

(Mr. Ingles.)

Amuri and Canterbury Annexation.

ANALYSIS.

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A BILL INTITULED

AN ACT to provide for the Annexation of certain Parts of the Province of Nelson to the Province of Canterbury, and to provide for the Establishment of a Board of Works for the District so to be annexed to the Province of Canterbury, and also to provide for the Apportionment of the Public Debts of the said Province of Nelson. Title.

WHEREAS it is expedient that the tract of country forming portion of the Province of Nelson, hereinafter called "the district," and which is described in the Schedule to this Act, should be annexed to the Province of Canterbury, and that special provision should be made for the establishment of a Board of Works within the district so to be annexed: And whereas the Provincial revenues of the said Province of Nelson are charged with certain permanent public debts: And whereas the annexation of the district to the said Province of Canterbury will render it necessary that such public debts should be apportioned as hereinafter provided: Preamble.

BE IT THEREFORE 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 Amuri and Canterbury Annexation Act, 1872." Short Title.

interpretation.

2. In the interpretation of this Act the following terms shall, if not inconsistent with the subject-matter or context, have the respective meanings hereby assigned to them (that is to say)—

The expression "the district" shall mean the tract of country described in the Schedule to this Act.

The term "the Province of Nelson" shall mean the Province of Nelson as existing before the coming into operation of this Act.

The term "the Province of Canterbury" shall mean the Province of Canterbury as existing before the coming into operation of this Act.

The term "new Province" shall mean the Province of Canterbury as constituted hereby.

District created and annexed to Province of Canterbury.

3. From and after the day when this Act shall come into operation, the district shall be called the "Amuri District," and shall cease to form part of the Province of Nelson, and shall be deemed to be and form part of the Province of Canterbury.

Laws in force in district at time of operation of Act to continue in force until repealed, &c.

4. All Laws and Ordinances in force within the district as part of the Province of Nelson at the time of the coming into operation of this Act shall, except so far as the same are altered by this Act, be and continue in force within the district, notwithstanding that the same then forms part of the new Province, 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, until altered either by the General Assembly or by the Provincial Legislature of the new Province, or by other lawful authority.

Laws in force in Canterbury to continue.

5. All Laws and Ordinances in force within the Province of Canterbury at the time of the coming into operation of this Act shall, except so far as the same are altered by this Act, be and continue in force therein, notwithstanding that the said Province then forms part of the new Province, until altered by the General Assembly, or as to such of the said Laws and Ordinances as are for purposes for which Provincial Councils may make laws, until altered either by the General Assembly or by the Provincial Legislature of the new Province, or by other lawful authority.

Superintendent of Canterbury to continue in office.

6. The person who immediately before the time of the coming into operation of this Act shall be Superintendent of the Province of Canterbury shall, immediately upon the coming into operation of this Act, become and be the Superintendent of the new Province, and, subject to the provisions of the Constitution Act, shall continue in office until the election of his successor, and all powers and authorities, and all lands tenements goods chattels and choses in action, and all real and personal property whatever, and all rights and interests vested in the Superintendent of the Province of Nelson as such Superintendent, so far as regards the district, or in the Superintendent of the Province of Canterbury so far as regards the Province of Canterbury, shall, immediately upon the coming into operation of this Act, be vested in the Superintendent of the new Province, and shall thenceforth continue to be vested in him and his successors in office: Provided that where any such power or authority is then limited to the Province of Nelson or to the Province of Canterbury, such power or authority shall be exercised by the Superintendent of the new Province so as only to take effect within so much of the new Province as, immediately before the coming into operation of this Act, was included in the Province to which such power or authority was so limited.

Powers vested in Superintendent of Canterbury to continue.

7. All powers authorities estates and interests hereby transferred to the Superintendent of the new Province, which shall have been vested in the Superintendent of the Province of Canterbury or of the Province of Nelson by Act or Ordinance of a Provincial Legislature, shall, notwithstanding anything in this Act contained, be sub-

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ject to such provision of any Act or Ordinance of the Council of the new Province as might have been passed by the Councils of the Province of Canterbury or the Province of Nelson respectively if this Act had not been passed; and all powers and authorities hereby transferred to the Superintendent of the new Province, and which shall have been vested in the Superintendent of the Province of Canterbury or the Superintendent of the Province of Nelson respectively, by the Governor by Order in Council Proclamation or Warrant or otherwise, shall, notwithstanding anything in this Act contained, be subject to be altered revoked or cancelled in such manner and to such extent as they might have been had this Act not been passed.

