Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Commissioners of Works empowered to make Embankment before entering into certain Agreements as directed by the recited Act.

I. That it shall be lawful for the Commissioners of Her Majesty's Works and Public Buildings forthwith, or so soon as they shall think fit, to construct and complete so much of the Embankment and Roadway by the said recited Act authorized to be made as extends or will extend from *Vauxhall Bridge* on the East to the Sewer which forms the Western Boundary of the Gardens of *Chelsea Hospital* on the West, in the Manner and according to the Surveys, Plans, and Designs in the said recited Act specified, although no such Agreements as are therein mentioned shall have been made and entered into; and further, that all the Powers and Provisions in the said Act applicable to the said Embankment and Roadway thereby authorized to be made shall in all respects apply to that Part thereof which is hereby authorized to be made, as if the same was herein repeated, except that Enactment which provides that the Embankment and Roadway is not to be executed until such Agreements as therein mentioned shall have been made and entered into, and in all respects as if the said Powers and Provisions had been given to and made applicable to the Commissioners of Her Majesty's Works and Public Buildings, instead of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

Act not to affect Agreements already entered into between Commissioners of Woods, &c. and other Parties.

II. Provided nevertheless, That nothing in this Act contained shall be taken to release, alter, or vary any Agreement already entered into or pending between the aforesaid Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or the Commissioners of Her Majesty's Works and Public Buildings, with any Parties whomsoever respecting the Completion of that Portion of the said Embankment hereby authorized to be completed, or the remaining Part thereof by the said Act authorized to be made, or any Part or Parts of such Embankment.

CAP. LXXII.

An Act to grant a Representative Constitution to the Colony of *New Zealand*.

[30th *June* 1852.]

3 & 4 Vict. c. 62.

'WHEREAS by an Act of the Session holden in the Third and Fourth Years of Her Majesty, Chapter Sixty-two, it was enacted, that it should be lawful for Her Majesty, by Letters Patent, to be from Time to Time issued under the Great Seal of the United Kingdom, to erect into a separate Colony or Colonies any Islands which then were or which thereafter might be comprised within and be Dependencies of the Colony of *New South Wales*: And whereas, in pursuance of the Powers in Her vested by the said Act, Her Majesty did, by certain Letters Patent under the Great Seal of the United Kingdom, bearing Date the Sixteenth Day of *November* in the Fourth Year of Her Reign, erect into a separate Colony the Islands of *New Zealand*, theretofore comprised within or Dependencies of the Colony of *New South Wales*, bounded as therein described, and the said Islands of *New Zealand* were thereby erected into a separate Colony accordingly; and Her Majesty did by the said Letters Patent authorize the Governor for the Time being of the said Colony of *New Zealand* and certain other Persons to be a Legislative Council for such Colony, and to make Laws for the Peace, Order, and good Government thereof: And

9 & 10 Vict. c. 103.

whereas by an Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter One hundred and three, the Act firstly herein recited, and all Charters, Letters Patent, Instructions, and Orders in Council made and issued in pursuance thereof, were repealed, abrogated, and annulled, so far as the same were repugnant to the Act now in recital, or any Letters Patent, Charters, Orders in Council, or Royal Instructions to be issued under the Authority thereof; and by the Act now in recital certain Powers for the Government of the said Islands were vested in Her Majesty, to be executed by Letters Patent under the Great Seal of the United Kingdom, or by Instructions under Her Majesty's Signet and Sign Manual, approved in Her Privy Council, and accompanying or referred to in such Letters Patent: And whereas, in pursuance of the said last-mentioned Act,

'Act, Her Majesty did, by Letters Patent bearing Date at *Westminster* the Twenty-third 'Day of *December* in the Tenth Year of Her Reign, and by certain Instructions made and 'approved as required by such Act, and bearing even Date with and accompanying the said 'Letters Patent, execute certain of the Powers by such Act vested in Her Majesty for the 'better Government of the said Islands: And whereas by an Act of the Session holden in 11 & 12 Vict. c. 5. 'the Eleventh and Twelfth Years of Her Majesty, Chapter Five, so much of the said Act 'secondly herein recited, and the said Letters Patent and Instructions issued in pursuance 'thereof, as relates to the Constitution and Establishment of Two or more separate Assem- 'blies within the said Islands, and of a General Assembly in and for the said Islands, was 'suspended for Five Years, unless Her Majesty, with the Advice of Her Privy Council, 'should direct the same to be carried into effect before the Expiration of that Period; and 'by the Act now in recital the said firstly-recited Act, Letters Patent, and Instructions 'were revived for the Time during which the said secondly-recited Act, Letters Patent, and 'Instructions were suspended as aforesaid; and by the Act now in recital certain Powers 'were vested respectively in the Governor-in-Chief of the said Islands and in such Governor 'and the Legislative Council thereof: And whereas it is expedient that further and better 'Provision should be made for the Government of *New Zealand*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of recited Acts, &c.

I. The said Acts, and all Charters, Letters Patent, Instructions, and Orders in Council issued in pursuance thereof, shall be and the same are hereby repealed, so far as the same are repugnant to or would prevent or interfere with the Operation of this Act, or any Letters Patent or Instructions to be issued under the Authority or in pursuance of this Act: Provided nevertheless, that all Laws and Ordinances made and Acts done under and in pursuance of the said recited Acts, and any Charters, Letters Patent, Instructions, or Orders in Council issued in pursuance thereof, shall continue as lawful, valid, and effectual as if this Act had not been passed, save so far as any such Laws, Ordinances, or Acts may be repugnant to or would prevent or interfere with the Operation of this Act: Provided also, that, until the Expiration of the Time or latest of the Times appointed for the Return of Writs for the First Election of Members of the Provincial Councils of the Provinces established by this Act, the existing Provincial Legislative Councils shall continue to have and exercise all Rights, Jurisdiction, Powers, and Authorities which they would have had if this Act had not been passed; and until the Expiration of the Time appointed for the Return of the Writs for the First Election of the Members of the House of Representatives to be constituted under this Act, the Legislative Council of *New Zealand* shall continue to have and exercise all Rights, Jurisdiction, Powers, and Authorities which such Legislative Council would have had if this Act had not been passed.

Provisoes.

Certain Provinces established in New Zealand.

II. The following Provinces are hereby established in *New Zealand*; namely, *Auckland*, *New Plymouth*, *Wellington*, *Nelson*, *Canterbury*, and *Otago*; and the Limits of such several Provinces shall be fixed by Proclamation by the Governor as soon as conveniently may be after the Proclamation of this Act in *New Zealand*.

Each Province to have a Superintendent and Provincial Council.

III. For each of the said Provinces hereby established, and for every Province hereafter to be established as herein-after provided, there shall be a Superintendent and a Provincial Council, and the Provincial Council of each of the said Provinces hereby established shall consist of such Number of Members, not less than Nine, as the Governor shall by Proclamation direct and appoint.

Before Elections of Members of Provincial Councils, Superintendents of Provinces to be chosen.

