

PROCEEDINGS

OF THE SELECT COMMITTEE ON

THE ROAD BOARDS BILL;

TOGETHER WITH

THE EVIDENCE TAKEN BY THE COMMITTEE.

REPORT BROUGHT UP 22ND SEPTEMBER, 1868.

WELLINGTON.

—
1868.

ORDER OF REFERENCE.

Extract from the Journals of the House of Representatives.

THURSDAY, 30TH JULY, 1868.—*Ordered*, “That the Road Boards Bill be referred to a Select Committee of twelve Members, to consider and report upon its provisions, especially with reference to the question of endowment of the Road Districts; such Committee to consist of Mr. Dillon Bell, Mr. Vogel, Mr. Reid, the Hon. Mr. Hall, Mr. Carleton, Mr. Jollie, Mr. Curtis, Captain Kenny, Mr. Campbell, Mr. Fox, Mr. Mervyn, and the Hon. Mr. Stafford. Five to be a quorum. To report within ten days.”—(Appointed by ballot.)

PROCEEDINGS OF COMMITTEE.*

MONDAY, 3RD AUGUST, 1868.

The Committee met pursuant to notice.

PRESENT :

Mr. Campbell,
Mr. Carleton,
Mr. Curtis,
Mr. Fox,
Hon. Mr. Hall,
Mr. Jollie,

Captain Kenny,
Mr. Mervyn,
Mr. Reid,
Hon. Mr. Stafford,
Mr. Vogel.

Proposed by the Hon. Mr. Stafford, and seconded by Mr. Mervyn, That Mr. Jollie do take the chair.

Agreed to.

The Committee deliberated upon their future proceedings.

Proposed by the Hon. Mr. Hall, That the following Members of this Committee be requested to prepare, for the use of this Committee, an analysis of the various Provincial Acts providing for the establishment of Road Districts, such analysis to show generally the size of the districts, the mode of rating, the mode of election, the full extent and character of the endowments afforded to Road Districts, and generally the powers of the Road Boards, viz., the Chairman, Mr. Curtis, Mr. Reid, Mr. Carleton, and Mr. Fox. That the Chairman be requested to obtain such clerical and other assistance as he may deem necessary for the purpose.

Unanimously agreed to.

Proposed by Mr. Vogel, That the Members from the different Provinces be requested to bring up reports of the special circumstances affecting the several Provinces, provision for which they consider will require to be made in the Bill.

Agreed to unanimously.

Adjourned, with the understanding that the five above-named gentlemen do meet on Wednesday next, the 5th instant, at 11 o'clock a.m.

WEDNESDAY, 5TH AUGUST, 1868.

The Committee met pursuant to notice.

PRESENT :

Mr. Carleton,
Mr. Curtis,
Mr. Fox,

Mr. Jollie,
Mr. Reid.

The Hon. Mr. Hall laid upon the Table Returns of the Road Districts in Canterbury, Taranaki, Marlborough, and Southland, for the information of the Committee.

Mr. Carleton read and laid upon the Table a Memorandum descriptive of the several Road Boards Acts passed by the Auckland Provincial Council.

Mr. Curtis read and laid upon the Table a Memorandum of the provisions of the Road Boards Act in the Province of Nelson.

Mr. Fox laid upon the Table a Provincial Government Return containing information respecting the District Highways Acts in the Province of Wellington.

Ordered, That a tabular statement be prepared, setting forth the different particulars specified in the resolution proposed by the Hon. Mr. Hall, in so far as they can be ascertained.

The Committee then adjourned.

WEDNESDAY, 12TH AUGUST, 1868.

The Committee met pursuant to notice.

PRESENT :

Mr. Carleton,
Mr. Curtis,

Mr. Fox,
Mr. Reid.

Mr. Jollie in the Chair.

A Tabular Statement, setting forth, in a concise form, the particulars required relative to the various District Road Boards, was laid on the Table by the Chairman; also, Analyses of the several Provincial Acts relative to Road Boards.

Adjourned to Friday, at 10:30 a.m., when the whole Committee are to be requested to attend.

* For the Report of the Committee, see Journals of House of Representatives, page 147.

PROCEEDINGS OF SELECT COMMITTEE

FRIDAY, 14TH AUGUST, 1868.

The Committee met pursuant to notice.