8. When any such power or authority so transferred shall have been exercisable by the Superintendents of the Province of Canterbury and of Nelson respectively, by and with the advice and consent of their respective Executive Councils, or any one or more Members thereof, or by and with the advice and consent or upon the recommendation of the Provincial Councils of the said Provinces respectively, then in the like case such powers and authorities shall be exercised by the Superintendent of the new Province, by and with the advice and consent of his Executive Council, or of such one or more Members thereof, or by and with the advice and consent or upon the recommendation of the Provincial Council of the new Province, as the case may be.

How powers to be exercisable.

9. The Members of the Provincial Council of the Province of Nelson representing any Electoral District wholly included within the district shall from and after the coming into operation of this Act cease to be Members of the Provincial Council of the said Province, and, in lieu thereof, shall become, without further election, Members of the Provincial Council of the new Province; and the Superintendent and Provincial Council of the new Province shall have the same powers of making laws for the new Province as the Superintendent and Provincial Council of the Province of Canterbury shall have had immediately before the time of the coming into operation of this Act with respect to the Province of Canterbury: Provided that the Provincial Council of the new Province shall, in all its proceedings, be regulated and governed by the Standing Rules and Orders, including the Standing Rules and Orders made under "The Provincial Compulsory Land Taking Act, 1866," or any Act altering amending or extending the same, for regulating the proceedings of the Provincial Council of the Province of Canterbury, in force immediately before the coming into operation of this Act, until the same shall be altered by lawful authority; and the Speaker and other officers of the Provincial Council of the Province of Canterbury in office immediately before the coming into operation of this Act shall be the Speaker and officers of the Provincial Council of the new Province, until such Council shall otherwise direct.

Members for district in Provincial Council of Nelson to become Members for district in Provincial Council of Canterbury.

10. Until otherwise provided by the Provincial Council of the new Province, the said Council shall consist of such number of Members as shall be equal to the number which, immediately before the coming into operation of this Act, the Council of the Province of Canterbury by law consisted of, increased by the number of Members for the time being elected for and representing any Electoral District wholly situated within the district in the Provincial Council of the Province of Nelson.

Council of new Province.

11. Until otherwise provided by the Provincial Council of the new Province, the Electoral Districts existing at the time of the coming into operation of this Act within the Province of Canterbury for the election of Members of the Provincial Council of that Province, shall be Electoral Districts for the election of Members of the Provincial Council of the new Province, respectively returning the same number of Members for the Provincial Council of the new Province as such

Electoral Districts of new Province.

districts returned immediately before the coming into operation of this Act to the Provincial Council of the Province of Canterbury; and until new electoral rolls shall be formed for such districts, at the time and in the manner provided by law for the formation of electoral rolls for Electoral Districts for the election of Members of Provincial Councils, the rolls in force immediately before the coming into operation of this Act for the election of Members to represent the districts aforesaid in the Provincial Council of the Province of Canterbury shall be the rolls for such districts for the election of Members to represent such districts in the Provincial Council of the new Province, and the several persons who immediately before the coming into operation of this Act were Members of the Provincial Council of the Province of Canterbury for such districts shall, so long as they retain their seats, be and be deemed to be Members of the Provincial Council of the new Province for such districts respectively; and the Registration and Principal Returning Officer in office in and for the Province of Canterbury immediately before the time of the coming into operation of this Act, shall, on the coming into operation of this Act, respectively be the Registration Officer and Principal Returning Officer for the new Province until removed; and each Returning Officer appointed under "The Provincial Elections Act, 1858," or any other Act affecting the same, for any of the Electoral Districts of the Province of Canterbury in office immediately before the coming into operation of this Act, shall, upon the coming into operation of this Act, be the Returning Officer for that Electoral District in the new Province.

Electoral Districts to be formed within the district.

12. The Provincial Council of the new Province shall, as soon as conveniently may be after the coming into operation of this Act, provide for the constitution of one or more Electoral District or Districts within the district for the election of Members of the Provincial Council of the new Province, and shall fix the number of the Members of such Council to be elected for such district or districts respectively, and when, and if the Bill for effecting the same shall be assented to by the Governor, and when Members of such Council shall be elected for such district or districts, the Members acting under the section of this Act shall cease to be Members of such Council: Provided that any such Member so acting as aforesaid may be elected for some one of the said Electoral Districts or for any other Electoral District within the new Province: Provided also that until such Bill shall have been assented to by the Governor and shall have come into operation, every vacancy in the seat of any Member representing any Electoral District wholly situated within the district as aforesaid, shall be filled up by the Governor appointing by Warrant under his hand some person qualified, as in the last preceding section is mentioned to fill such vacancy.

Officers removed under Act to be compensated.

