

New Parliament.

Mr. Cadman.

COUNTIES ACTS AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title. Commencement of Act.</p> <p>2. Chairman of county to be elected by county electors annually.</p> <p>3. Candidate to deposit £10.</p> <p>4. Chairman to be Councillor <i>ex officio</i>.</p> <p>5. Conduct of election. Electors to have one vote only.</p> <p>6. After extraordinary election annual election need not be held.</p> <p>7. In extraordinary vacancy Council may appoint Chairman.</p> <p>8. Chairman may be paid a salary.</p> <p>9. Where Counties Act not in force Chairman elected by Council.</p> <p>10. Existing Chairman deemed elected under this Act.</p>	<p>11. Where Act not in force Road Boards and Town Boards to exercise functions of County Council.</p> <p>12. Miners not to vote unless two months resident in riding.</p> <p>13. Elector may vote notwithstanding rates not paid.</p> <p>14. Majority of votes required for raising a special loan.</p> <p>15. County may be subdivided for purposes of constructing irrigation works.</p> <p>16. Special loan may be raised in separate subdivision for irrigation.</p> <p>17. In case of extraordinary damage special loan may be raised without consent of rate-payers.</p>
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A BILL INTITULED

AN ACT to amend the Counties Acts.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

5 1. The Short Title of this Act is "The Counties Acts Amendment Act, 1884."

10 It shall come into operation on the *first* day of *January*, in the year one thousand eight hundred and eighty-five, and shall be read and construed together with "The Counties Act, 1876," herein referred to as "the said Act."

15 2. The county electors of every county shall, upon the first Wednesday in the month of November in each year, elect a Chairman for the county, who shall enter into office at the annual meeting of the Council held next following his election, and shall continue in office until his successor enters thereon.

Any person qualified to be, and not incapable of being or being elected, a Councillor under the provisions of the said Act may be elected to be Chairman.

20 3. Every candidate for the office of Chairman shall, at the time of nomination, deposit with the Returning Officer the sum of *ten* pounds.

25 If any candidate does not poll one-eighth part of the number of votes polled by the successful candidate, such sum shall be forfeited, and the Returning Officer shall pay it into the County Fund; but if he polls not less than such one-eighth, or if he is elected without a poll, his deposit shall be returned to him immediately after the election, on demand.

Title.

Short Title.

Commencement of Act.

Chairman of county to be elected by county electors annually.

Candidate to deposit £10.

Chairman to be  
Councillor *ex officio*.

4. The Chairman shall be a Councillor in virtue of his office over and above the number of Councillors fixed by the said Act.

If a Councillor is elected to be Chairman, his office as an elected Councillor shall be thereby vacated, and such vacancy shall be deemed an extraordinary vacancy. 5

Conduct of election.

5. The provisions following shall have operation in respect to all elections of a Chairman by the county electors,—

Electors to have  
one vote only.

(1.) At any election of a Chairman, each county elector shall have only one vote. The Clerk of the County Council shall prepare, from the rolls of county electors in the several ridings of the county, a general roll of electors for the county, in alphabetical order of surnames, and so that no person's name shall appear twice thereon. 10

(2.) The Returning Officer shall appoint a principal polling-place in the county, and so many polling-booths in different parts of the county as he shall think necessary, and otherwise do all things necessary for the conduct of the election of a Chairman, which shall be held under the provisions of "The Regulation of Local Elections Act, 1876." 15

(3.) The Governor shall have the same powers in respect of making provision for the election of a Chairman in any new county or in any county wherein "The Counties Act, 1876," is brought into force after having been suspended therein, as he has in respect of making provision for the first election of Councillors in any such county. 20 25

After extraordinary  
election annual  
election need not  
be held.

6. Where the election of Chairman, under the foregoing provisions of this Act, is held within three months of the period fixed for the annual election of Chairman, it shall not be necessary to hold such annual election as prescribed, but the Chairman in office at the time appointed for such annual election shall, subject to this Act, remain in office till the next succeeding annual election. 30

In extraordinary  
vacancy Council  
may appoint  
Chairman.

7. In any extraordinary vacancy of the office of Chairman, the Council may appoint one of the Councillors to be Chairman, who shall temporarily hold office until such vacancy is filled by the election of a new Chairman; but if such vacancy occurs within three months before the day of the annual election of Chairman, the Councillor so appointed shall continue to hold the office of Chairman until such annual election. 35

The Councillor so appointed shall not thereby vacate his office as Councillor. 40

Chairman may be  
paid a salary.

8. The Chairman may be paid such salary out of the County Fund as the Council from time to time directs; but it shall not be lawful to reduce the salary of the Chairman for the time being in office.

Where Counties Act  
not in force Chair-  
man elected by  
Council.

9. The Chairman of a county wherein the whole of the said Act is not in force shall be elected by the Council, from among its own members, at the annual meeting of the Council to be held under the sixty-eighth section of the said Act. 45

Existing Chairman  
deemed elected  
under this Act.

