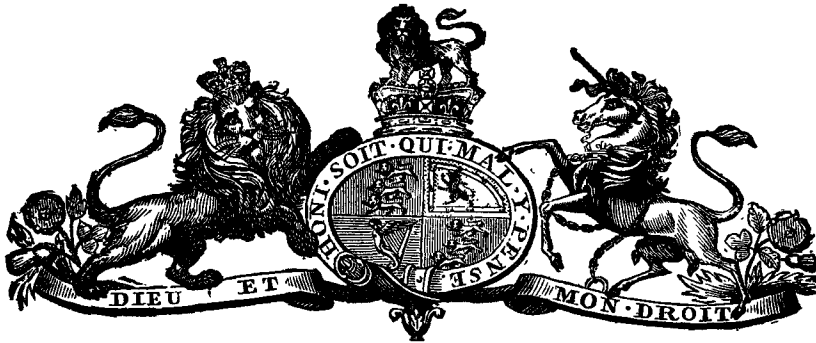


NEW ZEALAND.



TRICESIMO QUINTO

VICTORIÆ REGINÆ.

No. XVI.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Repeal. 3. Term "Capitation Money" interpreted. 4. Amounts to be proportional to population. 5. Special allowances—Westland. Auckland. Hawke's Bay. Wellington. Taranaki. 6. Population in subsequent years to be fixed by Resolution. 7. Registrar-General to furnish estimate of the number of population of Province or County. 8. In estimating population Maoris not to be counted. Interpretation of "Maori." 9. Provinces to be debited as at present. <p style="text-align: center;">ROAD BOARD ALLOWANCES.</p> <ol style="list-style-type: none"> 10. Interpretation—"Auditor." "Road Board." "Superintendent." 11. £100,000 to be divided among Provinces. 12. Amounts allotted to Provinces to be divided amongst Road Boards. 13. Mode in which division is to be made amongst Road Boards. | <ol style="list-style-type: none"> 14. No money to be paid till rates levied and paid. 15. Money to be expended in new roads, &c. 16. Money to be deposited in Bank. 17. How to be drawn out. 18. Superintendent to satisfy himself that work satisfactorily performed. 19. One-tenth of sum to be held in reserve. 20. Sums unapplied available for succeeding year. 21. Accounts to be furnished. 22. To be audited by Auditor. 23. Penalty on Auditor illegally certifying. 24. Auditor to furnish accounts. 25. In Westland money to be drawn out by cheque countersigned. Penalties. 26. Road Boards to furnish satisfactory accounts before receiving payments. 27. Accounts to be transmitted to Colonial Secretary. 28. Minister on application of Superintendent may expend a portion of road money in certain works. 29. Reserve for Road Boards South-West Gold Fields Nelson. 30. Duration of Act. |
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AN ACT to repeal "The Payments to Provinces Act 1870" and to make other provision in lieu thereof. Title.
[14th November 1871.]

BE IT 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 Payments to Provinces Act 1871." This Act shall subject to the provisions contained in "The Public Revenues Act Amendment Act 1871" be deemed to have come into operation on the first day of July last. Short Title.

2. "The Payments to Provinces Act 1870" is hereby repealed. Repeal.

3. For the purposes of this Act and "The Public Revenues Act Amendment Act 1871" the term "Capitation Money" shall mean the amounts to be credited each year under this Act to each Province and the County of Westland. Term "Capitation Money" interpreted.

Payments to Provinces.

The yearly sums of which an equal twelfth part is to be credited monthly to each Province and the County of Westland shall be ascertained as hereinafter provided.

Amounts to be proportional to population.

4. The said amounts shall be ascertained in each year by multiplying the sum of fifteen shillings by the number of the population for such year of the Province or County with which the monthly account to be prepared in accordance with the provisions of "The Public Revenues Act Amendment Act 1871" is being prepared and adding to the sum so ascertained the amount (if any) for the time being to be credited to such Province or County as a special allowance as hereinafter provided.

Special allowances.

5. The following amounts shall be credited to the several Provinces as special allowances that is to say—

Westland.

To the County of Westland during each year of the two years ending on the thirtieth day of June one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three the sum of two shillings and sixpence per head for the population of the said County for such year.

To the Province of Auckland for each and every year the sum of four thousand pounds.

Hawke's Bay.

To the Province of Hawke's Bay for each and every year the sum of one thousand five hundred pounds.

Wellington.

To the Province of Wellington for each and every year the sum of seven hundred and fifty pounds.

Taranaki.

To the Province of Taranaki for each and every year the sum of two hundred and fifty pounds.

Population in subsequent years to be fixed by Resolution.

6. The number of the population of each Province and of the County of Westland in each year shall for each year be determined for the purposes of this Act by Resolution of both Houses of the General Assembly but for the first year after the passing of this Act it shall be based upon the returns of population contained in the census returns of February one thousand eight hundred and seventy-one.

Registrar-General to furnish estimate of the number of population of Province or County.