13. If within one year after the coming into operation of this Act the services of any officer in the employment of the Government of the Colony or of the Provincial Government of the Province of Nelson are dispensed with in consequence of the union of the district to the Province of Canterbury, he shall be paid out of the revenue of the new Province for each year of service one month's salary according to the rate payable to him at the time of the coming into operation of this Act, and also a further sum equal to three months' salary according to the said rate if such services be dispensed with without three months' notice.

Contracts to remain in force.

14. All contracts existing at the time of the coming into operation of this Act, and all actions suits proceedings and things begun before the coming into operation of this Act, of by or against the Superintendent of the Province of Nelson, in relation to any matter exclusively affecting the district or the Superintendent of the Province of Canterbury respectively, shall belong and attach to and be enforced

by and against the Superintendent of the new Province, and be of the same force and effect to all intents and purposes with regard to the new Province as with regard to the Province of Canterbury and the Province of Nelson respectively.

15. From and upon the coming into operation of this Act the district shall be deemed to be a Road District within the new Province, and all the laws for the time being in force in the Province of Canterbury applying to Road Districts shall, so far as the same are not altered by or inconsistent with this Act, from thenceforth apply to the district as a Road District, and all laws for the time being in force within the district as part of the Province of Nelson relating to Road Districts shall cease to be of any force or effect except for the purpose of preserving and enforcing then existing rights and liabilities thereunder.

District to be a Road District.

16. The Road Board to be elected for the district in conformity with the laws so to come into force therein as aforesaid, and in this Act shall be termed "the Amuri Board of Works," and is hereinafter referred to as "the Board."

Name of Road Board for district.

17. The Members of the first Board shall be elected on the first day of January next, and of every succeeding Board on the first day of January in each succeeding year, unless in any case the first day of January shall be a Sunday, in which case the election shall take place on the following day.

Election of first Board.

18. It shall be the duty of the Superintendent of the new Province, immediately after this Act shall have come into operation, to take or cause to be taken all such steps as may be necessary under the laws for the time being in force in the Province of Canterbury for providing for and insuring the due election of Members of the Board.

Superintendent of new Province to provide for election of Board.

19. The Board shall consist of five Members, of whom three shall be a quorum, and the Members of the Board shall continue in office until a new Board shall have been elected.

Board to consist of five Members.

20. Any Member of the retiring Board may be elected a Member of the new Board.

Retiring Members may be re-elected.

21. Any Member of the Board may resign his seat by notice in writing directed to the Chairman of the Board.

Resignation.

22. Any Member of the Board refusing to act, or being absent from the district for three months, or becoming bankrupt or convicted of any infamous offence, shall cease to be a Member of the Board.

Refusal to act.

23. In case any vacancy shall occur in the Board before the next annual election, another Member shall be elected, in manner by law provided for the election of Members of the Board, to supply the vacancy until the expiration of the current year.

Vacancies, how supplied.

24. The Board may appoint a Secretary, Treasurer, and other necessary officers, and fix the salary to be paid to each. The business of the Board shall be transacted at meetings to be held at such times and places as the Board shall appoint.

Board may appoint officers.

25. Any three Members of the Board shall have power to convene a special meeting, and the Secretary shall, on receiving a written instruction to that effect, give to the Members of the Board notice of such special meeting and of the business to be transacted thereat; but no special meeting shall be convened under less than fourteen days' notice.

Special meetings.

26. At the first meeting of the Board in each year a Chairman, being a Member of the Board, shall be elected, who shall be Chairman for the year next ensuing, unless he shall resign or become disqualified as herein mentioned, in which case a new Chairman shall be forthwith elected; but in the absence of the Chairman of the Board at any meeting, another Member of the Board present shall be elected Chairman for that meeting.

Chairman to be elected.

27. In addition to any other powers by law vested in the Board

Powers of Board.