10. Every Chairman of a county in office at the commencement of this Act shall be deemed to have been elected under this Act. 50

Sections fifty-four to fifty-seven, both inclusive, of the said Act are hereby repealed.

11. Section fourteen of "The Counties Act 1876 Amendment Act, 1882," is hereby repealed, and the following substituted in lieu :—

Where Act not in force Road Boards and Town Boards to exercise functions of County Council.

5 Upon a Proclamation being issued suspending the said Act in the county referred to therein, the various Road Boards and Town  
5 Boards in such county shall, within their respective districts, have and may exercise all the powers and perform the functions and discharge the duties which at the time of the suspension of the said Act, in such county were vested in and imposed upon the Council, unless otherwise provided by any Act now or hereafter to be passed.

10 12. Section forty-one of "The Counties Act 1876 Amendment Act, 1882," is hereby repealed, and in lieu thereof it is hereby enacted as follows :—

Miners not to vote unless two months resident in riding.

Every holder of a miner's right whose name appears, in virtue of being the holder of a miner's right, on the roll of electors of the riding  
15 in which he resides, not being an alien, shall be entitled to vote at an election of councillors for such riding, and for no other riding: Provided that no person shall be entitled to vote by virtue of a miner's right who is entitled to vote in any part of the country for rateable property.

20 The Returning Officer may, and if so required by any scrutineer shall, before allowing the holder of a miner's right to vote, put to him the following question :—" Are you now residing, and have you resided for two months immediately preceding the nomination of candidates for the present election, in the riding of the county ?"

25 If any person shall knowingly and wilfully give a false answer to the above question, he shall be deemed to be guilty of an offence, and shall be liable on conviction to a penalty not exceeding ten pounds; and any person not answering such question shall not be permitted to vote.

30 13. Section ten of "The Counties Acts Amendment Act, 1883," is hereby amended by the omission therefrom of all the words from "No elector shall be entitled to vote," inclusive, to the end of the section.

Elector may vote notwithstanding rates not paid.

35 14. Section twenty-three of "The Counties Act 1876 Amendment Act, 1883," is hereby repealed, and in lieu thereof it is hereby enacted as follows :—

Majority of votes required for raising a special loan.

40 If, for any proposal to raise a special loan within a county, the number of votes given for the proposal within the several ridings of the whole county taken together exceeds the number given against it by one-third or more than one-third of the latter, then the resolution in  
40 favour of the proposal shall be deemed to be carried, and the Council may proceed with the proposal accordingly; but if not then the resolution shall be deemed to be rejected and the Council shall not so proceed.

45 For the purpose of obtaining the consent of the ratepayers of any particular part of a county to the raising of any special loan for the benefit of such part of the county, it shall be sufficient if the number of votes given for the proposal within such particular part shall exceed the number given against it by one-third, or more than  
50 one-third of the latter, and in such case the resolution in favour of the proposal shall be deemed to be carried.

County may be subdivided for purposes of constructing irrigation works.

15. The Council may, by special order under the powers of section thirty-four of "The Counties Act 1876 Amendment Act, 1883," from time to time declare the whole county or any part or parts of the county to be a district or districts for the purposes in the said section, and in section *thirteen* of this Act respectively mentioned, and by the same or any subsequent special order may divide any such district or districts into subdivisions, and describe the boundaries of any such subdivision and assign names to such district or districts or subdivisions, subject as to the declaring of such district or districts to the conditions in the said section mentioned. 5

Special loan may be raised in separate subdivision for irrigation.

16. Section thirty-six of "The Counties Act 1876 Amendment Act, 1883," is hereby repealed, and in lieu thereof it is hereby enacted as follows:— 10

The Council, with the consent of the ratepayers of any district or subdivision, to be ascertained as provided by the said Act, in relation to a proposal to raise a special loan,— 15

May from time to time raise a special loan for the purpose of exercising any of the powers conferred on the Council by section thirty-seven of the Act last mentioned: Provided that the aggregate amount of all loans to be raised for such purposes shall not exceed in any district or subdivision a sum equal to *ten* shillings per acre on all the land in the district or subdivision; 20

May impose and levy on all lands in the district or subdivision a special rate to secure and pay the interest on and provide a fund for the repayment of such loan. 25

Any such special rate may be for any amount not exceeding *six* farthings in the pound on the rateable property in the district or subdivision, anything in this Act or in any other Act contained notwithstanding. 30

Every such rate shall be deemed to be a rate made under "The Rating Act, 1882," and may be levied, sued for, and recovered under the said Act.

The consent of the ratepayers of any district or subdivision to the raising of any such special loan shall be determined as hereinbefore mentioned in respect of raising a loan within any particular part of a county, and the same proportion of votes shall be sufficient to affirm the proposal. 35

In case of extraordinary damage special loan may be raised without consent of rate-payers.

17. For the purpose of repairing any extraordinary damage done by flood, tempest, or accident to any water-race, the Council may, from time to time, raise a special loan without first obtaining the consent of the ratepayers of the district to the doing of such work, or to the raising of such loan; and to secure the interest and the repayment of such loan may levy a rate in manner as in the last-preceding section mentioned. 40