

NEW ZEALAND.



TRICESIMO TERTIO ET TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. LXXXII.

\*\*\*\*\*

ANALYSIS.

- |   |  |
|---|--|
| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Repeal.</li> <li>3. Certain sums to be placed to credit of Provinces monthly.</li> <li>4. Amounts to be proportional to population.</li> <li>5. Rate of payment for each year.</li> <li>6. Special allowances—Westland. Auckland. Hawke's Bay. Wellington. Taranaki.</li> <li>7. Population for first year fixed.</li> <li>8. Population in subsequent years to be fixed by Resolution.</li> <li>9. Registrar-General to furnish estimate of the number of population of Province or County.</li> <li>10. Provinces to be debited as at present.</li> <li>11. Interpretation — "Auditor." "Road Board."</li> <li>12. £50,000 to be divided among Provinces.</li> </ol> | <ol style="list-style-type: none"> <li>13. Payments out of £50,000 to be placed to special account.</li> <li>14. Scheme of disposal of money to be prepared by Superintendent and approved.</li> <li>15. Governor may amend scheme.</li> <li>16. Assembly may amend scheme.</li> <li>17. In Provinces money to be drawn out on warrant.</li> <li>18. Auditor to certify warrant.</li> <li>19. Penalty on Auditor illegally certifying.</li> <li>20. Auditor to furnish accounts.</li> <li>21. In Westland money to be drawn out by cheque countersigned. Penalties.</li> <li>22. In estimating population Maoris not to be counted. Interpretation of "Maori."</li> <li>23. Road Boards to furnish satisfactory accounts before receiving payments. Schedule.</li> </ol> |
|---|--|

AN ACT to alter the Amount of Revenue of the Colony payable to the several Provinces. Title.

[12th September 1870.]

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 1870." Short Title.

2. So much of the forty-fourth section of "The Public Revenues Act 1867" as prescribes the mode of ascertaining the amount to be placed to the credit of each Province in the said section mentioned is hereby repealed and so much of "The County of Westland Act 1868" as incorporates the provision hereby repealed is also hereby repealed. Repeal.

3. The Colonial Treasurer shall as soon as possible but not later than thirty days after the expiration of each month expiring after the Certain sums to be placed to credit

*Payments to Provinces.*

of Provinces  
monthly.

passing of this Act prepare an account for such month between the General Government and the Government of each Province in the Colony and of the County of Westland severally and shall therein credit each such Province or County with one equal twelfth part of the amounts ascertained as hereinafter mentioned the amounts so payable to each Province or County together with the special allowances hereinafter mentioned shall be called the Capitation Money of such Province.

Amounts to be  
proportional to  
population.

4. The said amounts shall be ascertained in each year by multiplying the fixed sum by this Act prescribed for such year by the number of the population for such year of the Province or County with which the said account is being prepared and adding to the sum so ascertained the amount (if any) for the time being payable to such Province or County as a special allowance as hereinafter provided.

Rate of payment for  
each year.

5. The fixed sum for each year shall be as follows—

For the year from the first day of July one thousand eight hundred and seventy to the thirtieth day of June one thousand eight hundred and seventy-one both inclusive two pounds

For the year from the first day of July one thousand eight hundred and seventy-one to the thirtieth day of June one thousand eight hundred and seventy-two both inclusive thirty-eight shillings

For the year from the first day of July one thousand eight hundred and seventy-two to the thirtieth day of June one thousand eight hundred and seventy-three both inclusive thirty-six shillings

For the year from the first day of July one thousand eight hundred and seventy-three to the thirtieth day of June one thousand eight hundred and seventy-four both inclusive thirty-four shillings

For the year from the first day of July one thousand eight hundred and seventy-four to the thirtieth day of June one thousand eight hundred and seventy-five both inclusive thirty-two shillings

For the year from the first day of July one thousand eight hundred and seventy-five to the thirtieth day of June one thousand eight hundred and seventy-six both inclusive thirty shillings

For every year subsequent to the year one thousand eight hundred and seventy-six computed from the first day of July to the thirtieth day of June both inclusive thirty shillings.