- as a Road Board, the Board shall have power to carry out all such works of general utility within the district as they shall think fit.
- 28.** All questions before the Board shall be decided by a majority of votes, and all resolutions shall be entered in a book kept for that purpose.
- 29.** All contracts for works entered into by the Board shall be in the name of the Chairman of the Board, who shall sue and be sued upon such contracts in his own proper name, in like manner as if such contracts were personal contracts by the Chairman, but no execution upon mesne or final process in any action upon or arising out of such contract shall be issued or enforced against the person or property of such Chairman.
- 30.** No action by or against the Chairman of the Board upon or in relation to any such contract shall abate by the death of the Chairman party to the same, or by reason that he has ceased to be Chairman of the Board; but the same may proceed upon the newly elected Chairman being made a party to the said action by suggestion either as plaintiff or defendant, as the case may be, in lieu of the Chairman so dying or ceasing to be Chairman as aforesaid.
- 31.** In case any money shall become payable under any judgment order or decree on any action against such Chairman, it shall be the duty of the Board to pay and satisfy the same out of the first moneys at the disposal of the Board.
- 32.** No Member of the Board shall hold any office of profit under the Board; nor shall any Member of the Board whilst he is such Member, or for a period of six calendar months after he shall have ceased to be a Member, enter into a contract with the Board; nor shall any person for the time being holding any contract with the Board, accept a seat as Member of the Board; and any person infringing this provision shall be liable to forfeit the sum of two hundred pounds, to be recovered before any Resident Magistrate at the suit of any person who shall sue for the same, and every such contract shall be *ipso facto* void and of none effect, except as against the party so contracting with the Board.
- 33.** For the purpose of further providing the Board with the means of carrying on works within the district, one gross fourth part of all revenues accruing from and arising out of the Waste Lands of the Crown within the district, shall be paid over to the Board, instead of the same being paid to the Provincial Account of the new Province or to any other account.
- 34.** The Superintendent of the new Province may, if he shall think fit, commit to the Board the expenditure of any moneys specially appropriated to the construction and maintenance of public works within the district, and may pay over the same to the account of the Board, to be appropriated for such purpose in such manner as the Superintendent shall think fit.
- 35.** Except for roads bridges or other works undertaken and constructed within the district, or for reserves which the Superintendent of the new Province is duly authorized to make for public purposes under any existing Act Ordinance or regulation, it shall not be lawful for such Superintendent or for the Superintendent and Provincial Council of the new Province under any of the provisions of the laws for the time being in force within the district relating to Crown lands to reserve grant sell dispose of or otherwise take or alienate any portion of the Crown lands within the district except upon payment to the Board of one-fourth part of the gross amount that would have accrued upon the sale of such land.
- 36.** The Board shall, in books to be kept by them for that purpose, enter true accounts of all sums of money by them received and paid, and of the several matters in respect whereof such sums shall have
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- Reserves.
- Accounts to be kept.

been received and paid all such accounts with all vouchers and papers relating thereto, together with a full abstract or balance sheet thereof, signed by three at least of the Members of such Board, shall yearly, fourteen days before the expiration of the current year of office of the Board, be submitted by the Board to and examined and audited by the Provincial Auditor of the new Province.

37. A copy of such abstract or balance sheet so audited as aforesaid shall, within fourteen days after the audit of the same, be transmitted to the Superintendent of the new Province, and by him forthwith published in the *Government Gazette* of the said Province.

Balance sheet to be published.

38. It shall be the duty of the Board at the same time also to transmit to the Superintendent of the new Province a full report of all works contracted for and carried out by the Board during the then past year, and such report shall also be forthwith published by the Superintendent in the said Provincial *Government Gazette*; all moneys found by the Auditors to be due from any retiring Board, together with all such books of account vouchers and papers, shall be forthwith paid and delivered over to the Board for the time being.

Reports to be made.

39. The permanent public debts of the Province of Nelson charged upon the revenues thereof under any Act or Acts of the General Assembly, or under any Ordinance or Ordinances of the Provincial Council of the Province of Nelson, or otherwise, shall, from and after the coming into operation of this Act, be ascertained and apportioned and chargeable in manner hereinafter mentioned.

Permanent debt of Nelson to be apportioned.

40. Within one hundred and twenty days after the coming into operation of this Act, the Superintendent of each of the said Provinces of Canterbury and Nelson shall, by writing under his hand, delivered or forwarded by the post to the Colonial Secretary, appoint an arbitrator willing to act in the matter aforesaid in manner hereinafter mentioned, and in default of such appointment being made by either of the said Superintendents, the Governor of the Colony, in lieu of the Superintendent so making default, shall appoint an arbitrator, or, if both such Superintendents shall make default, then the Governor shall appoint two arbitrators.

Superintendents of Nelson and Canterbury to appoint arbitrators.

41. The arbitrators shall appoint an umpire by writing under their hands before they enter on the arbitration, and if they fail to do so the Governor shall by writing under his hand appoint an umpire.

Umpire.

42. It is by this Act referred to the arbitrators by their award to ascertain the principal of the amount at the time of the establishment of the new Province of the permanent public debts of the Province of Nelson, and then to apportion between the Province of Nelson and the new Province the amount of such permanent public debts, so that the revenues of the new Province shall from thenceforth be charged with such proportion of such debts as may reasonably be charged thereon in respect of the district severed from the Province of Nelson and annexed to the Province of Canterbury under the provisions of this Act.

Duties of referees.

