

Westland Boundary and Government.

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A BILL INTITULED

AN ACT to alter the Boundaries of the County of Westland, and to make further provision for the Government thereof. Title.

WHEREAS it is expedient to alter the Northern boundary of the County of Westland, and to make further provision for the Government thereof: 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 County of Westland Boundary and Government Act, 1870." Short Title.

2. From and after the passing of this Act, the Northern boundary of the County of Westland shall be the Teremakau River from its mouth to the source of the main branch thereof; and from such source by a line drawn therefrom to the point of junction of the present Eastern and Northern boundaries of the said County. Teremakau River to be Northern Boundary of Westland.

3. All the land laying to the North of the Western boundary of the County of Westland, as constituted by this Act, shall be annexed to and form part of the Province of Nelson. Land cut off added to Province of Nelson.

4. The permanent public debt, as charged against the said County of Westland and already raised, shall be apportioned between the said County of Westland and the said Province of Nelson. Public debt to be apportioned.

5. Within three calendar months after the passing of this Act, the Superintendent of the Province of Nelson on the one hand, and the Chairman of the County of Westland on the other, shall, by writing delivered or forwarded by the post to the Colonial Secretary, appoint an Arbitrator to act in the matter of the said apportionment. Arbitrators to be appointed.

Governor may
appoint in default.

6. In default of any such appointment, the Governor may appoint an Arbitrator or Arbitrators as the case may require.

Umpire to be
appointed.

7. The Arbitrators shall appoint an Umpire by writing under their hands before they enter on the arbitration; and if they shall fail to do so, the Governor shall by writing under his hand appoint an Umpire. 5

Arbitrators to
apportion debt.

8. It is by this Act referred to the Arbitrators to be appointed as aforesaid, to apportion between the Province of Nelson on the one hand, and the County of Westland on the other, the principal of the amount of the permanent public debt as charged against the County of Westland, and already raised, which ought from and after the passing of this Act to be charged against the Province of Nelson in respect to that part of the County of Westland which under the provisions of this Act is added to the Province of Nelson. 10

If Arbitrators' award
not made within nine
months, matter to be
determined by Um-
pire.

9. If the said Arbitrators shall not make and deliver or forward their award as hereinbefore provided within nine months after the passing 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. 15

Umpire may award
without rehearing
evidence.

10. 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. 20

Arbitrators and Um-
pire to be guided by
equity and good
science.

11. In the determination of the matter hereinbefore referred to them, the Arbitrators and Umpire shall be guided by equity and good conscience, upon consideration of all the circumstances which shall come or be laid before them. 25

Award to be final.

12. 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. 30

Evidence may be
given on oath.

13. Evidence may be given on oath before the Arbitrators and Umpire, and they or he may administer oaths to witnesses. 35

Witnesses may be
summoned.

14. 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.

Penalty for default
of attendance.

15. 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. 40

How payment to be
enforced.

16. 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. 45

Witnesses' expenses
may be allowed.

17. It shall be lawful for the Arbitrators and Umpire respectively, by an order in writing, to allow any witness his reasonable expenses, and upon the production of such order the amount therein fixed shall be paid by the Colonial Treasurer. 50

Expenses of arbitra-
tion and award to be
paid equally by Pro-
vince of Nelson and
County of Westland.

18. 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 Province of Nelson, and the other half shall be paid by the Chairman of the County Council of Westland. 55