PRESENT :

Mr. Dillon Bell,
Mr. Carleton,
Mr. Fox,
Mr. Jollie,

Captain Kenny,
Mr. Mervyn,
Mr. Reid,
Mr. Vogel.

The Chairman read the following letter :—

SIR,— Legislative Council Chamber, 13th August, 1868.

As Chairman of the Committee named in the enclosed extract, I am directed to propose that the said Committee should confer and sit for the purpose of hearing evidence, but not to vote, with the Road Boards Committee of which you are Chairman.

To the Chairman of the Road Boards Committee,
House of Representatives.

I have, &c.,
A. H. RUSSELL,
Chairman.

Extract from the Journal of Proceedings of the Legislative Council of New Zealand, Session 1868.

WEDNESDAY, 5TH AUGUST, 1868.

On motion of the Honorable Mr. Lee, *Ordered*, "That a Select Committee be appointed to consider all Bills that may be introduced into this Council for the purpose of endowing Local Boards, and also to take into consideration any measures that may have for their object the promotion of Local Self-Government, with power to confer or sit with any similar Committee which may be appointed by the House of Representatives, and to agree to a joint report. Such Committee to consist of the Honorable Dr. Pollen, the Honorable Mr. Holmes, the Honorable Colonel Russell, the Honorable Mr. Johnston, the Honorable Mr. McLean, the Honorable Mr. Seymour, and the Mover."—A true extract, (signed) L. STOWE, Clerk of the Legislative Council.

On motion of Mr. Fox, *Resolved*, That, as it does not appear that any measures have yet been introduced into the Legislative Council on the subject of Road Districts or Local Self-Government, any communication between the two Houses would be premature, but that should the House of Representatives pass the Bill now referred to this Committee, or any other measure on either of the above subjects, or should independent action be taken thereon by the Legislative Council, this Committee would be prepared to recommend to the House of Representatives the appointment of a Joint Committee; but that, in the meantime, should any Members of the Legislative Council desire to attend to meetings of this Committee, the Committee would be happy if they did so.

On motion of Mr. Vogel, *Resolved*, That the Chairman cause to be printed such of the various papers prepared by the Members of the Committee as he thinks desirable.

On motion of Mr. Bell, *Resolved*, That Mr. Vogel, Mr. Curtis, and Mr. Dillon Bell be requested to go through the Bill, with a view of simplifying its construction.

The following letter was addressed by the Chairman to the Hon. Colonel Russell, Chairman of the Select Committee of the Legislative Council :—

SIR,—

House of Representatives, 14th August, 1868.

I have submitted your request, as Chairman of a Committee appointed by the Legislative Council on the subject of the proposed legislation as to Local Government, to the Committee of the House of Representatives to which has been referred the Road Boards Bill, and which met this morning; and I now do myself the honour of enclosing to you a Resolution adopted by that Committee. I need not repeat the assurance conveyed by the Resolution itself, that our Committee would be glad to facilitate the attendance of any Members of your Committee or other Members of the Legislative Council at its meetings, and I shall take care that the papers we have to-day directed to be printed, or may hereafter direct, shall be distributed at the proper time to the Members of the Legislative Council as well as to Members of the House of Representatives.

The Hon. Colonel Russell, M.L.C.

F. JOLLIE,
Chairman.

Adjourned, with the understanding that the Committee meet again on Tuesday, the 18th day of August.

TUESDAY, 18TH AUGUST, 1868.

The Committee met pursuant to notice.

PRESENT :

Mr. Dillon Bell,
Mr. Carleton,
Mr. Fox,
Captain Kenny,

Mr. Mervyn,
Mr. Reid,
Hon. Mr. Stafford.
Mr. Vogel.

Mr. Jollie, Chairman,

The minutes of last meeting were read and confirmed.

The Chairman read the following letter :—

Legislative Council,
Wellington, 18th August, 1868.

SIR,—

I am directed by the Select Committee of the Legislative Council upon Local Boards Bills to tender you their thanks for the assurance that you will take care that the papers directed to be printed, or which may hereafter be directed to be printed, shall be distributed at the proper time to the

Members of the Legislative Council as well as to the Members of the House of Representatives, and to say that the Committee will esteem it a matter of much value to possess these papers.

I have, &c.,

To the Chairman of the Committee
of the House of Representatives
upon Local Boards Bills.