43. If the said arbitrators shall not make and deliver or forward their award, as hereinafter provided, within nine months after the coming into operation of this Act, the matter hereinbefore referred to them shall be determined by the said umpire alone, who shall make and deliver or forward his award or umpirage in writing within twelve months after the passing of this Act.

Time for making award.

44. The umpire may make his award or umpirage upon hearing the arbitrators without rehearing any evidence taken by the arbitrators: Provided that in his judgment the notes of evidence taken by the arbitrators or their statement of facts be sufficient to enable him to do so.

Umpire not compelled to rehear evidence.

45. In the determination of the matter hereinbefore referred to them the arbitrators and umpire shall be guided by equity and good

Arbitrators to be guided by equitable considerations.

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- conscience upon consideration of all the circumstances which shall come or be laid before them.
- 46.** The award of the arbitrators or umpire (as the case may be) shall be final and conclusive, and shall be delivered or forwarded by the post to the Governor, and shall be deposited and kept as a record in the office of the Colonial Secretary.
- 47.** Evidence may be given on oath before the arbitrators and umpire, and they or he may administer oaths to witnesses.
- 48.** The arbitrators and umpire may issue summonses to witnesses to attend, either with or without a clause requiring the production of books deeds papers and writings in their possession or under their control.
- 49.** Every person who shall have been personally served with any such summons, and who shall, without sufficient cause, refuse or neglect to appear, or to produce any books deeds papers and writings required by such summons to be produced, and also every person present before such arbitrators or umpire who shall be required to give evidence, and who shall refuse to be sworn and give evidence, shall forfeit and pay any sum not exceeding fifty pounds, as the arbitrators or umpire respectively shall determine.
- 50.** The payment of any fine so imposed may be enforced upon the order of the arbitrators or umpire respectively in like manner as the payment of money is enforced upon an order of a Justice of the Peace.
- 51.** The arbitrators and umpire respectively may, by an order in writing, allow any witness his reasonable expenses, and upon production of such order the amount therein fixed shall be paid by the Colonial Treasurer.
- 52.** All necessary expenses incurred in and about the arbitration umpirage and award shall be paid by the Colonial Treasurer, and one-half thereof shall be paid by the Superintendent of the new Province of Canterbury out of the public revenues thereof, and the other half shall be paid by the Superintendent of the Province of Nelson out of the public revenues of that part of the said Province which shall remain after the severance of the district from the said Province.
- 53.** The apportionment of the public debts of the said Province of Nelson under this Act shall take effect as on and from the day on which this Act shall come into operation, and the respective contributions of the new Province, and of the Province of Nelson as remaining after the coming into operation of this Act, to the principal and interest of the said debts, shall as and from that day be deemed to have been charged upon and be payable out of the provincial revenues of the Province of Nelson as so remaining as aforesaid and of the new Province respectively, in the proportions determined by the award.
- 54.** All interest chargeable under this Act against the new Province in respect of the apportionment to be made as aforesaid, shall be paid by the Colonial Treasurer on account of the said Province into the Provincial Treasury of the then Province of Nelson half-yearly, and such payments being duly made, the new Province shall be indemnified by the then Province of Nelson against all further liability on account of the interest on the said public debts for the periods in respect of which such payments respectively shall have been made.
- 55.** The payments so made by the Colonial Treasurer on account of the new Province shall be charged by him to the separate account of the new Province, and it shall be lawful for the Colonial Treasurer, out of any money in his hands payable into the Treasury of the new Province, from time to time to retain and provide a sufficient and reasonable amount to enable him to meet such payments as and when the same become due, or, having made such payments, to recover and
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repay the same out of any such moneys as aforesaid thereafter coming to his hands.

56. The apportionment of the said public debts of the Province of Nelson as aforesaid shall in no way affect or interfere with the security for the said debts, but such security shall have the same force and effect as regards the holders of debentures as if the district had continued to form a portion of the said Province of Nelson and this Act had not been passed.

Apportionment not to interfere with securities.

57. This Act shall come into operation on the _____ day of _____, in the year of our Lord one thousand eight hundred and seventy-two.

When Act to come into operation.

SCHEDULE.

ALL that tract of country forming part of the Province of Nelson which is bounded as follows :—On the South by the river Hurunui from its mouth to its source ; on the West by the summit of the main range running from the source of the Hurunui River to Mount Humboldt, in the Spencer Mountains ; on the North by a line drawn east and by north magnetic from the summit of Mount Humboldt until it reaches the boundary of the Province of Marlborough ; and thence by the boundary of the Province of Marlborough to the mouth of the River Conway, and from thence to the mouth of the river Hurunui.

By Authority : GEORGE DIBSBURY, Government Printer, Wellington.