

1876.
NEW ZEALAND.

ABOLITION OF PROVINCES ACT, 1875.

(DESPATCHES RELATIVE TO.)

Presented to both Houses of the General Assembly by Command of His Excellency.

No. 1.

COPY of a DESPATCH from Governor the Most Hon. the Marquis of NORMANBY to the Right Hon. the Earl of CARNARVON.

(No. 79.) Government House, Wellington,
MY LORD,— New Zealand, 25th October, 1875.

I have the honor to enclose a copy of "An Act to provide for the "Abolition of Provinces," to which I have assented on Her Majesty's behalf. I also append the report of the Solicitor-General thereon.

2. This Act, notwithstanding a very strong and persistent opposition, passed both Houses of the Legislature by overwhelming majorities, the second reading having been carried in the House of Representatives by 52 to 17, and in the Legislative Council by 23 to 4.

3. Your Lordship will observe, that, with the exception of the provisions contained in clauses 25, 26, 27, the Act will not come into operation until the close of the next Session of Parliament. These provisions were considered necessary by my Government for the purpose of preventing any complications in the provincial revenues, in consequence of their having, at the instance of the Opposition, consented to postpone the actual abolition of the Provincial system till after the elections, in order that the Constituencies might have an opportunity of expressing an opinion upon the subject.

4. The measure is one which will undoubtedly create a very important alteration in the Constitution of the colony; and therefore, while fully maintaining the right of the present Parliament to deal with the question, I think my Government have acted wisely in thus yielding to the desire urged by the Opposition that the Act should not come into operation till after the close of the next Session, although I certainly do not myself anticipate that the result of the elections will be such as in any way to interfere with the operation of the Act.

I have, &c.,
The Right Hon. the Earl of Carnarvon. NORMANBY.

Enclosure in No. 1.

MEMORANDUM on "The Abolition of Provinces Act, 1875."

THIS Act has been passed in reliance on the powers conferred upon the General Assembly of the colony under Acts of the Imperial Parliament amending or extending the powers of the General Assembly under the Constitution Act (15 and 16 Vict., cap. 72). The Acts I refer to are the 20 and 21 Vict., c. 53; 25 and 26 Vict., cap. 48; and (particularly) 31 and 32 Vict., cap. 92.

The Act which is the subject of this memorandum provides, in—

Section 3, that the 2nd section of the Constitution Act shall be repealed, and that the existing Provinces of Auckland, Hawke's Bay, Taranaki, Wellington, Nelson, Marlborough, Westland, Canterbury, and Otago shall be abolished.

Sections 5 to 8 inclusive make provision to the following effect:—

- (1.) The existing laws in force within an abolished province remain in force till altered or repealed by the General Assembly.
- (2.) Superintendents of Provinces cease to hold office, Provincial Councils shall be dissolved, and the laws respecting the election of Superintendents and Provincial Councils cease to operate within the abolished provinces.
- (3.) The powers by law vested in Superintendents as such Superintendents are vested in the Governor, and the functions exercised by certain officers of Provincial Governments are to be performed by officers appointed by the Governor.

Section 9 declares that, except as provided by the Act, real and personal property vested in the Superintendent of a Province as such Superintendent shall vest in Her Majesty the Queen for the same purposes and upon the same trusts as held by the Superintendent. By the same section, all provincial revenues and money and securities for money are vested in Her Majesty the Queen, with saving of revenues and moneys specifically set apart for public works in a province, which are to be applied to such purposes.

Section 10 vests real and personal property now held by Superintendents for educational purposes in Boards of Education, and provides that the duties and functions of Superintendents in respect of such property shall vest in chairmen of Boards of Education, and declares the trusts of such property.

Section 11 provides that contracts of, and actions, &c., pending by or against, a Superintendent of a Province, as such Superintendent, shall belong to, and may be enforced by and against, Her Majesty.

Section 12 contains a necessary enactment for the interpretation of the terms "province," "Superintendent," and "Provincial Gazette," where they occur in the Acts of the General Assembly or Ordinances of the late provinces.