A. H. RUSSELL,
Chairman of the Committee of the Legislative
Council on Local Boards Bills.

Mr. Vogel laid upon the Table a printed Paper, signed by himself, Mr. Reid, and Mr. Bell, containing recommendations of provisions to be embodied in the Bill applicable to the Province of Otago.

A discussion arose thereupon; when Mr. Mervyn objected, and protested against the provisions proposed; which were also objected to by Captain Kenny.

With regard to their publication, it was resolved that they should not be circulated for the present; and in the meantime Members of the Committee were invited to prepare further suggestions of provisions suitable to their respective Provinces.

Mr. Bell, Mr. Curtis, and Mr. Vogel were appointed to consider the Bill before the next meeting of the Committee, with a view to suggesting such alterations and amendments as it may be capable of, and to facilitating the final determination of the Committee with regard to its form and provisions.

FRIDAY, 28TH AUGUST, 1868.

Committee met pursuant to notice.

PRESENT :

Mr. Dillon Bell,
Mr. Campbell,
Mr. Carleton,
Mr. Curtis,
Mr. Fox,

Captain Kenny,
Mr. Mervyn,
Mr. Reid,
Hon. Mr. Stafford,
Mr. Vogel,

Mr. Jollie in the Chair.

The minutes of the previous meeting were read and confirmed.

On motion of Mr. Vogel, *Resolved*, That we go through the Act clause by clause, and decide what is to be done with each.

On motion of Mr. Bell, *Resolved*, That any questions as to whether any particular duty should be performed by the "Governor," or "Superintendent," or "County Chairman," be not discussed in this Committee, but be left for discussion in the House.

With reference to the printed Paper presented to the Committee (on Tuesday, 18th August) on Road Boards Bill, Captain Kenny submitted the following memorandum:—

As it is desirable that small road districts should be encouraged to amalgamate in order to come under the Act, and as one or more non-consenting districts might prevent the advantageous union of a large number of districts, power should be given to compel union, such power to be exercised by Superintendents. This should apply not only to compelling union of existing districts, to enable them to come under the Act, but also, with sufficient safeguards as to petitioning and investigation, should apply to districts constituted under the Act.

Districts should be intrusted with the repair and maintenance (and, by agreement, with the construction) of main roads, the levying of rates, receive the fees from pounds and slaughter-houses, and the tolls on the main road within their limits; and, in short, be intrusted with all those functions which can best be exercised under local supervision. Waste Lands Board to settle all disputes between Road Boards, and appropriate certain funds as next described.

In regard to endowment, 25 per cent. of entire territorial revenue, deducting surveys, &c., to be returned to the districts *pro rata* to their contributions. The remaining 75 per cent. should be set apart for the construction of main roads and large public works, either by the Waste Lands Boards or (by agreement) by the District Boards.

Towns and boroughs should not be included in road districts.

COURTENAY KENNY.

Various amendments were made in its clauses up to No. 26, which the Chairman noted in his copy of the Bill; and

The Committee then adjourned till Saturday, the 29th August, at 10 a.m.

SATURDAY, 29TH AUGUST, 1868.

Committee met pursuant to adjournment.

PRESENT :

Mr. Dillon Bell,
Mr. Campbell,
Mr. Carleton,
Mr. Curtis,
Mr. Fox,

Mr. Jollie,
Captain Kenny,
Mr. Mervyn,
Mr. Reid,
Mr. Vogel.

Minutes of previous meeting read and confirmed.

On motion of Mr. Vogel, *Resolved*, That clause 16 be postponed in order to alter it to suit cases of Boards with sub-divisions.

On motion of Mr. Vogel, *Resolved*, In clause 17, That members of Boards, &c., remain in office; that Proclamations constituting the districts state their names.

On motion of Mr. Curtis, *Resolved*, That clause 21 be omitted.

On motion of Mr. Curtis, *Resolved*, That clause 22 be struck out.

On motion of Mr. Curtis, *Resolved*, That all the words in clause 23, line 31, after “then,” be struck out, and insert, “The question shall be decided by the Board itself.”

On motion of Mr. Vogel, *Resolved*, In clause 24, That if there shall be any excess of members, the Superintendent shall declare the order and date of their retirement.

On motion of Mr. Curtis, *Resolved*, In clause 25, That vacancies by death or resignation be filled by Board; that such appointment hold good till after next yearly election.

