

(Hon. Mr. Vogel.)

Payments to Provinces.

ANALYSIS.

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A BILL INTITULED

AN ACT to repeal "The Payments to Provinces Act 1870" and to make other provision in lieu thereof. Title.

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 "The Payments to Provinces Act 1870" is hereby repealed.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.
- 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. 15
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 Amounts to be proportional to population.

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— 5

Westland.

To the County of Westland during each year of the two years ending on the the thirtieth day of June 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. 10

Auckland.

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.. 15

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. 20

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. 25 30

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. 35

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 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." 40 45 50

ROAD BOARD ALLOWANCES.

Interpretation.

"Auditor."

10. In the construction of the sections of this Act hereinafter contained the term "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 55 60

Board Board of Wardens or other Board Trustees or other person or body having the control of the roads and public highways within any district or town. " Road Board."

11. In each and 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 which shall be divided among and paid to the several Provinces and the County of Westland 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. All sums paid under the last preceding section to any Province or the County of Westland as the case may be shall be paid into the Bank at which the Provincial Account or the County of Westland Account as the case may be is for the time being kept and shall there be placed to the credit of a special account to be called the Road District Funds Account of the Province or County and all moneys for the time being standing to the credit of the said account shall be disposed of and accounted for in manner hereinafter provided. Payments out of £100,000 to be placed to special account.

13. The said moneys shall be available only for division among the Road Boards of the Province or County in accordance with a scheme to be proposed for each year by the Superintendent or Deputy Superintendent of the Province or the Chairman of the County Council of the County for his Province or County as the case may be and approved by Resolutions of both Houses of the General Assembly. Scheme of disposal of money to be prepared by Superintendent and approved.

For the first year the schemes shall be such schemes as shall have been proposed under the fourteenth section of the Act hereby repealed and shall have been approved of by Resolutions passed by both Houses of the General Assembly in this Session of Parliament.

14. The Houses of the General Assembly may amend any proposed scheme before approving it but such amendments shall not have effect until both Houses concur therein. Assembly may amend scheme.

15. In the case of Provinces no money shall be drawn out of any such account or be issued or paid by any person having the custody or control thereof except by the person for the time being authorized to draw money out of the Provincial Account in pursuance of warrant under the hand of the Superintendent of the Province directed to such person and certified by the Auditor. In Provinces money to be drawn out on warrant.

16. Every such warrant as aforesaid shall before the same is signed by the Superintendent be laid before the Auditor who shall not certify the same unless the sums therein specified are then legally available for the services therein specified by virtue of a scheme approved as herein provided. Auditor to certify warrant.

17. If any Auditor in the case of a Province shall 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. Penalty on Auditor illegally certifying.

18. 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. Auditor to furnish accounts.

19. 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 In Westland money to be drawn out by cheque countersigned.

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 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 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. 20

Penalties.

Road Boards to furnish satisfactory accounts before receiving payments.

20. 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. 25

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. 30