Section 13 authorizes the granting of compensation to officers of the Provincial Governments whose services are dispensed with in consequence of the abolition of the provinces.

Section 14 appropriates to Municipalities and Road Boards certain license fees, fines, and penalties, which were formerly provincial revenue, and appropriated by the Provincial Legislatures.

Section 15 declares that revenues arising upon gold fields shall no longer be "land revenue," but be appropriated towards the management and administration of gold fields in the district.

By sections 16 to 19, inclusive, provision is made as to the disposal of the land fund arising within the several provincial districts to the following effect:—

Separate accounts of the fund arising in each provincial district are to be kept; and such fund is charged,—

- (1.) With the payment of the interest and sinking fund of all loans, debts, and liabilities chargeable against the province at the date of abolition;
- (2.) With the cost of surveys and the administration of waste lands in the provincial district; and
- (3.) With the annual payments to the governing bodies of road districts and Boards of River Conservators, as provided in the 19th section.

Where the land revenue is insufficient to meet the charges imposed upon it, power is given to raise the deficiency for the year by issuing Treasury bills. The amount of these bills to be in circulation at any time is limited to £100,000.

After making the deductions provided for, the residue of the land fund is appropriated to local governing bodies for the construction, &c., of public works, in manner to be provided hereafter by Act of the General Assembly. A definition of the term "local governing body" will be found in clause 2 of the Act.

A further provision is made, in section 19, for the annual payment out of this fund to the road districts, and Boards of River Conservators, by way of endowment, of the sum of one pound for every one pound of general rates received within the district—subject to the limitation provided.

Section 20 provides for an annual payment, out of the Consolidated Fund, to the governing bodies of municipalities and road districts, on the same scale as enacted by section 19.

Section 22 declares that the costs of police, gaols, harbours, and of numerous charitable and other institutions shall be borne on the Consolidated Fund, so far as not otherwise by law provided for.

Section 23 declares that the appropriation of the land revenue shall not affect public securities nor permanent charges on the land fund; with a proviso that a certain endowment provided for the Timaru and Gladstone Board of Works shall cease on the Act coming into operation.

Section 25 repeals the 17th section of the Constitution Act, and declares that no Provincial Council shall be summoned or meet before a certain day which by section 28 is fixed for the coming into operation of the major part of the Act.

Section 26 contains provisions restraining Superintendents of Provinces from entering into certain contracts without the consent of the Governor in Council; and in other cases, where the contract involves the expenditure of public money amounting to £1,000 or upwards, the money must have been appropriated by the Provincial Legislature, and the Governor must be satisfied, before the contract is made, that the provincial revenue receivable for 30th September, 1876, will be sufficient to meet the expenditure.

Section 27 requires that, until the date fixed in section 28, certain powers which are exercisable by the Superintendent on the recommendation of a Provincial Council shall be exercised by the Superintendent with the consent of the Governor in Council.

Section 28 enacts that sections 25, 26, 27, and 28 shall come into operation on the day when the Act is assented to, and the rest of the Act on the day next after the last day of the first session of the next or sixth Parliament of the Colony.

No. 2.

COPY of a DESPATCH from the Right Hon. the Earl of CARNARVON to
the Most Hon. the Marquis of NORMANBY.

(No. 6.)

MY LORD,—

Downing Street, 17th February, 1876.

I have to acknowledge the receipt of your Despatch No. 79, of the 25th of October, enclosing a copy of "An Act to provide for the Abolition of Provinces," to which you have assented on Her Majesty's behalf.

I concur in thinking it a wise course to delay the operation of so important a measure until the general election has afforded the constituencies an opportunity of expressing their opinion, and I trust that, if it should be indorsed by them, it will be found as advantageous in its operation as has been anticipated.

I have now to inform you that Her Majesty will not be advised to exercise her power of disallowance with respect to this Act.

I have, &c.,

CARNARVON.

Governor the Most Hon. the Marquis of Normanby,
K.C.M.G.

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