

Act

(Hon. Mr. Vogel.)

Province of Westland.

ANALYSIS.

<p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Commencement of Act. 3. On commencement of Act, Westland constituted a Province. 4. Laws to remain in force. 5. Number of Members of first Provincial Council. 6. Governor may proclaim electoral districts. 7. Writs for election, when to be issued. 8. Superintendent to be Member of Council. 9. Powers vested in Chairman of County Council to vest in Superintendent. 10. Contracts &c. to belong and attach to Superintendent. 11. Debts &c. of County charged on Province. 12. Property to vest in Superintendent. 13. Repeal of certain sections of "The County of Westland Act, 1868," on the first election of 	<ol style="list-style-type: none"> a Superintendent. Repeal of certain sections of the said Act, so far as they relate to County Council, on the first election of a Superintendent. The same sections, so far as they relate to Road Districts and District Boards, to continue till repealed by Provincial Council. Transfer of powers to Superintendent. 14. Repeal of "The County of Westland Amendment Act, 1869," and "The County of Westland Act Amendment Act, 1870." 15. County of Westland Account to be closed and moneys transferred to Provincial Account. 16. Interpretation of expression "County of Westland," &c., to be construed as referring to the Province of Westland. 17. Public reserves. 18. Saving clause.
--	---

A BILL INTITULED

AN ACT to constitute the County of Westland a Province.

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 Province of Westland Act, 1873."

2. This Act shall come into operation on such day as the Governor shall by Proclamation published in the *New Zealand Gazette* appoint.

3. On and after the day when this Act shall come into operation, that portion of the Colony which is included in the County of Westland shall be a Province by the name of "The Province of Westland."

4. Within that portion of the Colony constituted a Province by this Act, the Laws and Ordinances specified in the Schedule to "The County of Westland Act, 1868," so far as in force in the said portion of the Colony immediately before the coming into operation of this Act, and all other Laws and Ordinances in force therein immediately before the coming into operation of this Act shall, so far as applicable, and except so far as the same are altered or repealed by this Act, be and continue in force within the said new Province constituted hereby

until altered or repealed by the General Assembly, or as to such of the said Laws or Ordinances as are for purposes for which Provincial Councils may make Laws, and as to such as the Legislature of the Province hereby constituted is authorized hereby to repeal, then until altered or repealed either by the General Assembly or by the Provincial Legislature of the Province constituted hereby, or by other lawful authority. 5

Number of Members of first Provincial Council.

5 The Provincial Council of the Province of Westland shall in the first instance consist of such number of Members, over and above the Superintendent of the said Province, as the Governor shall by Proclamation direct and appoint, not being less in number than . 10

Governor may proclaim Electoral Districts.

6 The Governor by Proclamation may constitute within such Province convenient electoral districts for the election of Members of the Provincial Council, and may appoint and declare the number of members to be elected for every such district for such Provincial Council, and to make provision for the formation of the first electoral rolls for the election of the Superintendent of such Province, and for the election of the Members of the Provincial Council thereof. 15

Writs for election, when to be issued.

7 The Governor shall cause the first writs for the election of the Superintendent of such Province and the Members of the Provincial Council of such Province to be issued at some time not later than thirty days after the coming into operation of this Act. 20

Superintendent to be Member of Council.

8 In addition to the elected Members of the Provincial Council of the Province of Westland, the Superintendent of the said Province for the time being shall, by virtue of his office of Superintendent and so long as he holds such office, be a Member of the Provincial Council of the said Province, and be entitled to sit and vote and take part in the debates and other proceedings therein in like manner and as fully as any elected Member thereof. But this provision shall not apply to the Deputy Superintendent of the said Province. 25 30

Powers vested in Chairman of County Council to vest in Superintendent.

9 All powers at the time of the first election of a Superintendent of the said Province vested in the Chairman of the County Council of the County of Westland, either solely or with the advice or on the recommendation of the County Council of the said County, except such powers as are contained in the parts of the Acts hereby repealed, shall, within the Province of Westland, so far as applicable to the circumstances of the said Province, be vested in the Superintendent of the said Province. 35

Contracts &c. to belong and attach to Superintendent.

10 All contracts existing immediately before the time of the first election of a Superintendent of the Province constituted hereby, and all actions suits proceedings and things begun before that time and not then completed of by or against the County Council of the County of Westland or the Chairman thereof, as such, shall belong and attach to and be enforced by and against the Superintendent of the Province established hereby. 40 45

Debts &c. of County charged on Province.

11 All debts and liabilities which, immediately before the election of the first Superintendent of the Province constituted hereby may be chargeable upon or payable by the County of Westland or the County Council or the revenues thereof, shall, upon and after the time of such first election, be chargeable upon and payable by the Province of Westland and the revenues thereof. 50

Property to vest in Superintendent.

