

Mr. Witty.

MALVERN COUNTY.

[LOCAL BILL.]

ANALYSIS.

Title.	5. Jurisdiction of Malvern County. Expenses of construction, &c., of water-races. Recovery of expenses on default.
1. Short Title.	
2. Date to come into operation.	6. Water-races in Tawera County vested in Malvern County Council; expenses of construction, &c.
3. Malvern County constituted. Boundaries of Selwyn County altered.	7. Savings. Schedules.
4. Courtenay, South Malvern, and East Malvern Road Districts abolished.	

A BILL INTITULED

AN ACT to constitute the Malvern County.

Title.

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

1. This Act may be cited as the Malvern County Act, 1910.

Short Title.

2. This Act shall come into operation on the first day of November, nineteen hundred and ten.

Date to come into operation.

3. (1.) The Malvern County is hereby constituted, and shall comprise all that area the boundaries whereof are particularly described in the *First* Schedule hereto, being those portions of the Selwyn County known as the Courtenay, South Malvern, and East Malvern Road Districts.

Malvern County constituted.

(2.) The boundaries of the Selwyn County are hereby altered accordingly, and shall be as described in the *Second* Schedule hereto.

Boundaries of Selwyn County altered.

4. The Courtenay, South Malvern, and East Malvern Road Districts are hereby abolished, and shall be deemed to be merged within the Malvern County; and the provisions of section thirty-six of the Counties Act, 1908, shall apply thereto accordingly.

Courtenay, South Malvern, and East Malvern Road Districts abolished.

5. (1.) From and after the coming into operation of this Act no local body other than the Malvern County Council shall within the limits of the said county exercise any jurisdiction or authority over any roads or over or in relation to any matter or thing in respect of which jurisdiction is conferred upon County Councils under any Act:

Jurisdiction of Malvern County.

Provided that nothing herein shall affect the power of the Governor to proclaim any portion of the said county a borough or town district.

(2.) Nothing in this section shall apply to or affect the water-races known as the Waimakariri Water-races at present being in the Courtenay Road District, and which are now vested in the Selwyn

Council, but the said water-races shall continue and be deemed to be vested in that Council as if the same had been so vested by agreement, as provided by sections fifty-two and fifty-three of the Water-supply Act, 1908; and as regards such water-races the Selwyn County Council shall have and may exercise all the powers and authorities conferred on County Councils by the Counties Act, 1908, and the Water-supply Act, 1908. 5

(3.) Nothing in this section shall affect the right of the Selwyn County Council on the constitution of the Malvern County to an apportionment under paragraph (d) of section fifteen of the Counties Act, 1908, of its liability for the interest and sinking fund of any loan raised by the Selwyn County for the construction, maintenance, or repair of water-races in the Malvern County. 10

Expenses of construction, &c., of water-races.

(4.) All such water-races shall be constructed, repaired, and maintained by the Selwyn County Council at the expense of the Malvern and Selwyn County Councils in such proportions as the said Councils agree upon, or, in case they cannot agree, then in such proportions as the Minister of Public Works determines. 15

Recovery of expenses on default.

(5.) In case the Selwyn County Council fails to maintain and keep in good repair the said water-races, the Malvern County Council at any time after seven days' notice given to the Selwyn County Council requiring it to make the necessary repairs may do, execute, and carry out all works, acts, and things that it may think necessary for such purpose, and may recover from the Selwyn County Council all costs, charges, and expenses incurred in such maintenance and repair, and all costs, charges, and expenses incurred by it through neglect of the Selwyn County Council to maintain and repair as aforesaid. 20 25

(6.) All moneys accruing from the said water-races shall be divided between the county funds of the Selwyn and Malvern County Councils in such proportions as those Councils agree upon, or, in case they cannot agree, then in such proportions as the Minister of Public Works determines. 30

Water-races in Tawera County vested in Malvern County Council; expenses of construction, &c.

6. (1.) Notwithstanding anything in subsection two of section five of the Tawera County Act, 1909, contained, the water-race known as the Malvern Water-race and all the water-races as defined by the Water-supply Act, 1908, at present being in the Tawera County and deemed to be vested in the Selwyn County Council as provided by subsection two of section five of the Tawera County Act, 1909, shall be deemed to be vested in the Malvern County Council as if the same had been so vested by agreement as provided by sections fifty-two and fifty-three of the Water-supply Act, 1908; and as regards such water-race or water-races the Malvern County Council shall have and may exercise all the powers and authorities conferred upon County Councils by the Counties Act, 1908, and the Water-supply Act, 1908. 35 40 45

(2.) All references in subsections four, five, and six of section five of the Tawera County Act, 1909, to the Selwyn County Council shall be construed to apply to the Malvern County Council as constituted under this Act as if the words "Malvern County Council" had been inserted in such subsections for the words "Selwyn County Council." 50

7. All special orders, districts, subdivisions, warrants, maps, regulations, notices, by-laws, and rates declared, made, prepared, given, and held by the Selwyn County Council under and in pursuance of the Water-supply Act, 1908, relating to and affecting water-races within the Malvern County as constituted by this Act and vested in the Malvern County Council by this Act and which at the time of the coming into operation thereof are subsisting or in force within the Malvern County, shall continue in force within such county, and shall enure for the purposes of this Act therein, and of the Water-supply Act, 1908, until altered or repealed by the Malvern County Council.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

COUNTY OF MALVERN.

