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Abolition of Provinces.

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A BILL INTITULED

AN ACT to provide for the Abolition of Provinces.

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 Abolition of Provinces Act, 1875." Short Title.

2. This Act shall come into operation on the day on which it shall be assented to by the Governor in the name and on behalf of Her Majesty, and such day is hereafter referred to as the commencement of this Act. Commencement of Act.

3. In the construction of this Act the following terms and expressions shall have the meanings hereby respectively attached to them:— Interpretation.

"Governing body" means and includes the Council of any city or borough constituted under "The Municipal Corporations Act, 1867," and the Council, Board of Commissioners, Board of Wardens, Trustees, or the persons or body having the control or government of the local affairs of any city town or place under any of the Acts or Ordinances specified in the fourth column of the First Schedule to "The Municipal Corporations Act, 1867," and also the Board, Trustees, Wardens, or the persons or body, as the case may be, having the management, control, or care of roads or highways in any road district.

“Road district” means and includes any road district, highway district, or other district howsoever denominated, heretofore constituted under any Act of the General Assembly, or under any provincial enactment in force at the date of the abolition of the province within which the district was 5 comprised, or that may hereafter be constituted under any law for the time being in force, providing for the construction, control, maintenance, or repair of highways.

“Municipality” means and includes a city or borough constituted under “The Municipal Corporations Act, 1867,” and 10 any city, town, or place under the control or government of any Council, Board of Commissioners, Board of Wardens, Trustees, or other persons or body under any of the Acts or Ordinances specified in the fourth column of the First Schedule to “The Municipal Corporations Act, 15 1867.”

“Public works” mean and include branch railways, tramways, main roads, public bridges and ferries on main roads, docks, quays, piers, wharves, and harbour works, reclamation of 20 land from the sea, protection of land from encroachment or destruction by sea or river, public buildings for the use of the General Government or any department thereof, and any other work of public utility or convenience connected with the Government of the colony.

4. On such day, not later than ninety days after the commencement of this Act, as the Governor shall by Proclamation published in the *New Zealand Gazette* appoint, the following provinces shall be abolished, viz. :—The Provinces of Auckland, Hawke’s Bay, Taranaki, Wellington, Nelson, Marlborough, Westland, Canterbury, and Otago. 25

In such proclamation a day shall be fixed for the coming into 30 operation thereof, and the day so fixed is hereafter referred to as the date of the abolition of the said provinces.

5. The portion of the colony included within any province abolished hereunder shall, on and after the date of the abolition thereof, be called a Provincial District, and bear the same name as the abolished 35 province which it comprised.

6. Within the district, included within any province abolished hereunder, all laws in force therein at the date of the abolition of such province shall, except so far as the same are expressly or impliedly altered or repealed by this Act, and so far as the same are applicable, 40 continue in force in such district until altered or repealed by the General Assembly.

7. Immediately upon the abolition hereunder of any province, and without any proclamation or other act by the Governor or otherwise, the person who was then in office as Superintendent of such 45 province shall cease to hold such office, and the Provincial Council of such province shall be dissolved, and there shall not thereafter be any election of a Superintendent or a member of a Provincial Council for the district theretofore included within such abolished province, and all laws relating to the election of Superintendents of 50 provinces and members of Provincial Councils of provinces, and to legislation by Provincial Councils, shall immediately upon the abolition hereunder of any province cease to have any operation or effect within and as regards the district theretofore included within such abolished province. 55

8. All powers duties and functions which immediately before the date of the abolition hereunder of any province were under or by virtue of any law not expressly or impliedly repealed or altered hereby vested in or to be exercised or performed by the Superintendent of such abolished province, either alone or with the advice and consent 60

Provinces to be abolished.

District within abolished province to be a provincial district.

Laws, as far as applicable, to remain in force in district comprised within abolished provinces till altered.

Superintendents and Provincial Councils of abolished provinces to cease to hold office, and to be dissolved respectively.

Laws as to the election of Superintendents and Provincial Councils to cease to operate within abolished provinces.