12. All property vested in the County Council of Westland or the Chairman thereof, or any officer thereof on behalf of the said County, shall, on the first election of a Superintendent of the Province constituted hereby, vest in the Superintendent of such Province on behalf of such Province, in like manner and to the same extent as if purchased or acquired by such Superintendent on behalf of such Province. 55

Repeal of certain sections of "The County of Westland Act, 1868," on the

13. The sections of "The County of Westland Act, 1868," numbered from four to eight both inclusive, nineteen, twenty-three, twenty-six, thirty-three, from seventy-eight to eighty-four both 60

401

inclusive, ninety-three and one hundred and thirty-six, shall be repealed upon the first election of a Superintendent of the Province constituted hereby.

first election of a Superintendent.

The sections of the said last-mentioned Act numbered twelve, from fifteen to eighteen both inclusive, twenty-one, twenty-two, from twenty-eight to thirty-two both inclusive, from thirty-six to seventy-six both inclusive, and one hundred and forty-one, shall, so far as the provisions of the said sections relate to the County Council of Westland, and the Members concerns and proceedings thereof, be repealed upon the first election of a Superintendent of the Province constituted hereby.

Repeal of certain sections of the said Act so far as they relate to County Council, on the first election of a Superintendent.

The sections of the said last-mentioned Act numbered twelve, from fifteen to eighteen both inclusive, twenty-one, twenty-two, from twenty-eight to thirty-two both inclusive, from thirty-six to seventy-six, both inclusive, and one hundred and forty-one, so far as the provisions of the said sections relate to Road Districts and District Boards, and the sections of the said last-mentioned Act numbered nine, ten, eleven, thirteen, twenty, twenty-four, twenty-five, twenty-seven, thirty-four, thirty-five, seventy-seven, from eighty-five to one hundred and fifteen both inclusive, and all other provisions of the said Act not hereinbefore repealed, and the provisions of "The County of Westland Act Amendment Act, 1870," so far as the same relate to Road Districts and District Boards shall continue in operation until repealed by Ordinance of the Legislature of the Province hereby constituted; and the said Legislature is hereby authorized to repeal the same, and to make such other provision in lieu thereof, and relating to the matters thereby dealt with and provided for, as such Provincial Legislature could have made if such provisions had not been contained in an Act of the General Assembly.

The same sections, so far as they relate to Road Districts and District Boards, to continue till repealed by Provincial Council.

On and after the first election of a Superintendent of the Province constituted hereby, the powers duties and functions which by such of the provisions of the said last-mentioned Act as the Legislature of the said Province is hereby authorized to repeal are conferred on or to be exercised or performed by the County Council of Westland, or the Chairman thereof, shall, until such provisions are repealed, be conferred on or exercised or performed by, as the case may be, the Superintendent for the time being of the Province constituted hereby.

Transfer of powers to Superintendent.

14. "The County of Westland Amendment Act, 1869," and "The County of Westland Act Amendment Act, 1870," except so far as the same relate to Road Districts and District Boards, shall, upon the first election of a Superintendent of the Province constituted hereby, be repealed.

Repeal of "The County of Westland Amendment Act, 1869," and "The County of Westland Act Amendment Act, 1870."

15. Immediately upon the first election of a Superintendent of the Province constituted hereby, the County of Westland Account, kept in accordance with "The County of Westland Act, 1868," and the Acts amending the same, shall be closed, and all moneys at the credit of the said account shall be transferred to the Provincial Account of the Province of Westland kept in accordance with the provisions of "The Provincial Audit Act, 1866."

County of Westland Account to be closed and moneys transferred to Provincial Account.

16. After the first election of a Superintendent of the Province of Westland, whenever in any Act for the time being in force mention or reference is made to the County of Westland or "the Account of the County of Westland," such Act shall be construed and read as if in such Act the Province of Westland and the Provincial Account of the Province of Westland were respectively mentioned or referred to instead of the County of Westland and the Account of the County of Westland.

Interpretation of expressions "County of Westland," &c., in Acts to be construed as referring to Province of Westland.

17. All public reserves of land made before or after the passing of this Act within the portion of the Colony comprised within the Province of Westland for any public purpose other than for the use

Public reserves.

of the General Government, may be granted by the Governor under "The Public Reserves Act, 1854," to the Superintendent of the said Province, to be held managed and dealt with as provided by the said Act and any Act amending the same. 5

Saving clause.

18. Notwithstanding the repeal hereby of any of the provisions of "The County of Westland Act, 1868," or any Acts amending the same, all offences committed or penalties incurred before such repeal may be prosecuted punished and enforced as if such provisions had not been repealed. 10