On motion of Captain Kenny, *Resolved*, That all the words in clause 26 after the words “such member” be omitted.

On motion of Mr. Curtis, *Resolved*, In clause 27, That the questions of mode of rating and number of votes be left for the consideration of the House.

The Committee then adjourned till Monday, the 31st day of August, at 10.30 a.m.

MONDAY, 31ST AUGUST, 1868.

Committee met pursuant to adjournment.

PRESENT :

Mr. Dillon Bell,
Mr. Campbell,
Mr. Carleton,
Mr. Curtis,
Mr. Fox,

Captain Kenny,
Mr. Mervyn,
Mr. Reid,
Hon. Mr. Stafford,
Mr. Vogel.

Mr. Jollie in the Chair.

The minutes of previous meeting were read and confirmed.

The Chairman informed the Committee that he had had an interview with the Attorney-General, who expressed his willingness to attend the Committee and explain any points as to the construction of the Bill.

On motion of Mr. Curtis, *Resolved*, That the Attorney-General be requested to attend the Committee.

The Attorney-General attended the Committee and explained certain clauses of the Bill, in accordance with the resolution of Mr. Curtis.

On motion of Captain Kenny, *Resolved*, That the Chairman be authorized to engage the services of Mr. Allen and his attendance before this Committee during its discussions on the Bill, with a view to reducing their resolutions into the necessary legal phraseology as quickly and efficiently as possible.

Mr. Curtis moved, and the question was proposed, That clauses from 30 to 44 be struck out, with the exception of clauses 41 and 42, and that a clause be inserted providing that a ratepayers' roll shall be prepared, which, when revised by Chairman and Secretary to Board, after expiration of time for appeal against rates, shall be the voters' roll.

The Committee divided thereupon, and the names were taken down as follows :—

Ayes, 1.
Mr. Curtis.

Noes, 5.
Mr. Dillon Bell,
Mr. Campbell,
Mr. Reid,
Hon. Mr. Stafford,
Mr. Vogel.

So it passed in the negative.

Mr. Reid moved, and the question was proposed, That clauses 30 to 44 inclusive be retained and amended to the effect that the roll shall be revised by Chairman of the Board and a Justice, or by two or more Justices, and that the meeting for revision of roll shall be held at the usual offices of the Board within the district.

The Committee divided thereupon, and the names were taken down as follows :—

Ayes, 1.
Mr. Reid.

Noes, 5.
Mr. Dillon Bell,
Mr. Campbell,
Captain Kenny,
Hon. Mr. Stafford,
Mr. Vogel.

So it passed in the negative.

On motion of Mr. Dillon Bell, *Resolved*, That the Clerk retire while the Committee deliberate. The Clerk then retired.

Mr. Bell moved, and the question was proposed, That Mr. Curtis's plan of simplifying the Bill having been rejected, it is necessary to reconstruct it in some other way, and that it be divided into two parts or Bills on the principle stated on page 2 of Mr. Bell's minute; and that accordingly those clauses which relate to duties, &c., of Road Boards be first taken, and the clauses relating to regulations postponed.

Mr. Campbell moved, That the words “or Bills” in Mr. Bell's motion be omitted.

Mr. Campbell's amendment was passed in the affirmative.

Mr. Bell's motion (subject to Mr. Campbell's amendment) was passed in the affirmative.

On motion of the Hon. Mr. Stafford, *Resolved*, That with a view of giving effect to the above resolution, the Attorney-General be requested to arrange, in two separate parts, the clauses of the Bill as at present drawn. The clauses already dealt with by the Committee to be submitted to the Attorney-General. Part I., as indicated in Mr. Bell's memorandum, to be first arranged.

The Committee then adjourned until Wednesday, the 2nd day of September, at 10.30 a.m.

ON THE ROAD BOARDS BILL.

7 F.—No. 1.

SATURDAY, 5TH SEPTEMBER, 1868.

Committee met pursuant to notice.

PRESENT :

Mr. Carleton,
Mr. Fox,
Hon. Mr. Hall,
Mr. Jollie,

Captain Kenny,
Mr. Mervyn,
Mr. Reid,
Mr. Vogel.

Minutes of previous meeting read and confirmed.

The Chairman notified to the Committee that he had received from the Printer the Bill as reconstructed by the Attorney-General in general accordance with the resolution agreed to on the 31st August, and directed copies of the Bill to be distributed among the Members of the Committee.