IV. Upon or before the Issue of Writs for the First Election of Members of the Provincial Council for any Province established by or under this Act, the Persons duly qualified in each of the said Provinces to elect Members for the Provincial Councils as herein-after mentioned shall elect a Superintendent of such Province; and on the Termination of such Council by Expiration of the Period herein-after fixed for its Continuance, or by the previous Dissolution thereof, the Persons qualified as aforesaid shall elect the same or some other Person to be Superintendent, and so on from Time to Time; and every such Superintendent shall hold his Office until the Election of his Successor: Provided always, that it shall be lawful

lawful for the Governor of *New Zealand*, on behalf of Her Majesty, to disallow any such Election; and if such Disallowance be signified by the Governor, under the Seal of *New Zealand*, to the Speaker of such Council, at any Time within Three Months after such Election, the Office of Superintendent shall become vacant; and on any Vacancy occasioned by such Disallowance, or by the Death or Resignation of the Superintendent (such Resignation being accepted by the Governor on behalf of Her Majesty), a new Election shall in like Manner take place: Provided farther, that at any Time during the Continuance of the Office of any such Superintendent it shall be lawful for Her Majesty to remove him from such Office, on receiving an Address signed by the Majority of the Members of such Provincial Council praying for such Removal; and thereupon the like Proceedings shall be had as in the Case of any such Vacancy as above mentioned.

Governor may appoint Electoral Districts, &c.

V. It shall be lawful for the Governor, by Proclamation, to constitute within each of the said Provinces hereby established convenient Electoral Districts for the Election of Members of the Provincial Council, and of the Superintendent, and to appoint and declare the Number of Members to be elected for each such District for the Provincial Council, and to make Provision for the Registration and Revision of Lists of all Persons qualified to vote at the Elections to be holden within such Districts, and for the appointing of Returning Officers, and for issuing, executing, and returning the necessary Writs for such Elections, and for taking the Poll thereat, and for determining the Validity of all disputed Returns, and otherwise for ensuring the orderly, effective, and impartial Conduct of such Elections; and in determining the Number and Extent of such Electoral Districts, and the Number of Members to be elected for each District, regard shall be had to the Number of Electors within the same, so that the Number of Members to be assigned to any One District may bear to the whole Number of the Members of the said Council, as nearly as may be, the same Proportion as the Number of Electors within such District shall bear to the whole Number of Electors within the Limits of the Province.

Qualification of Members.

VI. Every Person within any Province hereby established or hereafter to be established who shall be legally qualified as an Elector, and duly registered as such, shall be qualified to be elected a Member of the Provincial Council thereof, or to be elected Superintendent thereof: Provided always, that it shall not be necessary that he reside or possess the Qualification in the particular District for which he may be elected to serve as a Member.

Qualification of Voters.

VII. The Members of every such Council shall be chosen by the Votes of the Inhabitants of the Province who may be qualified as herein-after mentioned; that is to say, every Man of the Age of Twenty-one Years or upwards having a Freehold Estate in possession situate within the District for which the Vote is to be given of the clear Value of Fifty Pounds above all Charges and Incumbrances, and of or to which he has been seised or entitled, either at Law or in Equity, for at least Six Calendar Months next before the last Registration of Electors, or having a Leasehold Estate in possession situate within such District, of the clear annual Value of Ten Pounds, held upon a Lease which at the Time of such Registration shall have not less than Three Years to run, or having a Leasehold Estate so situate, and of such Value as aforesaid, of which he has been in possession for Three Years or upwards next before such Registration, or being a Householder within such District occupying a Tenement within the Limits of a Town (to be proclaimed as such by the Governor for the Purposes of this Act) of the clear annual Value of Ten Pounds, or without the Limits of a Town of the clear annual Value of Five Pounds, and having resided therein Six Calendar Months next before such Registration as aforesaid, shall, if duly registered, be entitled to vote at the Election of a Member or Members for the District.

Aliens, and Persons convicted of certain Offences, disqualified.

VIII. Provided always, That no Person shall be entitled to vote at any such Election who is an Alien, or who at any Time theretofore shall have been attainted or convicted of any Treason, Felony, or infamous Offence within any Part of Her Majesty's Dominions, unless he shall have received a free Pardon, or shall have undergone the Sentence or Punishment to which he shall have been adjudged for such Offence.

Members may resign their Seats.

IX. It shall be lawful for any Member of any Provincial Council, by Writing under his Hand, addressed to the Superintendent of the Province, to resign his Seat in the said Council;

Council; and upon the Receipt by the Superintendent of such Resignation the Seat of such Member shall become vacant.

In certain Cases Seats to become void.

X. If any Member of any Provincial Council shall for Two successive Sessions of such Council fail to give his Attendance therein, or shall become bankrupt, or shall become an Insolvent Debtor within the Meaning of the Laws relating to Insolvent Debtors, or shall become a public Defaulter, or be attainted of Treason, or be convicted of Felony or any infamous Offence, his Seat in such Council shall thereupon become vacant.

Determination of Questions as to Vacancies.

XI. Any Question which shall arise respecting any Vacancy in a Provincial Council on occasion of any of the Matters aforesaid shall be heard and determined by such Council, on such Question being referred to them for that Purpose by the Superintendent of the Province, and not otherwise.

Issue of Writs for supplying Vacancies.

XII. Whenever it shall be established to the Satisfaction of the Superintendent that the Seat of any Member of the Provincial Council has become vacant, the Superintendent shall forthwith issue a Writ for the Election of a new Member to serve in the Place so vacated during the Remainder of the Term of the Continuance of such Council, and no longer.

Duration of Provincial Council. Dissolution.

XIII. Every Provincial Council shall continue for the Period of Four Years from the Day of the Return of the Writs for choosing the same, and no longer: Provided always, that it shall be lawful for the Governor, by Proclamation or otherwise, sooner to dissolve the same, whenever he shall deem it expedient so to do.

When Writs are to issue.

XIV. The Governor shall cause the First Writs for the Election of Members of the Provincial Council of every Province hereby established to be issued at some Time not later than Six Calendar Months next after the Proclamation of this Act in *New Zealand*; and upon the Expiration of the said Period of the Continuance of any Provincial Council, or upon the previous Dissolution thereof, the Governor shall cause Writs to be issued for the Election of Members of the ensuing Council.

Convening of Council.

XV. It shall be lawful for the Superintendent, by Proclamation in the Government Gazette, to fix such Place or Places within the Limits of the Province, and such Times for holding the first and every other Session of the Provincial Council, as he may think fit, and from Time to Time, in manner aforesaid, to alter and vary such Times and Places as he may judge advisable, and most consistent with general Convenience.

Prorogation.

XVI. It shall be lawful for the Superintendent to prorogue such Council from Time to Time, whenever he shall deem it expedient so to do.

A Session to be held every Year.

XVII. Provided always, That there shall be a Session of every Provincial Council once at least in every Year, so that a greater Period than Twelve Calendar Months shall not intervene between the last Sitting of the Council in One Session and the First Sitting of the Council in the next Session.

Superintendent and Provincial Council may make Laws.

XVIII. It shall be lawful for the Superintendent of each Province, with the Advice and Consent of the Provincial Council thereof, to make and ordain all such Laws and Ordinances (except and subject as herein-after mentioned) as may be required for the Peace, Order, and good Government of such Province, provided that the same be not repugnant to the Law of *England*.

Restrictions on Powers of Legislation.