19. The apportionment of the said public debts under this Act shall take effect as and from the date of the passing of this Act; and the contributions of the said Province and County respectively to the principal and interest of the said debts shall, on and from that day, be deemed to have been charged upon and be payable by them respectively in the proportions determined by the award.
20. The apportionment to be made under the authority of this Act shall in no way interfere with or prejudicially affect the security for the said debt.
21. After the passing of this Act, a Chairman for the County of Westland shall be nominated and appointed by the Governor in Council, at such salary not exceeding eight hundred pounds a year, to be paid and defrayed out of the revenue of the said County, as the Governor in Council shall think fit.
22. After the passing of this Act, the number of members of the Council of the County of Westland, exclusive of the Chairman thereof, shall be six, two of whom shall be elected for the Town of Hokitika as at present defined as an Electoral District, and the remaining four for the residue of the County of Westland, within its altered boundary.
23. The Chairman of the County of Westland to be appointed under this Act shall be *ex officio* a member of the County Council and Chairman thereof, and entitled to preside thereat and shall have the like powers as such Chairman, as the Chairman heretofore elected.
24. For the purposes of this Act, each district within the said County returning Members of the Council of the said County, and each Road Board District within the said County, shall be deemed to be an Electoral District.
- 25 Subject as hereinafter mentioned, the provisions of the several sections numbered consecutively from twenty-six to fifty-nine, both inclusive, of "The Regulation of Elections Act, 1870," shall from henceforth apply to all elections of Members of the Council of the said County, and of Members of every Road Board within the said County.
- 26 The Governor shall from time to time appoint and remove Returning Officers for the several Electoral Districts within the County, as occasion may require.
- 27 In the oath to be taken by every substitute of a Returning Officer, Deputy Returning Officer, and Poll Clerk under this Act, pursuant to section thirty of "The Regulation of Elections Act, 1870," as incorporated herein, the words "by 'The Regulation of Elections Act, 1870,'" shall be omitted.
- 28 In the oath to be taken by every Scrutineer appointed to act at any polling booth, pursuant to section thirty-three of "The Regulation of Elections Act, 1870," as incorporated herein, the words "The Regulation of Elections Act, 1870," shall be omitted, and the words "The County of Westland Boundary and Government Act, 1870," substituted in lieu thereof.
- 29 Section thirty-seven of "The Regulation of Elections Act, 1870," as incorporated herewith, shall be read as if the words "for the election of a Member of the House of Representatives" had been omitted, and the words "in the election then being held" had been substituted in lieu thereof.
- 30 The second question in section forty of "The Regulation of Elections Act, 1870," shall not be put, but in addition to the remaining questions which may be put to any voter upon any election as therein provided for, there may be put to electors in any election under the provisions of this Act, if the person tendering his vote claims to vote as the holder of a miner's right or business license, the following question (that is to say,)—

When apportionment to take effect.

Apportionment not to interfere with security.

Chairman of County Council to be nominated at salary fixed by Governor.

County Council, exclusive of Chairman, to be six in number.

Chairman of County to be Chairman of Council.

Interpretation of term "Electoral District."

Certain sections of "The Regulation of Elections Act, 1870," to apply as modified.

Governor to appoint Returning Officers, &c.

Section 30 of "The Regulation of Elections Act, 1870," modified.

Section 33 modified.

Section 37 modified.

Section 40 modified.

(1.) Are you now residing in this district [*Here state the name of the Electoral or Road District, as the case may be*], and have you resided therein continuously for two months immediately preceding the day of the nomination of candidates at this election? 5

Section 59 modified.

31 Section fifty-nine of "The Regulation of Elections Act, 1870," as incorporated herewith, shall be read as if the words "indorsed on the writ by the Returning Officer, and the writ shall be by him returned to the Clerk of the Writs, and within the time specified therein forthwith," had been omitted, and the words "returned by the Returning Officer as having been duly elected" had been substituted in lieu thereof. 10

Provisions of "The County of Westland Act, 1868," inconsistent with this Act, repealed.

32 All the provisions of "The County of Westland Act, 1868," relating to the conduct and regulation of elections of Members of the said Council, or of any Road Board within the said County, which are inconsistent with the provisions of this Act, are hereby repealed. 15

Land cut off to be part of Electoral District to be defined by Act.

33. For the purposes of all future elections for members of the Provincial Council of the Province of Nelson and of members of the House of Representatives, the land which under the provisions of this Act is added to the Province of Nelson shall be deemed to be part of and incorporated with such Electoral District or Districts as shall be specified in that behalf in any Act of the General Assembly. 20

**Amendments proposed to be made in the County of Westland
Boundary and Government Bill.**

At the end of section 4 add the words, "As follows (that is to say), the sum of sixty thousand pounds shall be added to the public debt of the Province of Nelson, and shall be deducted from the public debt of the County of Westland; and all charges in respect of the respective public debts of the said Province and County shall henceforth be apportioned accordingly."

Omit sections 5 to 20, both inclusive.

New section to be added at end of Act:—

For the purposes of "The Payments to Provinces Act, 1870," the Schedule to the said Act shall be altered as follows (that is to say), the population of the Province of Nelson shall be twenty-eight thousand, and the population of the County of Westland shall be nine thousand five hundred.

Schedule to "The
Payments to
Provinces Act, 1870,"
amended.