Superintendents’ powers to vest in Governor.

of or on the recommendation of the Executive or Provincial Council of such province, or which, by virtue of "The Public Reserves Act, 1854," or any Act amending the same, or by virtue of any Waste Lands Act, or any regulations made thereunder, would but for this Act have been exercised only under an Ordinance of such abolished province, shall, on the day of the date of the abolition of such province, and for the purposes of the district included within such abolished province, vest in and be exercised and performed by the Governor.

Such powers duties and functions may be exercised or performed by the Governor as regards the district with respect to which they may be exercised or performed whether the Governor is for the time being within such district or not.

Until the end of the next Session of the General Assembly, the Governor may from time to time delegate all or any of such powers duties and functions either to the person who immediately before the abolition of a province hereunder was the Superintendent of such abolished province, or to such person or persons as the Governor may think fit, and that either without restriction or subject to such restrictions or conditions as the Governor may think fit.

Power to delegate.

The Governor may at any time revoke any such delegation so made as aforesaid.

It is hereby declared that the Governor may, notwithstanding that any such delegation is for the time being in force, himself exercise or perform any powers duties or functions so delegated, and such exercise or performance by the Governor himself shall not operate as a revocation of or affect such delegation.

9. All powers duties and functions which immediately before the date of the abolition hereunder of any province are under or by virtue of any law not expressly or impliedly repealed hereby vested in or to be exercised or performed by the Provincial Treasurer, Provincial Secretary, or other public officer of such abolished province, shall, from and after the date of the abolition of such province, and for the purpose of the district included within such abolished province, vest in and be exercised or performed by any person or persons from time to time appointed for the purpose by the Governor.

Functions performable by provincial officers to be performed after abolition by persons appointed by Governor.

10. All lands tenements goods chattels moneys and things in action, and all real and personal property whatever, and all rights and interests therein, which immediately before the date of the abolition hereunder of any province were vested in or belonged to the Superintendent of any province, as such Superintendent, shall on the date of the abolition thereof vest in Her Majesty the Queen.

Real and personal property &c. vested in Superintendents to vest in the Crown.

All revenues and moneys, and all securities for such moneys, which on the date of the abolition of any province may be the property of or invested on behalf of such province, shall on the date of the abolition thereof vest in Her Majesty the Queen.

Provided that if at the date of the abolition of any Province any moneys or revenues of such province shall have been specifically set apart, and shall be available for the purposes of public works within such province, or any district thereof, such moneys or revenues shall be applicable to such purposes accordingly.

11. All contracts existing immediately before the date of the abolition hereunder of any province, and all actions, suits, proceedings, and things begun and not completed at the date of the abolition hereunder of any province, of, by, or against the Superintendent of such abolished province as such shall belong and attach to and be enforced by and against Her Majesty the Queen.

Contracts and actions.

12. In every Act of the General Assembly, except such as relate to the election of Superintendents and Provincial Councils, and to legislation by such Councils and the appointment of Deputy Superintendents, and to audit of provincial accounts, and matters of a like

Interpretation of Acts of Assembly and Ordinances after abolition of Provinces.

kind, and in every Act or Ordinance of the legislature of an abolished province, the words, terms, and expressions following shall, with regard to any provincial district, include the meanings hereafter attached to them, that is to say—

- (1) The word "province" shall include "provincial district," and when the name of any abolished province is used, or any province is otherwise expressly referred to, the enactment shall be deemed to mean and apply to the provincial district of that name. 5
- (2) The word "Superintendent" shall, with respect to such provincial district, mean the Governor, or any person or persons whom the Governor may from time to time appoint to perform those duties, and exercise those powers which might, if such duties and powers had to be performed within a province, be exercised or performed by Superintendents thereof. 10 15
- (3) The expression "Provincial Gazette," or "Provincial Government Gazette," or other similar expressions, shall be deemed to mean "*The New Zealand Gazette*," or such newspaper as from time to time may be appointed by the Governor for the purpose of inserting therein notifications of any kind relating to the government of the colony, or the administration of government within any provincial district. 20

Compensation to officers where services are dispensed with.

