

ANALYSES OF PROVINCIAL ACTS AS TO ROAD BOARDS.

PROVINCE OF AUCKLAND.

The first measure passed having relation to this question was introduced by Governor Fitzroy, viz.,—

The Public Roads and Works Ordinance of New Ulster,

Which passed 19th April, 1845.

It provides for the election of District Commissioners by freeholders and lessees.

The boundaries of the districts to be set forth by the majority of electors in a district.

The rate to be determined by the electors at a meeting, being an acreage rate.

The Commissioners empowered to carry into effect the provisions of the Ordinance.

This Ordinance was for a short time in operation in the Province of Auckland.

The Highways Act, 1862 (Session XIV.)

In 1862 *The Highways Act* (Session XIV.) was passed by the Provincial Legislature of Auckland.

This Act differs essentially from the Ordinance.

The districts were to be formed by the Superintendent, the operation of the Act being extended to any district on memorial from the residents.

It is clear that the districts ought to be mapped out all over the Province on some uniform system, in accordance with the natural features of the country, and not according to the caprice of owners and occupiers; but in practice, the Auckland districts have for the most part been defined by the memorialists themselves, the division of the country not having been effected in the Survey Office.

It was foreseen from the first that *The Highways Act* would have to be made compulsory in due time; but it was made optional at first, for the purpose of obtaining its cordial acceptance by the people.

The land is made subject to assessment by way of acreage rate (not exceeding one shilling per acre), or, at the pleasure of the majority of ratepayers, upon the estimated value to sell, the rate not exceeding threepence in the pound.

It was admitted at the time that the acreage rate was objectionable in principle, but circumstances were such as to necessitate the granting of the option in order to secure a favourable reception to the Bill.

The machinery of the Act, including the provisions for elections, has upon the whole worked well.

The Superintendent is authorized to contribute an equal amount to the rate out of any sums appropriated for the purpose by the Provincial Council.

Ratepayers have one or more votes, not exceeding five, in proportion to the amount of rate.

Attention is invited to section 44 of the Act, which must be read with section 3, under which the bringing the Act into operation in any given district is made optional with the owners and occupiers.

The owners and occupiers need not accept the Act unless they please; but if they do, they must work it effectually; in default of this, the Superintendent may work it for them.

There is also provision made for the repairing of unintentional neglect on the part of the trustees, whereby the levying of a rate might be rendered unlawful and resisted. The Superintendent may supplement of his own authority, and has often done so at the request of the trustees.

I strongly recommend a similar provision in the Act under consideration by the Committee.

The Highways Act Amendment Act, 1866 (Session XIX.)

By *The Highways Act Amendment Act*, 1866 (Session XIX.), the Superintendent was empowered to declare *The Highways Act* in force in certain districts near the City of Auckland, whether the owners or occupiers would or not—a step in advance. It was thought that the time had not yet arrived for rendering the Act compulsory over the whole Province.

Within such districts the land was made subject to an *ad valorem* assessment only—another step in advance.

I do not recollect an instance of this power being exercised by the Superintendent.

The Highways Act, 1866 (Session XX.)

By *The Highways Act*, 1866 (Session XX.), former Acts, including the last, are repealed.

The Superintendent obtains power to bring the new Act into operation in any district in the Province.

The acreage rate is continued—not to exceed one shilling per acre. The rate upon the value to sell not to exceed three halfpence per pound.

The number of votes which may be held by one person is increased from five to six.

No trustee is to be interested in contracts.