

TOWN BOARDS.

The title has been made "Town Boards" in lieu of "Town Districts" for uniformity with the Road Boards Act.

The reference to military townships in section 5 of the Act of 1881 is dropped as being obsolete.

"Member" is substituted for "Commissioner" for uniformity with recent legislation.

Section 33 of the Act of 1881 gives the Board all the powers conferred on a Borough Council by Part XI of "The Municipal Corporations Act, 1876," or any enactment amending the same. In our opinion this corresponds to Divisions V and VI of "The Municipal Corporations Act, 1908," and we have substituted accordingly. The effect is to render the reference to lighting unnecessary, and is therefore dropped (section 33 of the Consolidation Act).

For a similar reason Part XLII of "The Municipal Corporations Act, 1908" (By-laws), is substituted for Part XII of "The Municipal Corporations Act, 1876," and its amendments (section 34 of the Consolidation Act).

The maximum general rate was raised from 1s. to 2s. in the pound by "The Road and Town Districts Rating Act, 1903," and section 37 of "The Town Districts Act, 1881," is altered accordingly (section 35 of the Consolidation Act). The maximum separate rate referred to in section 39 of the Act of 1881 remains at 1s. in the pound (section 37 of the Consolidation Act). Is this the intention, or was the matter overlooked when the maximum general rate was raised? This is for the Legislature to decide.

Section 18 of the Act of 1883 (Loans) says loans are to be raised in the same manner as in boroughs. We have dropped the reference to boroughs and substituted the Local Bodies' Loans Act, which makes specific provision (section 39 of the Consolidation Act).

Section 45 of the Act of 1881 (Audit) is altered to accord with the Public Revenues Act (section 47 of the Consolidation Act).

The First Schedule (List of Town Districts) is dropped, as we could not bring it up to date satisfactorily. The general saving clause saves all existing Boards. Section 2 of the Act of 1883 (Town of Havelock) is similarly dropped.

Section 2 of "The Town Districts Act, 1904," revived the Town Districts Acts, 1881 and 1883. Presumably in the cases named the intention was that all the Town District Acts following the Act of 1881 and then in force should have operation in these cases. It is so construed in the Consolidation Act.

"The Town Districts Act, 1906," is imperfect in many respects. Section 3 provides that every town district having a population of not less than 500 shall *for the purposes of the Counties Act* be deemed not to form part of the county. Why only for the purposes of the Counties Act? The reason for such a limitation is hard to see, and the result is very confusing in the case of other Acts—*e.g.*, the Tramways Act. Presumably, the intention was that for all purposes these districts are not to be parts of the counties. We have retained the original language, leaving it to the Legislature to amend, if it thinks fit. Moreover, provision should be made for these non-county town districts in the many Acts in which counties and boroughs are treated as covering the whole local governing area.

Section 3, (3), of the same Act repeals certain provisions of the Act of 1881 and of "The Counties Act, 1886." These repeals are in terms absolute, and we have felt compelled to so treat them. Presumably, the intention was that the repeals should operate only with respect to non-county town districts. The matter is one for the Legislature.

In section 2 of the same Act the term "principal Act" occurs. This is "The Town Districts Act, 1881," whereas the context shows that the Act meant is "The Counties Act, 1886." We have made the correction (section 6, (3), of the Consolidation Act).

In our opinion, the whole Consolidation Act should be reconsidered and recast. In doing so, much confusion would be avoided if some distinctive name were given to town districts that do not form part of the county.