13. If within one year after the date of the abolition hereunder of any province the services of any officer in the employment of the Government of the Colony, or of the Provincial Government of the abolished province, are dispensed with in consequence of the abolition of such province, he shall be paid out of the ordinary revenue of the colony for each year of service one month's salary, according to the rate payable to him at the time of such abolition, and also a further sum equal to the said rate if such service be dispensed with without three months notice. 25 30

LICENSE FEES, ETC., UNDER PROVINCIAL LAWS.

License fees, &c., under provincial laws to be paid to municipalities and road boards.

14. All revenues arising under any provincial enactment within any provincial district from fees or other similar payments, in respect of publicans' licenses or other licenses for the sale or the making of fermented or spirituous liquors, or of billiard room or table licenses, music or dancing licenses, auctioneers' licenses, or hawkers' licenses, or other licenses for carrying on any other business, or as license fees for keeping dogs, shall be paid to the Public Account, and a separate account shall be kept thereof, and the same shall be paid over to the municipality or road board within which the premises in respect of which the license is granted are situate; and in the case of licenses not granted in respect of premises, then the fees or other payments received in respect of such licenses shall be paid over to the municipality or road board within which the person to whom the license is granted has his usual place of residence at the time of the license being granted, and which place of residence shall be mentioned in the license. 35 40 45 50

Moneys arising from fines for scab in sheep to be paid to municipalities and road boards.

All fines and penalties which may be inflicted upon owners of sheep or other persons under any provincial enactment as aforesaid providing for the introduction or spread of disease in sheep, and for the cure or remedy thereof, shall be paid into the Public Account, and a separate account shall be kept thereof as aforesaid, and the same shall be paid over to the municipality or road board within which the fine or penalty was actually incurred, and if any such fine or penalty shall have been inflicted upon a person in respect of sheep depastured 55

on or being in more than one such municipality or district, then the fine or penalty shall be equally apportioned between such municipalities or road districts, as the case may be.

GOLD FIELDS REVENUE.

- 5 **15.** Notwithstanding anything to the contrary contained in "The Public Revenues Act, 1867," or any other Act, the revenues arising within any provincial district under the provisions of "The Gold Fields Act, 1866," or any Act for the time being in force relating to the mining for gold, in respect of miners' rights, business licenses, or
 10 otherwise in respect of the occupation for mining purposes of Crown lands, and the revenues arising within any provincial district under the provisions of "The Gold Duties Act, 1870," or "The Gold Duties Act, 1872," shall in no case be deemed to be revenue arising from the occupation of the waste lands of the Crown, but all such revenues
 15 shall be applied in defraying the costs charges and expenses incident to the management and administration of the gold fields within such provincial district.

Gold fields revenue arising in provincial district not to be land fund, and to be applied towards expenses of gold fields in the district.

Such revenues shall also be charged with the payment of all rents or other sums of money which may be payable by Her Majesty the
 20 Queen or by the Governor of the colony to the Native owners of any land leased or otherwise occupied for gold mining purposes under "The Gold Fields Act, 1866," or any Act amending the same, or under any other Act for the time being in force relating to mining for gold.

25 The Governor in Council may, until the end of the Session of the General Assembly next after the date of the abolition of the province of which any provincial district is composed, by Order in Council regulate such costs charges and expenses, and thereafter the same shall be regulated by Act of the General Assembly.

30 APPROPRIATION OF LAND FUND.

16. A separate account shall be kept of the land fund arising within each provincial district, and the same is hereby appropriated and charged as hereafter provided. Separate account of land fund to be kept.

35 (1.) With the payment of the interest and sinking fund of all loans debts and other liabilities which at the date of the abolition of the province comprised within the provincial district were chargeable against the province.

40 (2.) With the cost of surveys and the general administration of waste lands within the province comprised within the provincial district.

(3.) With the annual payments to the governing bodies of the several road districts within the provincial district by way of endowment of sums of money, to be computed in the manner provided in the *nineteenth* section hereof.

45 Provided that any appropriation made by the General Assembly for the present financial year for the purposes of education, or for buildings for the purposes of education within any provincial district, shall be deemed and taken to be a liability chargeable upon the land revenue of such provincial district: Provided further, that if, at
 50 the date of the abolition of any province, any of the land revenue of such province shall be invested or deposited in any manner, such land revenue shall, subject to the provisions of this Act, be dealt with under this Act as land revenue of the provincial district in which the same shall be so invested or deposited as aforesaid.