XIX. It shall not be lawful for the Superintendent and Provincial Council to make or ordain any Law or Ordinance for any of the Purposes herein-after mentioned; (that is to say,)

1. The Imposition or Regulation of Duties of Customs to be imposed on the Importation or Exportation of any Goods at any Port or Place in the Province:
2. The Establishment or Abolition of any Court of Judicature of Civil or Criminal Jurisdiction, except Courts for trying and punishing such Offences as by the Law of *New Zealand* are or may be made punishable in a summary Way, or altering the Constitution, Jurisdiction, or Practice of any such Court, except as aforesaid:
3. Regulating any of the current Coin, or the Issue of any Bills, Notes, or other Paper Currency:

4. Regu-

4. Regulating the Weights and Measures to be used in the Province or in any Part thereof:
5. Regulating the Post Offices and the Carriage of Letters within the Province:
6. Establishing, altering, or repealing Laws relating to Bankruptcy or Insolvency:
7. The Erection and Maintenance of Beacons and Lighthouses on the Coast:
8. The Imposition of any Dues or other Charges on Shipping at any Port or Harbour in the Province:
9. Regulating Marriages:
10. Affecting Lands of the Crown, or Lands to which the Title of the aboriginal native Owners has never been extinguished:
11. Inflicting any Disabilities or Restrictions on Persons of the Native Race to which Persons of *European* Birth or Descent would not also be subjected:
12. Altering in any way the Criminal Law of *New Zealand*, except so far as relates to the Trial and Punishment of such Offences as are now or may by the Criminal Law of *New Zealand* be punishable in a summary Way as aforesaid:
13. Regulating the Course of Inheritance of Real or Personal Property, or affecting the Law relating to Wills.

As to Election of Speaker.

XX. Every Provincial Council shall immediately on their First Meeting, and before proceeding to the Despatch of any other Business, elect One of their Members to be the Speaker thereof, during the Continuance of such Council, which Election being confirmed by the Superintendent shall be valid and effectual; and in case of Vacancy in the said Office by Death, Resignation, or otherwise, then and so often as the same shall happen the Election shall be repeated and confirmed as aforesaid.

Speaker to preside.

XXI. The Speaker of each Provincial Council shall preside at the Meetings of such Council; but in his Absence some Member elected by the Council shall preside.

Quorum.

XXII. No Provincial Council shall be competent to the Despatch of any Business, unless One Third of the whole Number of Members be present.

Questions to be determined by Majority of Votes.

XXIII. All Questions which shall arise in any such Council shall be decided by the Majority of Votes of the Members present other than the Speaker or presiding Member; but in all Cases wherein the Votes shall be equal the Speaker or presiding Member shall have a Casting Vote.

Standing Orders to be adopted.

XXIV. Every Provincial Council at their First Meeting, and from Time to Time afterwards, as Occasion may require, shall prepare and adopt such Standing Rules and Orders as may be best adapted for the orderly Conduct of the Business of such Council, which Rules and Orders shall be laid before the Superintendent, and being by him approved shall then become binding and in force.

Appropriation and Issue of Money.

XXV. It shall not be lawful for any Provincial Council to pass, or for the Superintendent to assent to, any Bill appropriating any Money to the Public Service, unless the Superintendent shall first have recommended to the Council to make Provision for the specific Service to which such Money is to be appropriated; and no such Money shall be issued or be made issuable, except by Warrants to be granted by the Superintendent.

Superintendent may transmit Drafts of Laws for Consideration of Council.

XXVI. It shall be lawful for the Superintendent to transmit to the Provincial Council, for their Consideration, the Drafts of any such Laws or Ordinances as it may appear to him desirable to introduce, and all such Drafts shall be taken into consideration in such convenient Manner as in and by such Rules and Orders as aforesaid shall be in that Behalf provided.

Giving or withholding Assent to Bills.

XXVII. Every Bill passed by the Provincial Council shall be presented to the Superintendent for the Governor's Assent, and the Superintendent shall declare, according to his Discretion, (but subject nevertheless to the Provisions herein contained and to such Instructions as may from Time to Time be given him by the Governor,) that he assents to such Bill on behalf of the Governor, or that he withholds the Assent of the Governor, or that he reserves such Bill for the Signification of the Governor's Pleasure thereon; provided always, that it shall and may be lawful for the Superintendent, before declaring his Pleasure in

in regard to any Bill so presented to him, to make such Amendments in such Bill as he thinks needful or expedient, and to return such Bill with such Amendments to such Council, and the Consideration of such Amendments by such Council shall take place in such convenient Manner as shall in and by the Rules and Orders aforesaid be in that Behalf provided; provided also, that all Bills altering or affecting the Extent of the several Electoral Districts which shall be represented in the Provincial Council, or establishing new or other such Electoral Districts, or altering the Number of the Members of such Council to be chosen by the said Districts respectively, or altering the Number of the Members of such Council, or altering the Limits of any Town or establishing any new Town, shall be so reserved as aforesaid.

Superintendent to send Copies of Bills assented to to Governor.

XXVIII. Whenever any Bill shall have been assented to by the Superintendent as aforesaid, the Superintendent shall forthwith transmit to the Governor an authentic Copy thereof.

Disallowance of Bills assented to.

XXIX. It shall be lawful for the Governor at any Time within Three Months after any such Bill shall have been received by him to declare by Proclamation his Disallowance of such Bill, and such Disallowance shall make void and annul the same from and after the Day of the Date of such Proclamation or any subsequent Day to be named therein.

No Bill to have any Force until assented to by Governor.

XXX. No Bill which shall be reserved for the Signification of the Assent of the Governor shall have any Force or Authority within the Province until the Superintendent shall signify either by Speech or Message to the Provincial Council, or by Proclamation in the Government Gazette, that such Bill has been laid before the Governor, and that the Governor has assented to the same; and an Entry shall be made in the Journals of the Provincial Council of every such Speech, Message, or Proclamation, and a Duplicate thereof, duly attested, shall be delivered to the Registrar of the Supreme Court, or other proper Officer, to be kept among the Records of the Province; and no Bill which shall be so reserved as aforesaid shall have any Force or Authority within the Province unless the Assent of the Governor thereto shall have been so signified as aforesaid within Three Months next after the Day on which such Bill shall have been presented to the Superintendent for the Governor's Assent.

Governor may transmit Instructions to Superintendent as to reserving Bills.

XXXI. It shall be lawful for the Governor from Time to Time to transmit to the Superintendent of any Province, for his Guidance in assenting to or withholding Assent from Bills, or reserving the same for the Signification of the Governor's Pleasure thereon, such Instructions as to the Governor shall seem fit, and it shall be the Duty of the Superintendent to act in obedience to such Instructions.

Establishment of a General Assembly.

XXXII. There shall be within the Colony of *New Zealand* a General Assembly, to consist of the Governor, a Legislative Council, and House of Representatives.

Appointment of Members of the Legislative Council.

XXXIII. For constituting the Legislative Council of *New Zealand* it shall be lawful for Her Majesty, before the Time to be appointed for the First Meeting of the General Assembly, by an Instrument under Her Royal Sign Manual, to authorize the Governor in Her Majesty's Name to summon to the said Legislative Council such Persons, being not less in Number than Ten, as Her Majesty shall think fit; and it shall also be lawful for Her Majesty from Time to Time in like Manner to authorize the Governor to summon to the said Legislative Council such other Person or Persons as Her Majesty shall think fit, either for supplying any Vacancy or Vacancies or otherwise, and every Person who shall be so summoned shall thereby become a Member of the said Legislative Council: Provided always, that no Person shall be summoned to such Legislative Council who shall not be of the full Age of Twenty-one Years, and a natural-born Subject of Her Majesty, or a Subject of Her Majesty naturalized by Act of Parliament, or by an Act of the Legislature of *New Zealand*.

