

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.