7. If on the first day of July in any year the number of the population of any Province or County shall not have been determined for the year commencing on that day by Resolution as hereinbefore provided the Registrar-General appointed under "The Registration Act 1858" shall furnish to the Colonial Treasurer an estimate of the number of the population of such Province or County for the year commencing on such first day of July and the number stated in such estimate shall until the passing of a Resolution determining the number be deemed to be the number of the population of such Province or County for such year for the purposes of this Act.

In estimating population Maoris not to be counted.

8. In determining under the preceding sections of this Act the numbers of the population of the several Provinces in the North Island the Maori inhabitants thereof shall not be counted and for the purposes of this Act the word "Maori" shall include half-castes living as members of or with Maori tribes.

Interpretation of "Maori."

Provinces to be debited as at present.

9. All the provisions of "The Public Revenues Act 1867" as altered by other Acts heretofore or in this Session or hereafter passed altering or amending the same and all the provisions of "The County of Westland Act 1868" as altered by other Acts heretofore or in this Session or hereafter passed altering or amending the same relating to the sums with which the several Provinces and the County of Westland shall be debited to the payments to be made to the several Provincial Accounts and to the County of Westland Account to the withholding of payments to the several Provincial Accounts and to the County of Westland Account and to payments to be made in certain cases to

Payments to Provinces.

the Consolidated Fund shall continue in force and have the same application as if the Capitation Moneys by this Act directed to be placed to the credit of the several Provinces and of the County of Westland were so placed under the provisions of the forty-fourth section of "The Public Revenues Act 1867."

ROAD BOARD ALLOWANCES.

10. In the construction of the sections of this Act hereinafter contained the terms and expressions following shall have the meanings attached to them respectively unless the context be repugnant to or inconsistent with such meaning that is to say the word "Auditor" shall mean the Provincial Auditor of a Province and the Deputy Provincial Auditor when he is acting in the stead of the Provincial Auditor and with reference to the County of Westland it shall mean the Auditor of the County of Westland The term "Road Board" shall mean any Road Board Board of Wardens or Highway or other Board of Trustees or other person or body having the control of the roads and public highways within any district And the word "Superintendent" where used in the thirteenth eighteenth twenty-first twenty-sixth twenty-seventh and twenty-eighth sections of this Act shall include the Chairman of the County Council of Westland.

Interpretation.

"Auditor."

"Road Board."

"Superintendent."

11. In every year till otherwise enacted there shall be paid out of the moneys for the time being standing to the credit of the Public Works Fund the sum of one hundred thousand pounds to be divided among the several Provinces in proportion to their respective populations as fixed for the time being for the purposes of this Act.

£100,000 to be divided among Provinces.

12. The amount so to be allotted to each Province shall be divided amongst the several Road Boards therein in proportion to the amounts respectively raised by such Boards by local rates subject to the provisions hereinafter contained Provided that in outlying districts in which it may be difficult or inconvenient to constitute Road Boards voluntary contributions shall be deemed equivalent to money raised from rates.

Amounts allotted to Provinces to be divided amongst Road Boards.

13. For the purposes of such division each Province shall be divided by the Superintendent thereof into districts classified as follows namely—

Mode in which division is to be made amongst Road Boards.

- (1.) Class I. shall comprise districts in the vicinity of towns and in comparatively populous places and such districts shall be entitled to one-half as much as districts in Class II. and one-fourth as much as districts in Class III.
- (2.) Class II. shall comprise outlying districts outside Class I. or in less populous places and such districts shall be entitled to twice as much as districts in Class I. and to half as much as districts in Class III.
- (3.) Class III. shall comprise outlying districts in which the population is sparse and scattered and such districts shall be entitled to twice as much as districts in Class II. and to four times as much as districts in Class I.

14. Self-rating or voluntary contribution shall be an essential condition to any contribution from this fund and no money shall be paid thereout until highway or road rates have been levied and paid or voluntary contributions raised Provided that the conditions prescribed in the foregoing sections may during the year ending the thirtieth June one thousand eight hundred and seventy-two be waived by the Governor on its being proved to his satisfaction that special circumstances render such a course advisable in any particular case or cases.

No money to be paid till rates levied and paid.

Payments to Provinces.

Money to be expended in new roads, &c.

15. The money appropriated to Road Boards under this Act shall be expended exclusively on the formation of new roads bridges and culverts and in the maintenance thereof for one year after completion and in the completion of such works commenced last year as are not yet finished.

Money to be deposited in Bank.

16. The amount appropriated to each Province shall be deposited in some Bank to the credit of a special account to be called "The Road Boards Account."

How to be drawn out.

17. No money shall be drawn out of that account except by the Provincial Treasurer for an amount certified by the Auditor and authorized by the Superintendent's warrant, and the cheque drawn for the same shall be countersigned by the Chairman of the Road Board on whose account the money is drawn or in the case of voluntary subscriptions by some person appointed by the subscribers.

Superintendent to satisfy himself that work satisfactorily performed.

18. Before any money is thus paid the Superintendent shall satisfy himself that the work in respect of which the money is applied for is in accordance with these resolutions and has been satisfactorily performed.