Special allowances.

6. The following amounts shall be payable to the several Provinces as special allowances that is to say—

Westland.

To the County of Westland during each year of the three years ending on the thirtieth day of June one thousand eight hundred and seventy-three the sum of five shillings per head for the population of the said County for such year

Auckland.

To the Province of Auckland for each and every year after the first day of July one thousand eight hundred and seventy the sum of three thousand pounds

Hawke's Bay.

To the Province of Hawke's Bay for each and every year after the first day of July one thousand eight hundred and seventy the sum of three thousand pounds

Wellington.

To the Province of Wellington for each and every year after the first day of July one thousand eight hundred and seventy the sum of one thousand five hundred pounds

*Payments to Provinces.*

- To the Province of Taranaki for each and every year after the first day of July one thousand eight hundred and seventy the sum of five hundred pounds. Taranaki
7. The number of the population of each Province and of the County of Westland for the year ending on the thirtieth day of June one thousand eight hundred and seventy-one shall be deemed for the purposes of this Act to be the number set against the name of such Province or County in the Schedule to this Act. Population for first year fixed.
8. The number of the population of each Province and of the County of Westland in each succeeding year shall for each year be determined for the purposes of this Act by Resolution of both Houses of the General Assembly. Population in subsequent years to be fixed by Resolution.
9. 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. Registrar-General to furnish estimate of the number of population of Province or County.
10. All the provisions of "The Public Revenues Act 1867" "The Public Revenues Act 1868" "The County of Westland Act 1868" 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." Provinces to be debited as at present.
11. 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 it shall also include the Auditor of the County of Westland The term "Road Board" shall mean any Board Road Board Board of Wardens Trustees or other person or body having the control of the roads and public highways within any district or town. Interpretation.  
"Auditor."  
"Road Board."
12. In each and every year during the seven years ending on the thirtieth day of June one thousand eight hundred and seventy-seven there shall be paid out of the Consolidated Revenue of the Colony the sum of fifty 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. £50,000 to be divided among Provinces.
13. 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 £50,000 pounds to be placed to special account.

*Payments to Provinces.*

Scheme of disposal of money to be prepared by Superintendent and approved.

**14.** 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 the Governor in Council for the first year and by Resolution of both Houses of the General Assembly for the remaining years.

Governor may amend scheme.

**15.** The Governor in Council may amend any proposed scheme before approving it and the scheme when amended and approved by him shall have the same force and effect as if originally proposed and approved in its amended form.

Assembly may amend scheme.

**16.** Both Houses of the General Assembly may amend any proposed scheme before approving it and the scheme when so amended and approved shall have the same force and effect as if originally proposed and approved in its amended form.

In Provinces money to be drawn out on warrant.

**17.** 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.

Auditor to certify warrant.

**18.** 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.

Penalty on Auditor illegally certifying.

**19.** 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.

Auditor to furnish accounts.

**20.** 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.

In Westland money to be drawn out by cheque countersigned.

**21.** 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 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

Penalties.

*Payments to Provinces.*

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.

22. In determining under the eighth or ninth section 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.

In estimating population Maoris not to be counted.

Interpretation of "Maori."

23. 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 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 ten days after the commencement of the next ensuing Session.

Road Boards to furnish satisfactory accounts before receiving payments.

## SCHEDULE.

POPULATIONS OF THE SEVERAL PROVINCES AND THE COUNTY OF WESTLAND FOR THE YEAR ENDING 30TH JUNE, 1870.

Name of Province or County.	Number of Population.
Auckland	62,000
Taranaki	4,800
Wellington	25,000
Hawke's Bay	6,000
Nelson	24,000
Marlborough	4,700
Canterbury	40,000
Westland	13,500
The Province constituted by the Union of Otago and Southland	70,000

WELLINGTON, NEW ZEALAND:

Printed under the authority of the New Zealand Government, by GEORGE DIDSBUY, Government Printer.