The Committee then adjourned until Monday, the 7th September, at 10 o'clock a.m.

MONDAY, 7TH SEPTEMBER, 1868.

(No Quorum.)

Members present:—Messrs. Jollie, Mervyn, and Captain Kenny.

The Chairman directed that notice should be given to Members of Committee to meet at 10:30 a.m., on Wednesday, 9th September.

WEDNESDAY, 9TH SEPTEMBER, 1868.

Committee met pursuant to notice.

PRESENT :

Mr. Carleton,
Hon. Mr. Hall,
Mr. Jollie,

Captain Kenny,
Mr. Mervyn,
Mr. Reid.

Minutes of previous meeting read and confirmed.

Resolved, That clauses 114, 115, 116, and 117 be altered. That clause 118 be altered so as to give power to Superintendent of appointing polling places. That clauses 119 and 120 be altered. That clause 122 do stand as printed. That clause 123 stand. That clauses 124 and 125 be expunged. That clauses 126, 127, and 128 stand. That clause 129 be altered. That clause 130 be retained. That clause 131 be retained. That in line 6 of clause 132 the words "one year" be omitted, and the words "six months" substituted. That clause 133 be retained, but altered. That clause 134 be struck out. That clauses 135, 136, 137, and 138 be retained. That clause 139 be retained, and the word "councillors" at the end of the clause be struck out, and the word "members" substituted. That clauses 140 and 141 be retained. That in clause 142 the word "Governor" be struck out, and the word "Superintendent" be substituted, and the clause be retained with that amendment. That in clause 165, line 54, between the words "of" and "are" the words "not exceeding" be inserted. That in clause 167, line 18, the words "between the twenty-fourth and" be struck out, and the words "on or before the" be substituted. That in clause 169, line 45, the word "Justice" be struck out, and the word "Justices" substituted.

On motion of Mr. Reid, *Resolved*, That after clause 77 a clause come in empowering the Board, with the assent of the Superintendent, to erect and maintain pounds where such may seem to be required.

On motion of Mr. Carleton, *Resolved*, That clause 31 be altered, and the following provision added:—"Provided that any member of a Board may be Clerk or Treasurer or any other such officer without salary," and that clause 32 be altered. That in clause 33, lines 48 and 49, the words "Legislature of the Province" be struck out, and the words "Superintendent and Provincial Council" be substituted.

On motion of Mr. Carleton, *Resolved*, That, in the opinion of this Committee, endowments under the provisions of this Act should be confined to those road districts which adopt this Act.

On motion of Captain Kenny, *Resolved*, That (in reference to clauses 9 and 10) at any time after the constitution of any road district under this Act, the Superintendent, if he shall have received a petition to that effect, signed by one-fourth of the number of persons liable to be rated under this Act in respect of rateable property in any district, shall and is hereby required, by Proclamation, to divide the district into such number of separate wards or subdivisions not exceeding four, and by such names and with such boundaries respectively, as shall by such Proclamation be assigned to the same; and that in every district divided into wards the members of the Board shall be elected in and for the several wards thereof; and there shall be three members elected for each ward. This provision not to take effect until the first annual election under this Act.

On motion of Captain Kenny, *Resolved*, That provision be made in the Bill, by the insertion of a new clause, that on petition to Governor or Superintendent of such number of ratepayers as shall constitute a majority of votes, any district coming within the operation of this Act may be permitted to adopt an acreage assessment.

The Committee then adjourned *sine die*.

SATURDAY, 12TH SEPTEMBER, 1868.

Committee met pursuant to notice.

PRESENT :

Mr. D. Bell,
Mr. Curtis,
Mr. Jollie,Captain Kenny,
Mr. Mervyn,
Mr. Reid.

Minutes of previous meeting read and confirmed.

The Chairman notified to the Committee that he had received the Bill from the Attorney-General, with the amendments made by the Committee up to the 31st August (in manuscript), put into legal phraseology by the Attorney-General.

Mr. Dillon Bell moved, and the question was proposed: That the Committee having now gone through the Bill, the Chairman be directed to report to the House the general character of the amendments made. That the Chairman be directed to append to such report the several memoranda of Sub-Committees or private Members which have been presented to the Committee, to point out the general objects thereof; and to state whether, and if so how far, the subjects of such memoranda have been approved by the Committee.