55 **17.** If in any case it shall happen that the land revenue raised within any provincial district for any one year shall be insufficient to meet the charges imposed thereon by the last preceding section

Provisions for equalizing land revenue where same insufficient to meet charges.

hereof, it shall be lawful for the Colonial Treasurer, in the manner provided by "The Treasury Bills Regulation Act, 1868," to borrow and raise such a sum as shall be sufficient to make up the deficiency in the land revenue of such provincial district for any such year.

The sums raised under such bills, and all interest to accrue due thereon, and all charges incurred in the preparation or circulation of such bills, shall, subject to the provisions of this Act, be a charge upon the future land revenue arising within the provincial district, and may from time to time be charged in account against such last-mentioned land revenue.

The amount to be raised under this Act by such Treasury bills shall not in any one year exceed the sum of one hundred thousand pounds.

18. The residue of the land fund arising within each provincial district after the deduction aforesaid shall be considered as divided into two equal parts, and shall be charged as follows:—

Residue of land fund divided into two parts:—

(1.) For immigration into provincial districts and charitable institutions.

(1.) One part thereof shall be applied in and towards maintaining and promoting immigration into the provincial district, in accordance with the provisions of "The Immigration and Public Works Act, 1870," and the several Acts amending the same, and with such proportion of the maintenance and support of charitable institutions as shall from time to time be fixed in accordance with this Act.

(2.) Public works.

(2.) The other part shall be subject to the appropriation of the General Assembly for the construction and maintenance of public works within the provincial district.

For the year ending the *thirtieth* day of *June*, one thousand eight hundred and seventy-six, the portion of the said residue hereby charged with the promotion and maintenance of immigration shall not be applied for that purpose.

The said portion of the land fund hereby devoted to the maintenance and support of charitable institutions shall be subject to the appropriation of the General Assembly for the purposes aforesaid; provided however that until the end of the session of the General Assembly held next after the date of the abolition of the province comprised within the provincial district, the expenditure of the said portions of the land fund arising therein shall be regulated by the Governor in Council: Provided further that not more than a tenth part of the said residue shall be appropriated or set apart for such purposes.

Endowment of Road Boards out of land revenue.

19. There shall be paid annually out of the land fund of each provincial district to the governing bodies of the several road districts within such provincial district, by way of endowment, a sum of one pound for every one pound of general rates received within the road district.

Proviso.

Provided always that if the governing body of any road district shall have made and levied within any year a general rate or rates exceeding in the whole one shilling in the pound on the annual value to let of the rateable property, then only such portion of the sum actually received by such governing body in respect of such general rate or rates as shall bear to the whole sum so received the same proportion which one shilling bears to the whole amount in the pound so made as general rates in such year shall, for the purposes of the payment to be made to such governing body by way of endowment, be deemed to have been received by the governing body.

Where any such general rate shall be an acreage rate, then the governing body of the road district in which such acreage rate shall be in force shall not be paid a greater sum by way of endowment than they would have been entitled to if a general rate or rates, not exceeding one shilling in the pound on the annual value of the

rateable property to let, had been in force in such district. If it shall at any time appear to the Governor that the endowment payable to any such last-mentioned governing body exceeds a sum calculated upon a valuation rate as aforesaid, the Governor may direct a valuation
5 to be made, in such manner as he shall think fit, for the purpose of ascertaining the endowment to be paid as aforesaid.

20. There shall be paid annually out of the Consolidated Fund to the governing body of every road district and municipality within each provincial district, by way of endowment, a sum of one pound
10 for every one pound of general rates received within the road district or municipality.

Endowment of road districts and municipalities out of consolidated fund.

Provided always that if the governing body of any road district or municipality shall have made and levied within any year a general rate or rates exceeding in the whole one shilling in the pound on the annual
15 value to let of the rateable property, then only such portion of the sum actually received by such governing body in respect of such general rate or rates as shall bear to the whole sum so received the same proportion which one shilling bears to the whole amount in the pound so made as general rates in such year shall, for the purposes of the
20 payment to be made to such governing body by way of endowment, be deemed to have been received by the governing body.