Legislative Councillors may hold Seat for Life.

XXXIV. Every Member of the Legislative Council of *New Zealand* shall hold his Seat therein for the Term of his Life, subject nevertheless to the Provisions herein-after contained for vacating the same.

Resignation of Seat in Council.

XXXV. It shall be lawful for any Member of the said Legislative Council, by Writing under his Hand addressed to the Governor, to resign his Seat in the said Council, and upon such Resignation and Acceptance thereof by the Governor the Seat of such Member shall become vacant.

Causes by which Seat may be vacated.

XXXVI. If any Legislative Councillor of *New Zealand* shall for Two successive Sessions of the General Assembly, without the Permission of Her Majesty or of the Governor, signified by the said Governor to the Legislative Council, fail to give his Attendance in the said Legislative Council, or shall take any Oath or make any Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to any Foreign Prince or Power, or shall do, concur in, or adopt any Act whereby he may become a Subject or Citizen of any Foreign State or Power, or become entitled to the Rights, Privileges, or Immunities of a Subject or Citizen of any Foreign State or Power, or shall become bankrupt, or shall become an Insolvent Debtor within the Meaning of the Laws relating to Insolvent Debtors, or shall become a public Defaulter, or be attainted of Treason, or be convicted of Felony or any infamous Crime, his Seat in such Council shall thereby become vacant.

Trial of Question whether Seats are vacated.

XXXVII. Any Question which shall arise respecting any Vacancy in the said Legislative Council on occasion of any of the Matters aforesaid shall be referred by the Governor to the said Legislative Council, to be by the said Legislative Council heard and determined: Provided always, that it shall be lawful, either for the Person respecting whose Seat such Question shall have arisen, or for Her Majesty's Attorney General for *New Zealand* on Her Majesty's Behalf, to appeal from the Determination of the said Council in such Case to Her Majesty, and the Judgment of Her Majesty given with the Advice of Her Privy Council thereon shall be final and conclusive to all Intents and Purposes.

Appointment of Speaker of Legislative Council.

XXXVIII. The Governor shall have Power and Authority from Time to Time to appoint One Member of the said Legislative Council to be Speaker of such Council, and to remove him and appoint another in his Stead.

Quorum, &c.

XXXIX. The Presence of at least Five Members of the said Legislative Council, including the Speaker, shall be necessary to constitute a Meeting for the Exercise of its Powers; and all Questions which shall arise in the said Legislative Council shall be decided by a Majority of Votes of the Members present other than the Speaker, and when the Votes shall be equal the Speaker shall have the Casting Vote.

Power to summon a House of Representatives by Proclamation in Her Majesty's Name.

XL. For the Purpose of constituting the House of Representatives of *New Zealand* it shall be lawful for the Governor, within the Time herein-after mentioned, and thereafter from Time to Time as Occasion shall require, by Proclamation in Her Majesty's Name, to summon and call together a House of Representatives in and for *New Zealand*, such House of Representatives to consist of such Number of Members, not more than Forty-two nor less than Twenty-four, as the Governor shall by Proclamation in that Behalf direct and appoint; and every such House of Representatives shall, unless the General Assembly shall be sooner dissolved, continue for the Period of Five Years from the Day of the Return of the Writs for choosing such House, and no longer.

Power to Governor by Proclamation to constitute Electoral Districts, &c. for Election of Members of House of Representatives.

XLI. It shall be lawful for the Governor by Proclamation to constitute within *New Zealand* convenient Electoral Districts for the Election of Members of the said House of Representatives, and to appoint and declare the Number of such Members to be elected for each such District, and to make Provision (so far as may be necessary beyond the Provision which may be made for the like Purposes in relation to Elections for Provincial Councils) for the Registration and Revision of Lists of all Persons qualified to vote at the Elections to be holden within such Districts, and also Provision for the appointing of Returning Officers, and for issuing, executing, and returning the necessary Writs for Elections of Members of the House of Representatives, and for taking the Poll thereat, and otherwise for ensuring the orderly, effective, and impartial Conduct of such Elections; and in determining the Number and Extent of such Electoral Districts, and the Number of Members to be elected for each District, regard shall be had to the Number of Electors within the same, so that the Number of Members to be assigned to any One District may bear to the whole Number of the Members

Members of the House of Representatives, as nearly as may be, the same Proportion as the Number of Electors within such District shall bear to the whole Number of Electors in *New Zealand*.

Qualification of Voters for Members of House of Representatives.

XLII. The Members of the said House of Representatives to be chosen in every Electoral District appointed for that Purpose shall be chosen by the Votes of the Inhabitants of *New Zealand* who shall possess within such District the like Qualifications which, when possessed within an Electoral District appointed for the Election of Members of a Provincial Council, would entitle Inhabitants of the Province to vote in the Election of Members of the Provincial Council thereof, and who shall be duly registered as Electors; and every Person legally qualified as such Elector shall be qualified to be elected a Member of the said House.

First Writs to be issued within Six Months.

XLIII. The Governor shall cause the First Writs for the Election of Members of the said House of Representatives to be issued at some Time not later than Six Calendar Months next after the Proclamation of this Act in *New Zealand*; and upon the Expiration of the said Period of the Continuance of the House of Representatives, or upon the previous Determination of such House by the Dissolution of the General Assembly, the Governor shall cause Writs to be issued for the Election of Members of the ensuing House of Representatives.

Time and Place of holding the General Assembly.

Prorogation and Dissolution

XLIV. The General Assembly of *New Zealand* shall be holden at any Place and Time within *New Zealand* which the Governor shall from Time to Time by Proclamation for that Purpose appoint; and the Time so to be appointed for the first holding of such General Assembly shall be as soon as conveniently may be after the Return of the First Writs for the Election of Members of the said House of Representatives; and the Governor may at his Pleasure prorogue or dissolve the General Assembly.

Disputed Elections.

XLV. The said House of Representatives shall, until Provision be otherwise made in that Behalf by Law, be Judges, without Appeal, of the Validity of the Election of each Member thereof.

No Member to sit or vote until he has taken the Oath of Allegiance.

XLVI. No Member of the said Legislative Council or House of Representatives shall be permitted to sit or vote therein until he shall have taken and subscribed the following Oath before the Governor, or before some Person or Persons authorized by him to administer such Oath:

Oath of Allegiance.

'I *A.B.* do sincerely promise and swear, That I will be faithful and bear true Allegiance to Her Majesty Queen *Victoria*. So help me GOD.'

Affirmation or Declaration instead of Oath.

XLVII. Every Person authorized by Law to make his solemn Affirmation or Declaration instead of taking an Oath may make such Affirmation or Declaration in lieu of the said Oath.

Speaker to be elected on First Meeting of House of Representatives.