The Committee divided thereupon, and the names were taken down as follows:—

Ayes, 2.
Mr. Dillon Bell,
Mr. Reid.

Noes, 3.
Mr. Curtis,
Captain Kenny,
Mr. Mervyn.

So it passed in the negative.

Mr. Curtis moved, and the question was proposed: That the Committee having now gone through the Bill, the Chairman be directed to report to the House the general character of the amendments made. That the Chairman be directed further to report that the Committee have not been able to agree upon, and are therefore not prepared to recommend, any amendments upon the clauses providing for the endowment of road districts; but that the Chairman be requested to append to his report the several memoranda of Sub-Committees or private Members, and to point out the general tenor of the recommendations contained in them.

The Committee divided thereupon, and the names were taken down as follows:—

Ayes, 3.
Mr. Curtis,
Captain Kenny,
Mr. Mervyn.

Noes, 2.
Mr. Dillon Bell,
Mr. Reid.

The Committee then adjourned *sine die*.

APPENDIX.

No. 1.

MEMORANDUM by MESSRS. D. BELL, J. VOGEL, and D. REID.

THE subscribers hereunto beg to advise the embodiment in "The Road Board Districts Bill" of provisions conformable with the following recommendations, to apply to the Province of Otago, and such other Provinces the circumstances of which they may be deemed to suit:—

1. A large number of small road districts exist within the Province of Otago, and the subscribers hereto deem it highly important to encourage their consolidation into larger districts. The Bill should enable them to amalgamate of their own will in order to come under the Act, no district of less than fifteen square miles being admissible. But besides this, it is desirable to encourage and enable a still larger amalgamation of districts after they have come under the Act. To this end, means should be supplied by which two or more districts can unite, each district so uniting to be a subdivision or ward of the united district, and to be represented in the united District Board by three members. One-third of the members of each subdivision to retire annually.

2. As a still further incentive to amalgamation, provision should be made by which districts of a certain size, say not under one hundred square miles, and possessing rateable property calculated to return on a shilling in the pound assessment not less than £400 a year, whether composed of road districts uniting, or being a district coming newly under the Act, should be constituted into *Shires*, with subdivisions or wards, as in the case of road districts. Extended powers should be given to the shires. They should be allowed to borrow money upon rates under certain conditions, but this power need not be given this session; they should be intrusted with the repair and maintenance, and, by agreement, with the construction of the main roads; they should regulate the management of and receive the fees from pounds and slaughter-houses; they should receive the tolls on the main roads within their limits; and, in short, from time to time, should be intrusted with those functions which can be best exercised under local supervision.

3. As one or more non-consenting districts might prevent the advantageous union of a large number of districts, power should be given under conditions to compel union, such power to be exercised by Ordinance of the Superintendent and Provincial Council specifying the boundaries. This recommendation should apply not only to compelling union of existing road districts, to enable them to come under the Act, but also, with sufficient safeguards as to petitioning and investigation, should apply to road districts constituted under the Act, both in respect to leaving it to the Superintendent and Provincial Council to fix their original boundaries, as also from time to time to compel their union.

4. A General Road Board for the Province to be constituted, to consist of members selected and appointed by the District Road Board and Shire Councils, each Board and Council to appoint one

member. Members representing districts not subdivided, or only divided into two, to have one vote; of districts with more than two subdivisions to have two votes; and of shires four votes. The General Road Board to meet once in every six months. Its functions to be the settlement of all road board and shire disputes, and to appropriate certain funds as next described.

5. In regard to endowment, the subscribers recommend that there should be an allocation of a considerable portion of the Territorial Revenue. Twenty per cent. of the whole should be devoted to purposes of Immigration, and should be set apart as a separate fund for that object. Forty per cent. should be set apart for the construction of roads: of this amount three-eighths should be left to the Provincial Council to appropriate for the object named; the remainder, which will be equal to one-fourth of the entire Territorial Revenue, exclusive of Gold Duty and Gold Fields Revenue, should be set apart for the endowment of road districts and shires—three-fifths to be given to road districts and shires for district roads, the other two-fifths to be given to shires for expenditure on main roads.

6. The district road portion of the endowment to be dealt with as follows: two-thirds of it to be divided amongst the districts and shires proportionately to the moneys they raise by a shilling rate, the balance to be appropriated for district roads purposes by the General Road Board, to be spent by the District Boards and Shire Councils.