One-tenth of sum to be held in reserve.

19. One-tenth of the sum allotted to each Province shall be held in reserve for districts in which Road Boards are not established at the time of the division amongst the several Road Boards but in which such Boards may be established before the first day of July following and shall be available for such last-mentioned Boards on the same terms and in the same manner as for Boards already established in districts of the third class.

Sums unapplied available for succeeding year.

20. If any portion of the sums appropriated to the several Road Boards whether reserved or not shall remain unapplied on the first day of July following the appropriation thereof such sums shall be applied in the succeeding year in addition to and in the same manner as the amount appropriated for that year.

Accounts to be furnished.

21. Accounts according to forms to be from time to time prescribed by the Governor of the amounts levied and received or subscribed and the expenditure in each district shall be furnished by the Road Board or voluntary subscribers and such accounts being certified by the Auditor and approved of by the Superintendent shall be published in the Provincial Government *Gazette* Three copies of such *Gazette* shall be forwarded by the Superintendent to the Colonial Treasurer.

To be audited by Auditor.

22. The accounts of all Road Boards receiving money under this Act shall be audited by the Auditor of the Province in which they are respectively situated and for that purpose such Auditor shall have all the powers which by the seventeenth eighteenth and nineteenth sections of the Provincial Audit Act are conferred upon Auditors.

Penalty on Auditor illegally certifying.

23. If any Auditor in the case of a Province shall wilfully certify any warrant for payment of money out of the said account except in accordance with the provisions of this Act he shall be liable to forfeit and pay to Her Majesty the sum of five hundred pounds and an additional sum equal to the amount of the sum for which such warrant shall have been made and all such sums together with full costs of suit shall be recoverable by action suit or information in the Supreme Court in like manner as money due to Her Majesty within the Colony.

Auditor to furnish accounts.

24. Every Auditor shall at such times as the Governor shall from time to time direct prepare and furnish to the Governor an account showing in what manner and for what purposes any moneys have been drawn out of the said account and for that purpose shall have all the powers which by the seventeenth eighteenth and nineteenth sections of "The Provincial Audit Act 1866" are conferred upon Provincial Auditors.

Payments to Provinces.

25. In the case of the County of Westland no money shall be drawn from the said account except by cheque signed by the County Treasurer and countersigned by the Chairman of the County Council and the Auditor for the County of Westland or by the said Auditor and one Member of the said Council appointed by the Council for the purpose and such Treasurer shall not sign nor shall such Chairman or any Member of the said Council countersign any such cheque unless the same shall be for a purpose authorized by a scheme approved as aforesaid and if such Treasurer or Chairman or any such Member shall wilfully sign or countersign any such cheque except in accordance with the provisions of this Act he shall over and beyond any other penalty or punishment he may thereby have rendered himself liable to forfeit and pay a penalty of five hundred pounds to be recovered in the Supreme Court at the suit of the Auditor for the County for the benefit of the Consolidated Fund and if any such Auditor shall wilfully countersign any such cheque except in accordance with the provisions of this Act he shall over and beyond any other penalty or punishment he may have rendered himself liable to forfeit and pay a penalty of five hundred pounds to be recovered in the Supreme Court at the suit of the Attorney-General for the benefit of the Consolidated Fund. Provided however that the recovery of any such penalty shall not discharge any such Chairman Treasurer Member or Auditor from any suit for the recovery of any money which he shall have illegally drawn from such account.

In Westland money to be drawn out by cheque countersigned.

Penalties.

26. No payment shall after the first year be made under this Act to any Road Board in any year until such Board shall have furnished to the Superintendent of the Province an account in such form as may be prescribed by the Colonial Secretary showing its receipts and disbursements during the past year and such other information as may be required by the Colonial Secretary.

Road Boards to furnish satisfactory accounts before receiving payments.

27. Such accounts shall be transmitted by the Superintendent to the Colonial Secretary and a return compiled therefrom shall be laid before both Houses of the General Assembly within thirty days after the commencement of the next ensuing Session.

Accounts to be transmitted to Colonial Secretary.

28. Notwithstanding anything herein contained it shall be lawful for the Minister of Public Works if he think fit on the application of the Superintendent of any Province to expend any sum not exceeding one-half of the money to be allotted to such Province for the year ending the thirtieth of June one thousand eight hundred and seventy-two under section eleven of this Act in payment of or in repayment to such Province of the cost of permanent public works in such Province. Provided however that except in the County of Westland such works shall have been authorized by any Act of the Superintendent and Provincial Council of the Province now in force.

Minister on application of Superintendent may expend a portion of road money in certain works.

29. With respect to the Province of Nelson there shall be held in reserve for the present financial year three-elevenths of the sum allotted to such Province for distribution amongst Road Boards that may hereafter be established on such portion of the South-West Gold Fields of the Province of Nelson as is south of the northern boundary of the Electoral District of Buller.

Reserve for Road Boards South-West Gold Fields Nelson.

30. This Act shall continue in operation until the first day of July next and no longer.

Duration of Act.