ALL that area in the Provincial District of Canterbury the boundaries whereof are as follows: Commencing at the northernmost corner of Rural Section 3107, Block 3, Hororata Survey District; thence north-easterly, south-easterly, and in a general direction northerly, following the boundary of the Tawera County to the northernmost corner of Rural Section 4739, Block 8, Kowai Survey District, on the bank of the River Waimakariri; thence north-easterly by the production of the north-western boundary-line of that section to the centre of the River Waimakariri; thence south-easterly by a line along the middle of that river to the boundary of the Templeton Road District; thence southerly along the boundary of that road district to the Great South Road; thence south-westerly along that road to the southern railway, thence again south-westerly along that railway to the centre of the Selwyn River; thence north-westerly by a line along the centre of that river to a point opposite the northernmost corner of Rural Section 3107; thence north-easterly by a straight line to the commencing-point.

SECOND SCHEDULE.

COUNTY OF SELWYN.

ALL that area in the Canterbury Land District, bounded towards the north-east generally by the Tawera County and the Malvern County from the south-eastern boundary of the Westland County to the southern boundary of the Ashley County; thence by the said Ashley County to the north-western corner of the Waimairi County, as described in the First Schedule to the Waimairi County Act, 1909; thence towards the east generally by the said Waimairi County to the City of Christchurch; thence by the City of Christchurch and Borough of Woolston to the estuary of the Heathcote and Avon Rivers; thence by the said estuary and the Boroughs of Sumner and Lyttelton to the northern boundary of the Mount Herbert County; thence by the said Mount Herbert County and the Wairewa County, as described in the First Schedule to the Wairewa County Act, 1909, to the sea at the outlet of Lake Ellesmere; thence towards the south-east by the sea to the mouth of the Rakaia River; thence towards the south-west by the Ashburton County to the summit of the Southern Alps; and thence towards the north-west by the Westland County to the place of commencement.

Also all that area in the Canterbury Land District bounded towards the north generally by the Waimairi County from the City of Christchurch to the Borough of New Brighton; thence towards the east generally by the Borough of New Brighton to the estuary of the Heathcote and Avon Rivers; thence towards the south-east by the said estuary to the north-eastern boundary of the Borough of Woolston; and thence towards the south-west generally by the Borough of Woolston and the City of Christchurch to the place of commencement.

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<p>Title.</p> <p>1. Short Title.</p> <p>2. Date to come into operation.</p> <p>3. Malvern County constituted. Boundaries of Selwyn County altered.</p> <p>4. Courtenay, South Malvern, and East Malvern Road Districts abolished.</p>	<p>5. Jurisdiction of Malvern County. Expenses of construction, &c., of water-races. Recovery of expenses on default.</p> <p>6. Water-races in Tawera County vested in Malvern County Council; expenses of construction, &c.</p> <p>7. Savings. Schedules.</p>
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Boundaries of Selwyn County altered.

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Provided that nothing herein shall affect the power of the Governor to proclaim any portion of the said county a borough or town district.

(2.) Nothing in this section shall apply to or affect the water-races known as the Waimakariri Water-races at present being in the Courtenay Road District, and which are now vested in the Selwyn

Council, but the said water-races shall continue and be deemed to be vested in that Council as if the same had been so vested by agreement, as provided by sections fifty-two and fifty-three of the Water-supply Act, 1908; and as regards such water-races the Selwyn County Council shall have and may exercise all the powers and authorities conferred on County Councils by the Counties Act, 1908, and the Water-supply Act, 1908. 5

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Recovery of expenses on default.

(5.) In case the Selwyn County Council fails to maintain and keep in good repair the said water-races, the Malvern County Council at any time after seven days' notice given to the Selwyn County Council requiring it to make the necessary repairs may do, execute, and carry out all works, acts, and things that it may think necessary for such purpose, and may recover from the Selwyn County Council all costs, charges, and expenses incurred in such maintenance and repair, and all costs, charges, and expenses incurred by it through neglect of the Selwyn County Council to maintain and repair as aforesaid. 25

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7. All special orders, districts, subdivisions, warrants, maps, regulations, notices, by-laws, and rates declared, made, prepared, given, and held by the Selwyn County Council under and in pursuance of the Water-supply Act, 1908, relating to and affecting water-races within the Malvern County as constituted by this Act and vested in the Malvern County Council by this Act and which at the time of the coming into operation thereof are subsisting or in force within the Malvern County, shall continue in force within such county, and shall enure for the purposes of this Act therein, and of the Water-supply Act, 1908, until altered or repealed by the Malvern County Council.

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SECOND SCHEDULE.

COUNTY OF SELWYN.

ALL that area in the Canterbury Land District, bounded towards the north-east generally by the Tawera County and the Malvern County from the south-eastern boundary of the Westland County to the southern boundary of the Ashley County; thence by the said Ashley County to the north-western corner of the Waimairi County, as described in the First Schedule to the Waimairi County Act, 1909; thence towards the east generally by the said Waimairi County to the City of Christchurch; thence by the City of Christchurch and Borough of Woolston to the estuary of the Heathcote and Avon Rivers; thence by the said estuary and the Boroughs of Sumner and Lyttelton to the northern boundary of the Mount Herbert County; thence by the said Mount Herbert County and the Wairewa County, as described in the First Schedule to the Wairewa County Act, 1909, to the sea at the outlet of Lake Ellesmere; thence towards the south-east by the sea to the mouth of the Rakaia River; thence towards the south-west by the Ashburton County to the summit of the Southern Alps; and thence towards the north-west by the Westland County to the place of commencement.

Also all that area in the Canterbury Land District bounded towards the north generally by the Waimairi County from the City of Christchurch to the Borough of New Brighton; thence towards the east generally by the Borough of New Brighton to the estuary of the Heathcote and Avon Rivers; thence towards the south-east by the said estuary to the north-eastern boundary of the Borough of Woolston; and thence towards the south-west generally by the Borough of Woolston and the City of Christchurch to the place of commencement.