7. The main road portion of the endowment to be thus disposed of: two-thirds to be divided amongst the shires in proportion to the tolls on main roads collected within their limits, to be expended on main roads; the remaining one-third to be appropriated by the General Road Board for main road purposes, to be expended by the Shire Councils.

8. The subscribers strongly recommend that it should not be competent to include towns or boroughs in road districts or shires.

9. The Act should come into operation in the several Provinces in respect to the endowment, at the commencement of their respective financial years.

F. D. BELL,
JULIUS VOGEL,
D. REID.

No. 2.

MEMORANDUM by Mr. BELL.

I HAVE gone through the Bill with great care, in order to see whether it would be practicable to alter its construction so as to make it more workable as well as more intelligible.

It appears to me that the first thing to consider is, that the Bill will have to be worked by people who, for the most part, will neither have the time nor the inclination to learn the immense mass of detail with which the Bill, as it now stands, is overloaded. If the measure is to be a success, it must be one that can be easily understood, and the provisions whereof can become familiar to the class on whose exertions and personal interest in it the experiment really depends. The small farmers, the ratepayers, the busy and industrious yeomen, will have it in their hands; and if the law they have in charge is cumbrous and verbose, as well as redolent of legal subtleties and technicalities, they cannot be expected to become really interested in it. Its administration will gradually fall into the hands of the very few who have time or leisure to study it, and in the end a class will arise which, as is admittedly the case in Victoria, will make the measure a trade. It is crowded with clauses and provisions which not only will hardly ever be understood, but which, in their nature, seem to me wholly unnecessary to be introduced into a measure the essential requirements of which are that it should be terse, condensed, and free from technical verbiage. It abounds in descriptions of duties which are not to be executed by Road Boards at all, but are to be performed by other authorities. It provides minute machinery of administration entirely unsuited to the circumstances of the country, and certain (if attempted to be enforced) to disgust the agricultural communities for whose benefit it must be mainly set in motion. And when it is considered that in order to raise a rate of £100, property to the extent of from £30,000 to £40,000 must be assessed, this complicated and detailed machinery becomes not only hurtful but absolutely ridiculous.

Now it seems to me that, in order to carry into real effect the intentions which the Executive Government announced on the introduction of the Bill, it must be entirely reconstructed; and I suggest the following as one of the modes by which this may be done:—

1. The Road Boards Act itself should be a skeleton Bill. Its framework should be very simple, and the object should be to make it a kind of hand-book which every Road Board member should easily understand and recollect. It should be confined to declaring how districts may be constituted, the qualification of members, the qualification and voting power of the ratepayers, the principle and mode of election, the powers of the Board to make rates and enter into contracts and make bye-laws, how property is to be rated, what endowments are to be granted in aid of rates, and what are the powers of the Board as to construction of roads, bridges, and other works. I do not mean absolutely to say that these are the only provisions which the Bill should contain, but I indicate as closely as I can what I think is sufficient to tell the Road Board members what each of them ought familiarly to know.
2. On the other hand, all provisions relating to scrutiny of rolls and votes, to the creation of vacancies, to the revision of the voters' and ratepayers' rolls, to the nomination of and polling for candidates, the duties of auditors, the legal formalities to accompany proceedings of the Board, the duties and liabilities of officers (treasurers and the like), the preparation of accounts, the duties of Superintendents, the legal effect of bye-laws, the mode and conditions of appeal against rates, and every regulation as to penalties (including, of course, the inevitable Sunday clause), and the powers of the general Executive, &c.;—all these provisions, I say, which relate not to Road Board members but to other and distinct authorities, ought to be treated in a wholly separate measure, and the Road Boards Bill (proper) be completely relieved from them.

Now it will be seen that, *ex necessitate*, the clauses which come under the latter head are the long, cumbrous, and not easily intelligible ones. They are clauses which the public officers of Government concerned, and the officers of the Boards, will be obliged to make themselves thoroughly acquainted with, but they will rarely be even known to those who will be candidates for seats at the Boards. Thus, in the case of the Electoral Acts, which are (so to speak) divided into chapters, you see that candidates generally only know one, or perhaps two, while Returning and Revising Officers must know all. This separation, by the construction of a set of laws on one subject, of the various heads that have to be provided for, is of course often adopted, and I submit that its adoption in the present case would facilitate the object which we all have at heart.