XLVIII. The said House of Representatives shall immediately on their First Meeting proceed to the Choice of One of their Members as their Speaker during the Continuance of the said House, which Choice, being confirmed by the Governor, shall be valid and effectual, and in case of Vacancy of the Office by Death, Resignation, or otherwise, then and so often as the same shall happen the Choice shall be repeated and confirmed as aforesaid.

Resignation of Seats.

XLIX. It shall be lawful for any Member of the said House of Representatives, by Writing under his Hand addressed to the Speaker of the said House, to resign his Seat in the said House, and upon such Resignation the Seat of such Member shall become vacant.

Vacating of Seats in certain Cases.

L. If any Member of the said House of Representatives shall for One whole Session of the General Assembly, without the Permission of such House, fail to give his Attendance in the said House, or shall take any Oath or make any Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to any Foreign Prince or Power, or do or concur in or adopt any Act whereby he may become a Subject or Citizen of any Foreign State or Power, or become entitled to the Rights, Privileges, or Immunities of a Subject of any Foreign State or Power, or shall become bankrupt, or shall become an Insolvent Debtor within the Meaning of the Laws relating to Insolvent Debtors, or shall become a public

Defaulter, or be attainted of Treason, or be convicted of Felony or any infamous Crime, his Seat in such House shall thereby become vacant.

Election to take place on Vacancies.

LI. When and so often as a Vacancy shall occur as aforesaid in any Seat in the said House of Representatives, it shall and may be lawful for such House to address the Governor, stating the Existence of such Vacancy and the Cause thereof, and the Governor, upon receiving such Address, shall cause a Writ to be issued for supplying such Vacancy.

Standing Rules and Orders to be made.

LII. The said Legislative Council and House of Representatives at the First Sitting of each respectively, and from Time to Time afterwards as there shall be Occasion, shall prepare and adopt such Standing Rules and Orders as shall appear to the said Council and House of Representatives respectively best adapted for the orderly Conduct of the Business of such Council and House respectively, and for the Manner in which such Council and House respectively shall be presided over in case of the Absence of the Speaker, and for the Mode in which such Council and House shall confer, correspond, and communicate with each other relative to Votes or Bills passed by or pending in such Council and House respectively, and for the Manner in which Notices of Bills, Resolutions, and other Business intended to be submitted to such Council and House respectively at any Session thereof may be published in the Government Gazette or otherwise for general Information for some convenient Space or Time before the Meeting of such Council and House respectively, and for the proper framing, entitling, and numbering of the Bills to be introduced into and passed by the said Council and House of Representatives, all of which Rules and Orders shall by such Council and House respectively be laid before the Governor, and being by him approved shall become binding and of force, but subject nevertheless to the Confirmation or Disallowance of Her Majesty in manner herein-after provided respecting the Acts to be made by the Governor with the Advice and Consent of the said Legislative Council and House of Representatives; provided that no such Rule or Order shall be of force to subject any Person, not being a Member or Officer of the Council or House to which it relates, to any Pain, Penalty, or Forfeiture.

Power of General Assembly to make Laws.

LIII. It shall be competent to the said General Assembly (except and subject as hereinafter mentioned) to make Laws for the Peace, Order, and good Government of *New Zealand*, provided that no such Laws be repugnant to the Law of *England*; and the Laws so to be made by the said General Assembly shall control and supersede any Laws or Ordinances in anywise repugnant thereto which may have been made or ordained prior thereto by any Provincial Council; and any Law or Ordinance made or ordained by any Provincial Council in pursuance of the Authority hereby conferred upon it, and on any Subject whereon under such Authority as aforesaid it is entitled to legislate, shall, so far as the same is repugnant to or inconsistent with any Act passed by the General Assembly, be null and void.

As to the Appropriation and Issue of Money.

LIV. It shall not be lawful for the House of Representatives or the Legislative Council to pass, or for the Governor to assent to any Bill appropriating to the Public Service any Sum of Money from or out of Her Majesty's Revenue within *New Zealand*, unless the Governor on Her Majesty's Behalf shall first have recommended to the House of Representatives to make Provision for the specific Public Service towards which such Money is to be appropriated, and (save as herein otherwise provided) no Part of Her Majesty's Revenue within *New Zealand* shall be issued except in pursuance of Warrants under the Hand of the Governor directed to the public Treasurer thereof.

Governor may transmit Drafts of Laws to either House.

LV. It shall and may be lawful for the Governor to transmit by Message to either the said Legislative Council or the said House of Representatives for their Consideration the Drafts of any Laws which it may appear to him desirable to introduce, and all such Drafts shall be taken into consideration in such convenient Manner as shall in and by the Rules and Orders aforesaid be in that Behalf provided.

Governor may assent to, refuse Assent, or reserve Bills.

LVI. Whenever any Bill which has been passed by the said Legislative Council and House of Representatives shall be presented for Her Majesty's Assent to the Governor, he shall declare according to his Discretion, but subject nevertheless to the Provisions contained in this Act and to such Instructions as may from Time to Time be given in that Behalf by Her Majesty, Her Heirs or Successors, that he assents to such Bill in Her Majesty's Name,

or

or that he refuses his Assent to such Bill, or that he reserves such Bill for the Signification of Her Majesty's Pleasure thereon; provided always, that it shall and may be lawful for the Governor, before declaring his Pleasure in regard to any Bill so presented to him, to make such Amendments in such Bill as he thinks needful or expedient, and by Message to return such Bill with such Amendments to the Legislative Council or the House of Representatives as he shall think the more fitting, and the Consideration of such Amendments by the said Council and House respectively shall take place in such convenient Manner as shall in and by the Rules and Orders aforesaid be in that Behalf provided.

Governor to conform to Instructions transmitted by Her Majesty.

LVII. It shall be lawful for Her Majesty, with the Advice of Her Privy Council, or under Her Majesty's Signet and Sign Manual, or through One of Her Principal Secretaries of State, from Time to Time to convey to the Governor of *New Zealand* such Instructions as to Her Majesty shall seem meet, for the Guidance of such Governor, for the Exercise of the Powers hereby vested in him of assenting to or dissenting from or for reserving for the Signification of Her Majesty's Pleasure Bills to be passed by the said Legislative Council and House of Representatives; and it shall be the Duty of such Governor to act in obedience to such Instructions.

As to Disallowance by Her Majesty of Bills assented to by the Governor.

LVIII. Whenever any Bill which shall have been presented for Her Majesty's Assent to the Governor shall by such Governor have been assented to in Her Majesty's Name, he shall by the first convenient Opportunity transmit to One of Her Majesty's Principal Secretaries of State an authentic Copy of such Bill so assented to; and it shall be lawful, at any Time within Two Years after such Bill shall have been received by the Secretary of State, for Her Majesty, by Order in Council, to declare Her Disallowance of such Bill; and such Disallowance, together with a Certificate under the Hand and Seal of the Secretary of State certifying the Day on which such Bill was received as aforesaid, being signified by the Governor to the said Legislative Council and House of Representatives by Speech or Message, or by Proclamation in the Government Gazette, shall make void and annul the same from and after the Day of such Signification.

No reserved Bill to have any Force until assented to by Her Majesty.