Proviso.

Where any such general rate shall be an acreage rate, then the governing body of the road district in which such acreage rate shall be in force shall not be paid a greater sum by way of endowment
25 than they would have been entitled to if a general rate or rates not exceeding one shilling in the pound on the annual value of the rateable property to let had been in force in such district. If it shall at any time appear to the Governor that the endowment payable to any such last-mentioned governing body exceeds a sum calculated
30 upon a valuation rate as aforesaid, the Governor may direct a valuation to be made, in such manner as he shall think fit, for the purpose of ascertaining the endowment to be paid as aforesaid.

21. On or before the *first* day of *June* in each year the governing body of every road district and municipality within any provincial
35 district shall cause to be prepared and transmitted to the Colonial Treasurer a true and detailed account of all moneys actually received within such road district or municipality as and for general rates in the year ending the *thirtieth* day of *April* then last past.

Accounts to be sent to Colonial Treasurer of rates received.

No such account shall avail for the purposes of this Act unless it
40 be verified by the solemn declaration of the Chairman of the Road Board, or the Mayor of the Municipality, as the case may be.

The annual payments to be made to the several governing bodies by way of endowment shall be calculated upon the amount shown to have been actually received by such governing body as and for general
45 rates as aforesaid up to the *thirtieth* day of *April* in every year. Provided that for the current financial year a *pro rata* contribution shall be made to such governing body at the rate aforesaid, based upon the amount shown to have been received for general rates as aforesaid,
up to the *thirtieth* day of *April* last.

22. Notwithstanding anything contained in any Act or law to the contrary, the proceeds arising from the sale, lease, or other disposition of lands taken under "The New Zealand Settlements Act, 1863," and any Act amending or continuing the same, shall be deemed to be land revenue arising within the provincial district in which such lands shall
55 be situated, and be subject to the provisions of this Act.

Proceeds of sales, &c. of confiscated lands.

COSTS OF POLICE, GAOLS, ETC., TO BE BORNE ON ORDINARY REVENUE.

23. The costs, charges, and expenses of police gaols harbours
Costs of police, gaols,

&c., to be borne on Consolidated Fund.

hospitals lunatic asylums charitable institutions and of education throughout the colony shall be borne on the Consolidated Fund, so far as such costs, charges, and expences are not otherwise by law provided for.

MISCELLANEOUS.

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Appropriation of land revenue not to affect public securities nor permanent charges on such revenue.

24. Nothing in this Act contained with respect to the appropriation or division of the land fund shall be deemed to alter or affect the liability of the Colony to the public creditor, or to affect any permanent appropriation of or charges upon such revenue under any law in force in the Colony.

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When shires established, to stand in place of Road Boards comprising shire.

25. Whenever under an Act of the General Assembly passed or intended to be passed in the present session, the Short Title whereof is "The Local Government Act, 1875," any shire shall be constituted, such shire shall for the purposes of this Act be deemed to stand in the place of the several road districts or parts of road districts of which such shire shall be composed, and after the constitution of any shire all moneys which under this Act would have been payable to the Road Boards of which such shire is composed shall be paid and payable to the governing body of the shire.

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All the preceding provisions of this Act so far as applicable shall extend and apply to a shire and to the governing body of such shire, and to the Chairman of the Shire Council, as the case may be.

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Governor may make regulations and orders.

26. In all cases in which no provision or no sufficient provision is in the opinion of the Governor made by this Act, it shall be lawful for the Governor from time to time, until the end of the next Session of the General Assembly, for the purpose of facilitating or more effectually carrying into execution any of the objects thereof, to make and prescribe all such regulations and orders, either general or applicable to particular cases only, as he shall think fit, and such regulations and orders from time to time to revoke or alter as to the Governor shall appear to be requisite, and all such regulations and orders shall be published in the *New Zealand Gazette*, and being so published shall have the force of law.

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Colonial Treasurer to issue and pay moneys under this Act.

27. The Colonial Treasurer shall issue and pay out of the Public Account all moneys which may become payable under the provisions of this Act.

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