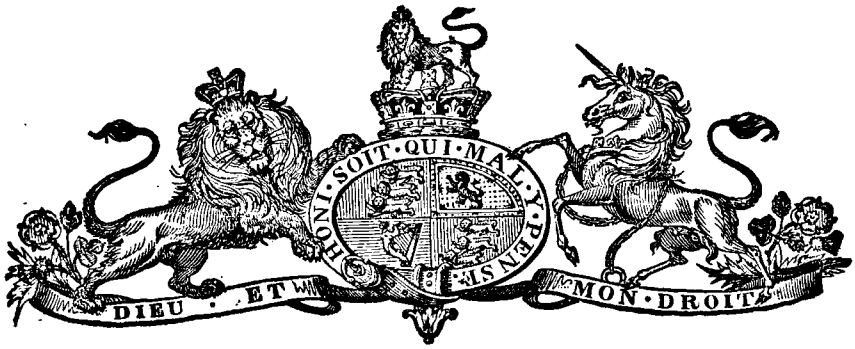


ANNO UNDECIMO

VICTORIÆ REGINÆ.

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CAP. V.

An Act to suspend for Five Years the Operation of certain Parts of an Act of the Tenth Year of Her present Majesty, for making further Provision for the Government of the *New Zealand* Islands; and to make other Provision in lieu thereof.

[7th *March* 1848.]

WHEREAS by an Act passed in the Tenth Year of the Reign of Her Majesty, intituled *An Act to make further Provision for the Government of the* New Zealand *Islands*, 9 & 10 Vict. c. 103. certain Powers were vested in Her Majesty, to be executed by Letters Patent to be from Time to Time issued 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 Act Her Majesty did, by Letters Patent bearing Date at *Westminster* the Twenty-third Day of *December* in the Year aforesaid, and by certain Instructions made and approved as required by the said Act, and bearing even Date with and accompanying the said Letters Patent, execute certain of the Powers by the said Act vested in Her Majesty for the better Government of the

 said

said Islands, reserving by the said Letters Patent full Power and Authority to Herself, Her Heirs and Successors, from Time to Time to amend, and for that Purpose to add to or if necessary to repeal, the said Letters Patent and Instructions: And whereas it is expedient that certain of the Provisions of the said Act, Letters Patent, and Instructions should not for the present be carried into effect, but Doubts have been entertained whether the said Act is sufficient to enable Her Majesty to suspend the Operation of the same, and of the said Letters Patent and Instructions, or any of them: 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, That so much of the said Act, Letters Patent, and Instructions as relates to the Constitution and Establishment of Two or more separate Assemblies within the said Islands, and to the Constitution and Establishment of a General Assembly in and for the said Islands, and to the Powers, Rights, and Privileges of such Assemblies respectively, and to the Qualifications of the Members of such Assemblies, and to the Manner of their Election and Appointment, and to the Forms, the Transmission, and the Disallowance of Laws and Ordinances to be enacted by the said Assemblies respectively, and to the Appropriation of the Revenues arising from Laws of the General Assembly, shall be suspended for the Period of Five Years from the Day of the passing of this Act, unless Her Majesty, by and with the Advice of Her Privy Council, shall direct that the said Act, Letters Patent, or Instructions shall before the Expiration of that Period be carried into effect.

So much of recited Act, &c. as relates to the Constitution and Establishment of Assemblies, &c. in New Zealand suspended.

II. And whereas by the said first-mentioned Act another Act passed in the Fourth Year of Her Majesty's Reign, and certain Letters Patent bearing Date the Sixteenth Day of *November* in the same Year, and all Charters, Letters Patent, Instructions, and Orders in Council made and issued in pursuance of the last-mentioned Act, were repealed, abrogated, and annulled as therein mentioned: And whereas by the said Letters Patent bearing Date the Sixteenth Day of *November* in the Fourth Year of Her Majesty's Reign, and by certain Instructions bearing Date the Fifth Day of *December* in the same Year, Her Majesty did amongst other things authorize the Governor for the Time being of the said Islands, and certain other Persons, to be a Legislative Council for the said Islands, and did require and enjoin that the said Legislative Council should, in pursuance of the last-mentioned Act, make and ordain all such Laws and Ordinances as might be required for the Peace, Order, and good Government of the said Islands: And whereas it is expedient to revive the Operation of the last-mentioned Act, Letters Patent, and Instructions, in so far as the same relate to the Legislative Council established or to be established under and by virtue of the last-mentioned Act, Letters Patent, and Instructions for the Time during which the said first-mentioned Act, Letters Patent, and Instructions continue to be suspended as aforesaid by virtue of this Act: Be it therefore enacted, That the said Act, Letters Patent, and Instructions of the Fourth Year of Her Majesty's Reign, in so far as the same relate to the Legislative Council last aforesaid, and to the Constitution, Rights, Powers,

So much of 3 & 4 Vict. c. 62., of Letters Patent dated 16th Nov. 1841, and of Instructions dated 5th Dec. 1841, as relate to the Legislative Council, &c. revived during the said Suspension.