LIX. No Bill which shall be reserved for the Signification of Her Majesty's Pleasure thereon shall have any Force or Authority within *New Zealand* until the Governor shall signify, either by Speech or Message to the said Legislative Council and House of Representatives, or by Proclamation, that such Bill has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the same; and an Entry shall be made in the Journals of the said Legislative Council and House of Representatives of every such Speech, Message, or Proclamation, and a Duplicate thereof, duly attested, shall be delivered to the Registrar of the Supreme Court, or other proper Officer, to be kept among the Records of *New Zealand*; and no Bill which shall be so reserved as aforesaid shall have any Force or Authority within *New Zealand*, unless Her Majesty's Assent thereto shall have been so signified as aforesaid within the Space of Two Years from the Day on which such Bill shall have been presented for Her Majesty's Assent to the Governor as aforesaid.

Acts to be printed.

LX. The Governor shall cause every Act of the said General Assembly which he shall have assented to in Her Majesty's Name to be printed in the Government Gazette for general Information, and such Publication by such Governor of any such Act shall be deemed to be in Law the Promulgation of the same.

Duties not to be levied on Supplies for Troops, nor any Dues, &c. inconsistent with Treaties.

LXI. It shall not be lawful for the said General Assembly to levy any Duty upon Articles imported for the Supply of Her Majesty's Land or Sea Forces, or to levy any Duty, impose any Prohibition or Restriction, or grant any Exemptions, Bounty, Drawback, or other Privilege upon the Importation or Exportation of any Articles, or to impose any Dues or Charges upon Shipping contrary to or at variance with any Treaty or Treaties concluded by Her Majesty with any Foreign Power.

Expenses of Collection of Revenue.

LXII. The Governor is hereby authorized and required to pay out of the Revenue arising from Taxes, Duties, Rates, and Imposts levied under any Act or Acts of the said General Assembly, and from the Disposal of Waste Lands of the Crown, all the Costs, Charges, and Expenses incident to the Collection, Management, and Receipt thereof; also to pay out of the said Revenue arising from the Disposal of Waste Lands of the Crown such Sums as may become

become payable under the Provisions herein-after contained for or on account of the Purchase of Land from aboriginal Natives, or the Release or Extinguishment of their Rights in any Land, and such Sums as may become payable to the *New Zealand* Company under the Provisions of this Act in respect of the Sale or Alienation of Land: Provided always, that full and particular Accounts of all such Disbursements shall from Time to Time be laid before the said Legislative Council and House of Representatives.

Audit of Accounts.

LXIII. All Costs, Charges, and Expenses of or incident to the Collection, Management, and Receipt of Duties of Import and Export shall be regulated and audited in such Manner as shall be directed by the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, and all such Costs, Charges, and Expenses in relation to other Branches of the said Revenue shall be regulated and audited in such Manner as shall be directed by Laws of the said General Assembly.

Grants for Civil and Judicial Services.

LXIV. There shall be payable to Her Majesty, every Year, out of the Revenue arising from such Taxes, Duties, Rates, and Imposts, and from the Disposal of such Waste Lands of the Crown in *New Zealand*, the several Sums mentioned in the Schedule to this Act; such several Sums to be paid for defraying the Expenses of the Services and Purposes mentioned in such Schedule, and to be issued by the Treasurer of *New Zealand* in discharge of such Warrants as shall be from Time to Time directed to him under the Hand and Seal of the Governor; and the said Treasurer shall account to Her Majesty for the same through the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, in such Manner and Form as Her Majesty shall be graciously pleased to direct.

How the Appropriation of Sums granted may be varied.

LXV. It shall be lawful for the General Assembly of *New Zealand*, by any Act or Acts, to alter all or any of the Sums mentioned in the said Schedule, and the Appropriation of such Sums to the Services and Purposes therein mentioned; but every Bill which shall be passed by the said Legislative Council and House of Representatives altering the Salary of the Governor, or altering the Sum described as for native Purposes, shall be reserved for the Signification of Her Majesty's Pleasure thereon, and until and subject to such Alteration by Act or Acts as aforesaid the Salaries of the Governor and Judges shall be those respectively set against their several Offices in the said Schedule; and Accounts in detail of the Expenditure of the several Sums for the Time being appropriated under this Act, or such Act or Acts as aforesaid of the said General Assembly, to the several Services and Purposes mentioned in the said Schedule, shall be laid before the said Legislative Council and House of Representatives within Thirty Days next after the Beginning of the Session after such Expenditure shall have been made: Provided always, that it shall not be lawful for the said General Assembly, by any such Act as aforesaid, to make any Diminution in the Salary of any Judge to take effect during the Continuance in Office of any Person being such Judge at the Time of the passing of such Act.

Appropriation of Revenue.

LXVI. After and subject to the Payments to be made under the Provisions hereinbefore contained, all the Revenue arising from Taxes, Duties, Rates, and Imposts levied in virtue of any Act of the General Assembly, and from the Disposal of Waste Lands of the Crown, under any such Act made in pursuance of the Authority herein contained, shall be subject to be appropriated to such specific Purposes as by any Act of the said General Assembly shall be prescribed in that Behalf; and the Surplus of such Revenue which shall not be appropriated as aforesaid shall be divided among the several Provinces for the Time being established in *New Zealand* under or by virtue of this Act, in the like Proportions as the gross Proceeds of the said Revenue shall have arisen therein respectively, and shall be paid over to the respective Treasuries of such Provinces for the public Uses thereof, and shall be subject to the Appropriation of the respective Provincial Councils of such Provinces.

Power to General Assembly to alter Electoral Districts and Number of Members of House of Representatives, &c.

LXVII. It shall be lawful for the said General Assembly, by any Act or Acts, from Time to Time, to establish new Electoral Districts for the Purpose of electing Members of the said House of Representatives, to alter the Boundaries of Electoral Districts for the Time being existing for such Purposes, to alter and appoint the Number of Members to be chosen for such Districts, to increase the whole Number of Members of the said House of Represen-

Representatives, and to alter and regulate the Appointment of Returning Officers, and make Provision in such Manner as they may deem expedient for the Issue and Return of Writs for the Election of the Members of such House, and the Time and Place of holding such Elections, and for the Determination of contested Elections for such House.

Power to General Assembly to make other Alterations in the Constitution of the House of Representatives.

LXVIII. It shall be lawful for the said General Assembly, by any Act or Acts, to alter from Time to Time any Provisions of this Act and any Laws for the Time being in force concerning the Election of Members of the said House of Representatives, and the Qualification of Electors and Members; provided that every Bill for any of such Purposes shall be reserved for the Signification of Her Majesty's Pleasure thereon, and a Copy of such Bill shall be laid before both Houses of Parliament for the Space of Thirty Days at the least before Her Majesty's Pleasure thereon shall be signified.

Power to General Assembly to constitute Provinces, and alter the Provisions concerning Election of Members, &c.

LXIX. It shall be lawful for the said General Assembly, by any Act or Acts from Time to Time, to constitute new Provinces in *New Zealand*, to direct and appoint the Number of Members of which the Provincial Councils thereof shall consist, and to alter the Boundaries of any Provinces for the Time being existing, and to alter the Provisions of this Act and any Laws for the Time being in force respecting the Election of Members of the Provincial Councils, the Powers of such Councils, and the Distribution of the said surplus Revenue between the several Provinces of *New Zealand;* provided always, that any Bill for any of the said Purposes shall be reserved for the Signification of Her Majesty's Pleasure thereon.

