rates to be united  
into one fund.

11. All the moneys aforesaid shall form one amalgamated fund, and may be appropriated by the amalgamated Board for such river works or road works as they may consider of most pressing necessity, irrespective of the source whence such moneys came, or under which Acts they were received.

Appropriation of  
funds for public  
works.

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Accounts, audit, &amp;c.

**12.** The provisions of the aforesaid Road Acts relating to keeping of accounts, the bank account, audit of accounts, and all other matters relating to the accounts, books, property, or borrowing powers of a District Board under the said Acts, shall apply, *mutatis mutandis*, to the amalgamated Board under this Act, and to the moneys and accounts received by them; and all provisions of the like tenor in the aforesaid "Hawke's Bay and Marlborough Rivers Act, 1868," are hereby suspended so long as Inch Clutha continues to be an amalgamated district.

Classification of lands.

**13.** Notwithstanding anything contained in "The Hawke's Bay and Marlborough Rivers Act, 1868," to the contrary, the lands within the Inch Clutha River District may not be classified annually; but a longer period than four years shall not elapse between each classification of such lands.

How member of Conservators Board to be elected.

**14.** For the purpose of the annual election of a member of the Clutha River Conservators Board, heretofore elected by the former Matau Road Board, an annual meeting of the two Road Boards of Matau and Inch Clutha, as hereby respectively constituted, shall be held on the Saturday following the third Wednesday in the month of August in each year, at the Schoolhouse, Inch Clutha, at twelve o'clock noon, at which meeting the majority of the assembled members of the said Road Boards shall elect a member for the aforesaid Clutha River Conservators Board: Provided that at least four members of either Board, or of the two Boards, shall be present: Provided further that, in the event of no person being so elected, the Chairman of the Matau Road Board shall *ex officio* be a member of the said Board of Conservators.

When Act to come into operation.

**15.** This Act shall not come into operation until a petition in favour thereof, signed by a majority of the ratepayers of Inch Clutha, shall have been presented to the Governor, and until a day to be named in the Proclamation calling this Act into operation.