But I would not only so reconstruct the Bill as to make the separation just mentioned. There is a mass of provision which I think ought to be done by simple regulation, either by local authorities or by the Boards themselves, and which I think it almost childish to legislate on by solemn statute. Thus, for instance, the Bill enacts that every toll-collector's name shall be printed on a board in black letters on a white ground, and each letter is to be two inches long and of a breadth in proportion under a penalty of £5. It seems to me that such matters had better be left to the Boards; and it is doubtful whether a great many things provided for by voluminous clauses in the Bill are not much better met by many of the Provincial laws now in force, which are amply sufficient for the purpose.

Again, if my view appears correct to the Committee, there are numerous clauses which can be materially shortened, under the first class. The great desideratum is brevity; and I am convinced that we can better work the law, and shall in reality run far less risk of error, by making the language very short, than by attempting by a strictly legal phraseology which the Boards will not understand, to secure either uniformity or accuracy of administration in the hundreds of districts that may come under the operation of the Bill.

It is with the above views that I have considered every clause of the Bill, and have marked the class to which I think it belongs. I do not pretend that the analysis is quite satisfactory even to myself; but I have at any rate so indicated my general idea in each case as to make amendment in my suggestions not very difficult: and I thought it hardly worth while to go minutely into the details until I knew whether the general idea would approve itself to the Committee.

I should mention that I have not touched upon the question of uniting Road Boards for concerted action; that has been referred to in the printed memorandum brought up by the sub-committee, and if our views in that memorandum are adopted, the necessary clauses can easily be introduced on the Victorian model. There is one matter, however, on which I earnestly urge a reconsideration of the scheme laid down by the Bill—I mean the mode of voting. It seems to me that the simplest way, in the commencement at least, will be to let the election of Boards take place under the Electoral Acts instead of according to the manner prescribed in the Bill. Whatever may be the advantages of the latter, I think the Road Boards, under a general statute applicable to the whole Colony, had better be started easily and under a system which every one understands; but this being foreign to the general object I am considering, I hardly think myself justified in doing more than express such an opinion, in order that the Committee may decide what it is worth.

If the Committee agree as to the proposed reconstruction of the Bill, one great advantage will probably be gained. The Road Boards Bill (proper) could be passed without any delay. Act No. 2, which would contain what I may term "Regulations," might be relegated to a later period of the Session; or, what I think would be far better, might (except as to some provisions which could obviously only be made by statute, as affecting the Governor, the Supreme Court, and the enforcement of penalties) be put in action for the first year or two under a general authority to the Superintendent to issue Regulations by proclamation in the *Gazette*, so that when the Assembly came to pass an Act, it might be not in the nature of an Amendment Bill but of a condenser of the rules which experience should have proved to be permanently necessary. Such a course would tend to eliminate from statutory decision all matters of minor importance, and the chief object of brevity and intelligibility in the Acts relating to the Boards would be assisted, if not secured.

27th August, 1868.

F. D. BELL.

No. 3.

REMARKS upon the Paper submitted by Messrs. Bell, Vogel, and Reid, to the Committee upon the Road Boards Bill.

1. As it is desirable that small Road Districts should be encouraged to amalgamate in order to come under the Act, and as one or more non-consenting districts might prevent the advantageous union of a large number of districts, power should be given to compel union, such power to be exercised by Superintendents: this should apply not only to compelling union of existing districts to enable them to come under the Act, but also, with sufficient safeguards as to petitioning and investigation, should apply to districts constituted under the Act.

2. Districts should be intrusted with the repair and maintenance (and, by agreement, with the construction,) of main roads, the levying of rates, receive the fees from pounds and slaughter-houses, and the tolls on the main roads within their limits, and, in short, be intrusted with all those functions which can best be exercised under local supervision.

3. Waste Lands Board to settle all disputes between Road Boards and appropriate certain funds as next described.

4. In regard to endowment, twenty-five per cent. of entire Territorial Revenue, deducting surveys, &c., to be returned to the districts *pro rata* to their contributions; the remaining seventy-five per cent. should be set apart for the construction of main roads and large public works, either by the Waste Lands Board or (by agreement) by the District Boards.

5. Towns and boroughs should not be included in Road Districts.

COURTENAY KENNY.