Her Majesty may establish Municipal Corporations.

LXX. It shall be lawful for Her Majesty, in and by any Letters Patent to be issued under the Great Seal of the United Kingdom, from Time to Time, to constitute and establish within any District or Districts of *New Zealand* One or more Municipal Corporation or Corporations, and to grant to any such Corporation all or any of the Powers which, in pursuance of the Statutes in that Behalf made and provided, it is competent to Her Majesty to grant to the Inhabitants of any Town or Borough in *England* and *Wales* incorporated in virtue of such Statutes or any of them, and to qualify and restrict the Exercise of any such Powers in such and the same Manner as, by the Statutes aforesaid, or any of them, Her Majesty may qualify or restrict the Exercise of any such Powers as aforesaid in *England:* Provided always, that all Provisions of any such Letters Patent, and all Byelaws or Regulations made by any such Corporation, shall be subject to Alteration or Repeal by any Ordinance or Act of the Provincial Council for the Province in which any such Corporation may be established, or of the General Assembly, according to their respective Powers herein-before declared.

Her Majesty may cause Laws of aboriginal native Inhabitants to be maintained.

LXXI. 'And whereas it may be expedient that the Laws, Customs, and Usages of the 'aboriginal or native Inhabitants of *New Zealand*, so far as they are not repugnant to the 'general Principles of Humanity, should for the present be maintained for the Government 'of themselves, in all their Relations to and Dealings with each other, and that particular 'Districts should be set apart within which such Laws, Customs, or Usages should be so 'observed:'

It shall be lawful for Her Majesty, by any Letters Patent to be issued under the Great Seal of the United Kingdom, from Time to Time to make Provision for the Purposes aforesaid, any Repugnancy of any such native Laws, Customs, or Usages to the Law of *England*, or to any Law, Statute, or Usage in force in *New Zealand*, or in any Part thereof, in anywise notwithstanding.

Power to General Assembly to regulate Sales of Waste Lands.

LXXII. Subject to the Provisions herein contained, it shall be lawful for the said General Assembly to make Laws for regulating the Sale, Letting, Disposal, and Occupation of the Waste Lands of the Crown in *New Zealand;* and all Lands wherein the Title of Natives shall be extinguished as herein-after mentioned, and all such other Lands as are described in an Act of the Session holden in the Tenth and Eleventh Years of Her Majesty, Chapter One hundred and twelve, to promote Colonization in *New Zealand*, and to authorize a Loan to the *New Zealand* Company, as Demesne Lands of the Crown, shall be deemed and taken to be Waste Lands of the Crown within the Meaning of this Act: Provided always, that subject to the said Provisions, and until the said General Assembly shall otherwise enact, it shall be lawful for Her Majesty to regulate such Sale, Letting, Disposal, and Occupation by Instructions to be issued under the Signet and Royal Sign Manual.

Saving as to the Lands of aboriginal native Tribes.

LXXIII. It shall not be lawful for any Person other than Her Majesty, Her Heirs or Successors, to purchase or in anywise acquire or accept from the aboriginal Natives Land of or belonging to or used or occupied by them in common as Tribes or Communities, or to accept any Release or Extinguishment of the Rights of such aboriginal Natives in any such Land as aforesaid; and no Conveyance or Transfer, or Agreement for the Conveyance or Transfer of any such Land, either in perpetuity or for any Term or Period, either absolutely or conditionally, and either in Property or by way of Lease or Occupancy, and no such Release or Extinguishment as aforesaid, shall be of any Validity or Effect unless the same be made to, or entered into with, and accepted by Her Majesty, Her Heirs or Successors: Provided always, that it shall be lawful for Her Majesty, Her Heirs and Successors, by Instructions under the Signet and Royal Sign Manual, or signified through One of Her Majesty's Principal Secretaries of State, to delegate Her Powers of accepting such Conveyances or Agreements, Releases or Relinquishments, to the Governor of *New Zealand*, or the Superintendent of any Province within the Limits of such Province, and to prescribe or regulate the Terms on which such Conveyances or Agreements, Releases or Extinguishments, shall be accepted.

10 & 11 Vict. c. 112.

LXXIV. 'And whereas under and by virtue of the said last-mentioned Act, and of a 'Notice given on the Fourth Day of *July* One thousand eight hundred and fifty by the '*New Zealand* Company in pursuance of such Act, the Sum of Two hundred and sixty-'eight thousand three hundred and seventy Pounds Fifteen Shillings, with Interest after 'the yearly Rate of Three Pounds Ten Shillings *per Centum* upon the said Sum, or so much 'thereof as shall from Time to Time remain unpaid, is charged upon and payable to the '*New Zealand* Company out of the Proceeds of the Sales of the Demesne Lands of the 'Crown in *New Zealand*:'

Upon all Sales of Waste Lands One Fourth Part of the Sum to be paid to New Zealand Company till their Debt is discharged.

In respect of all Sales or other Alienations of any Waste Lands of the Crown in *New Zealand* in Fee Simple or for any less Estate or Interest (except by way of Licence for Occupation for pastoral Purposes for any Term of Years not exceeding Seven, and not containing any Contract for the Renewal of the same, or for a further Estate, Interest, or Licence, or by way of Reservation of such Lands as may be required for public Roads or other internal Communications whether by Land or Water, or for the Use or Benefit of the aboriginal Inhabitants of the Country, or for Purposes of Military Defence, or as the Sites of Places of Public Worship, Schools, or other public Buildings, or as Places for the Interment of the Dead, or Places for the Recreation and Amusement of the Inhabitants of any Town or Village, or as the Sites of public Quays or Landing Places on the Sea Coast or Shores of navigable Streams, or for any other Purpose of public Safety, Convenience, Health, or Enjoyment,) there shall be paid to the said *New Zealand* Company towards the Discharge of the Principal Sum and Interest charged as aforesaid, in lieu of all and every other Claim of the said Company in respect of the said Sum, except where otherwise hereinafter provided, so long as the same or any Part thereof respectively shall remain unpaid, One Fourth Part of the Sum paid by the Purchaser in respect of every such Sale or Alienation: Provided always, that it shall be lawful for the *New Zealand* Company, by any Resolution of a Majority of the Proprietors of the said Company present at any Meeting of such Proprietors, and certified under the Common Seal of such Company, to release all or any Part of the said Lands from the Monies or Payment charged thereon by the said Act or this Act, or any Part of such Monies or Payment, either absolutely or upon any Terms or Conditions, as such Proprietors may think fit.

Power to New Zealand Company to release Lands from Payments, &c.

Saving as to Canterbury Settlement Lands.

13 & 14 Vict. c. 70. and 14 & 15 Vict. c. 84.

LXXV. It shall not be lawful for the said General Assembly to repeal or interfere with all or any of the Provisions of an Act of the Session holden in the Thirteenth and Fourteenth Years of Her Majesty, Chapter Seventy, intituled *An Act empowering the* Canterbury *Association to dispose of certain Lands in* New Zealand, or of an Act passed in the Session then next following, Chapter Eighty-four, to alter and amend the said first-mentioned Act: Provided always, that on the Expiration or sooner Determination of the Functions, Powers, and Authorities now vested in or lawfully exercised by the said Association, the Provisions of the present Act shall come into force as regards the Lands to which the said Acts relate.