Powers, Jurisdiction, and Authority of the same, shall be revived and be in full Force and Operation for the Time during which the first-mentioned Act, Letters Patent, and Instructions continue to be suspended as aforesaid by virtue of this Act; and that during such Time the said Legislative Council shall have and exercise all the Rights, Powers, Jurisdiction, and Authority which it had or was invested with, or was to have or be invested with, under and by virtue of the last-mentioned Act, Letters Patent, and Instructions, or any of them, or any other Letters Patent or Instructions granted or issued, or to be granted or issued, under the last-mentioned Act; and that all Laws, Ordinances, Acts, and Things lawfully done by the said Legislative Council during such Suspension as aforesaid shall be and remain in full Force and Effect after and notwithstanding the Termination of such Suspension, until and unless they be hereafter repealed by competent Authority in that Behalf.

Power to Governor-in-Chief to increase the Number of Legislative Council.

III. And be it enacted, That for the Time during which the said first-mentioned Act, Letters Patent, and Instructions continue to be suspended as aforesaid by virtue of this Act it shall be lawful for the Governor-in-Chief of the said Islands, from Time to Time as he may think proper, but subject to the Disallowance of Her Majesty as herein-after mentioned, to add to the Members of the said Legislative Council, and for that Purpose from Time to Time to summon and appoint such Person or Persons as he may think proper to be personally or by virtue of his or their Office Member or Members of such Legislative Council; and the said Legislative Council, with such additional Member or Members, and every Member thereof, shall have and exercise the same Rights, Powers, Jurisdiction, and Authority as the said Legislative Council or any Member thereof had or exercised before any Addition to the same was made.

Power to Governor-in-Chief to constitute Provincial Legislative Councils.

IV. And be it enacted, That for the Time during which the first-mentioned Act, Letters Patent, and Instructions continue to be suspended as aforesaid by virtue of this Act it shall be lawful for the said Governor-in-Chief, by and with the Advice and Consent of the said Legislative Council, by Ordinance, if he shall think proper, to constitute within and for any of the Provinces into which the Islands of *New Zealand* are now or may be hereafter divided a Provincial Legislative Council, to be appointed or elected or appointed and elected in such Manner and by such Person or Persons as by such Ordinance shall be provided in that Behalf; and the Provincial Legislative Council or Councils so constituted shall have all such Rights, Powers, Jurisdiction, and Authority as shall be granted in that Behalf to the said Provincial Legislative Council or Councils, or either of them, by such Ordinance and none other.

Power to Governor-in-Chief to regulate Qualification for Burgesses in Corporate Districts.

V. And whereas by the said first-mentioned Instructions the said Governor-in-Chief was directed to divide certain Parts of the said Islands into Municipal Districts, and to constitute within such Districts Municipal Corporations, consisting of a Mayor, Court of Aldermen, and Common Council, and of Burgesses possessing the Qualification prescribed by the said first-mentioned Instructions in that Behalf:

Behalf: And whereas it is expedient that the said Qualification should be subject to Regulation as herein-after mentioned: Be it therefore enacted, That it shall and may be lawful for the said Governor-in-Chief, from Time to Time, by and with the Advice and Consent of the said Legislative Council, by Ordinance, to depart from the said first-mentioned Instructions in so far as the same relate to the Nature and Extent of the said Qualification, and to make and ordain such other or further Rules and Regulations with respect to the Nature and Extent of the Qualification for Burgesses in the said Municipal Districts or any of them, or in any particular Case, as the said Governor-in-Chief, by and with the like Advice and Consent, may think proper, any thing in the said first-mentioned Act, Letters Patent, or Instructions to the contrary notwithstanding.

Power to Her Majesty to disallow any Orders, &c. of the Governor-in-Chief.

VI. Provided always, and be it enacted, That it shall be lawful for Her Majesty, if She shall think proper, from Time to Time to disallow any Order for Addition to the Number of the said Legislative Council, or any Ordinance for the Constitution of or relating to any Provincial Legislative Council, or with respect to the Qualification of Burgesses in any Municipal District; and in case of such Disallowance, upon the same being signified to the said Governor-in-Chief within the said Islands, the Order or Ordinance so disallowed shall be annulled to all Intents and Purposes whatsoever, except in so far as relates to any Law, Ordinance, Act, Matter, or Thing lawfully done under or by reason of the Order or Ordinance disallowed between the Date of such Order or Ordinance and the Signification of Disallowance as aforesaid.

Act to be construed with 9 & 10 Vict. c. 103.

VII. And be it enacted, That this Act, and the first-mentioned Act as altered by this Act, shall be read and construed together as One Act.

Commencement of Act.

VIII. And be it enacted, That this Act shall take effect within the said Islands at the Expiration of Ten Days from the Day of the Proclamation thereof within the same.

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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