LXXVI. It

LXXVI. It shall be lawful for the *Canterbury* Association, at any Time after a Provincial Council shall have been constituted under this Act for the Province of *Canterbury*, to transfer to the said Council all such Functions, Powers, and Authorities, and the said Council is hereby empowered to accept such Transfer, upon such Terms and Conditions as shall be agreed upon between the said Council and the said Association: Provided always, that nothing contained in such Terms and Conditions shall interfere with the Rights of Her Majesty, Her Heirs and Successors, or of the *New Zealand* Company respectively; and from and after such Time as shall be agreed upon between the said Council and the said Association the said Council shall have and be entitled to exercise all the said Functions, Powers, and Authorities.

Power to Canterbury Association to transfer their Powers to the Provincial Council.

LXXVII. Nothing in this Act, or in any Act, Law, or Ordinance to be made by the said General Assembly, or by any Provincial Assembly, shall affect or interfere with so much of an Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Eighty-six, intituled *An Act to regulate the Affairs of certain Settlements established by the* New Zealand *Company in* New Zealand, as relates to the Administration of the Fund for the public Purposes of the Settlement of *Nelson*.

Saving as to Nelson Trust Fund.

14 & 15 Vict. c. 86.

LXXVIII. 'And whereas certain Terms of Purchase and Pasturage of Land in the 'Settlement of *Otago* had been issued by the *New Zealand* Company before the Fourth 'Day of *July* One thousand eight hundred and fifty, and the said Terms, or Part of them, 'were in force on that Day as Contracts between the *New Zealand* Company and the 'Association of Lay Members of the Free Church of *Scotland*, commonly called the *Otago* 'Association: And whereas by the Provisions of the said Act of the Tenth and Eleventh 'Years of Her Majesty, and of the said Notice given by the *New Zealand* Company, the 'Lands of the said Company in *New Zealand* reverted to and became vested in Her Majesty 'as Part of the Demesne Lands of the Crown, subject nevertheless to any Contract then 'subsisting in regard to any of the said Lands: And whereas it is expedient that Provision 'should be made to enable Her Majesty to fulfil the Contracts contained in such Terms of 'Purchase and Pasturage as aforesaid:

It shall be lawful for Her Majesty for that Purpose to make Provision, by way of Regulations to be contained in any Charter to be granted to the said Association, for the Disposal of the Lands to which the said Terms of Purchase and Pasturage relate, so far as the same are still in force as aforesaid, and for varying from Time to Time such Regulations, with such Consent by or on behalf of the said Association as in any such Charter or Instructions shall be specified, and for fixing the Boundaries thereof, and for enabling the said Association to transfer its Powers to the Provincial Council for the Province of *Otago*: Provided always, that no such Charter shall be granted or have Effect for any longer Term than Ten Years from the passing of this Act; but One of Her Majesty's Principal Secretaries of State may at any Time during the Term for which such Charter shall be granted, by Writing under his Hand, extend the Term for which such Charter shall have been granted for such further Time as in his Discretion he may think fit: Provided always, that it shall not be lawful for Her Majesty, by any such Regulations as aforesaid, to diminish the Sum now payable to the *New Zealand* Company in respect of all Waste Land sold under the said Terms of Purchase, unless with the Consent of the *New Zealand* Company, signified as herein-before provided; and during the Continuance of such Charter as aforesaid, it shall not be lawful for the said General Assembly to repeal or interfere with any such Regulations respecting Lands in *Otago*, except with such Consent by or on behalf of the *Otago* Association as in any such Charter or Instructions may be provided, and (so far as the Rights of the *New Zealand* Company may be affected) with the Consent of such Company signified as herein-before provided; and every Bill which shall repeal or interfere with any such Regulations shall be reserved for the Signification of Her Majesty's Pleasure thereon.

Power to Her Majesty to regulate the Disposal of Waste Lands in Otago.

No Act of the General Assembly to interfere with such Regulations, save with Consent, &c.

LXXIX. It shall be lawful for Her Majesty, by any such Letters Patent as aforesaid, or Instructions under Her Majesty's Signet and Sign Manual, or signified through One of Her Majesty's Principal Secretaries of State, to delegate to the Governor any of the Powers herein-before reserved to Her Majesty respecting the Removal of Superintendents of Provinces, and the Regulation of the Sale, Letting, Disposal, and Occupation of Waste Lands,

Her Majesty may delegate certain Powers to Governor.

Lands, the Establishment of Municipal Corporations, and the Preservation of aboriginal Laws, Customs, and Usages.

Interpretation of "Governor" and "New Zealand."

LXXX. In the Construction of this Act the Term "Governor" shall mean the Person for the Time being lawfully administering the Government of *New Zealand*; and for the Purposes of this Act "*New Zealand*" shall be held to include all Territories, Islands, and Countries lying between Thirty-three Degrees of South Latitude and Fifty Degrees of South Latitude, and One hundred and sixty-two Degrees of East Longitude and One hundred and seventy-three Degrees of West Longitude, reckoning from the Meridian of *Greenwich*.

Commencement of this Act.

LXXXI. This Act shall be proclaimed in *New Zealand* by the Governor thereof within Six Weeks after a Copy of such Act shall have been received by such Governor, and, save as herein expressly provided, shall take effect in *New Zealand* from the Day of such Proclamation thereof.

Proclamations to be published in the New Zealand Gazette.

LXXXII. The Proclamation of this Act, and all Proclamations to be made under the Provisions thereof, shall be published in the *New Zealand* Government Gazette.

SCHEDULE referred to in the foregoing Act.

	£
Governor	2,500
Chief Justice	1,000
Puisne Judge	800
Establishment of the General Government	4,700
Native Purposes	7,000
	£16,000

CAP. LXXIII.

An Act to make Provision for a permanent Establishment of Officers to perform the Duties at Nisi Prius, in the Superior Courts of Common Law, and for the Payment of such Officers and of the Judges Clerks by Salaries, and to abolish certain Offices in those Courts. [30th *June* 1852.]

'WHEREAS the Officers in the Superior Courts of Common Law who perform the Duties at Nisi Prius hold their Offices and Appointments during Pleasure, and such Officers and the Clerks at the Judges Chambers are remunerated by Fees received by them from the Suitors, and it is expedient to provide a permanent Establishment of such Officers, and that they and the said Clerks be paid by Salaries, and that the Fees now payable by the Suitors be diminished:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:—

Marshal and Clerk at Nisi Prius in the Court of Queen's Bench and Marshals in the Courts of Common Pleas and Exchequer abolished, and their Duties to be performed by

I. From and after the Twenty-fourth Day of *October* after the passing of this Act the Offices of Marshal and Clerk at Nisi Prius in the Court of Queen's Bench, and Marshal in the Courts of Common Pleas and Exchequer, shall be and the same are hereby abolished; and all Acts, Duties, and Services now and heretofore done, performed, and rendered by such Marshals and Clerk at Nisi Prius respectively shall be done, performed, and rendered by the Associates in the Courts of Queen's Bench, Common Pleas, and Exchequer, who shall also continue to perform all Acts, Duties, and Services now done, performed, and rendered by them in respect of the several Offices now held by them respectively; and such Acts, Duties, and Services, when so done, performed, and rendered by the said Associates, or their Successors,