ANNO NONO & DECIMO

# VICTORIÆ REGINÆ.

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## C A P. CIII.

## An Act to make further Provision for the Government of the *New Zealand* Islands.

[28th *August* 1846.]

WHEREAS by an Act of Parliament made in the Fourth Year of Her Majesty's Reign, intituled *An Act to continue until the Thirty-first Day of* December *One thousand eight hundred and forty-one, and to the End of the then next Session of Parliament, and to extend the Provisions of an Act to provide for the Administration of Justice in* New South Wales *and* Van Diemen's Land, *and for the more effectual Government thereof, and for other Purposes relating thereto,* (3 & 4 Vict c. 62.) it is amongst other things enacted, that it shall 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 now are or which hereafter may be comprised within and be Dependencies of the said Colony of *New South Wales:* And whereas in pursuance and exercise of the Powers in Her Majesty vested in and by the said recited Act of Parliament, Her Majesty did, by certain Letters Patent under the Great Seal of the United Kingdom, bearing Date at *Westminster* the Sixteenth Day of *November* in the Fourth Year of Her Majesty's Reign, erect into a separate Colony the Islands of *New Zealand,* theretofore comprised within or Depen-

dencies of the said Colony of *New South Wales*, with all other Islands lying between Thirty-four Degrees Thirty Minutes North to the Forty-seventh Degree Ten Minutes South Latitude, and between the One hundred and sixty-sixth Degree Five Minutes to the One hundred and seventy-ninth Degree of East Longitude, reckoning from the Meridian of *Greenwich*, and the said Islands of *New Zealand* were thereby erected into a separate Colony accordingly: And whereas, in further pursuance of the said recited Act, Her Majesty did, by the said recited 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 the said Colony, and did require and enjoin that the said Legislative Council should, in pursuance of the said Act of Parliament, make and ordain all such Laws and Ordinances as might be required for the Peace, Order, and good Government of the said Colony: And whereas it is expedient to make further Provision for the Government of the Islands of *New Zealand;* be it therefore and it is hereby 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,

Recited Act and Letters Patent repealed so far as repugnant to Act.

That the said recited Act of the Fourth Year of Her Majesty's Reign, and all Charters, Letters Patent, Instructions, and Orders in Council made and issued in pursuance thereof, shall be and the same are hereby repealed, abrogated, and annulled, so far and only so far as the same or any of them are repugnant to or would interfere with or prevent the Operation of this present Act, or may be repugnant to or would interfere with or prevent the Operation of any Letters Patent, Charters, Orders in Council, or Royal Instructions which may at any Time hereafter 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 Act, Charters, Letters Patent, Instructions, Orders in Council, or any of them, shall hereafter be as lawful, valid, and effectual as though this present Act had not been made, save only so far as any such Laws, Ordinances, or Acts may be repugnant to, or would interfere with, or would prevent the Operation of this present Act.

Her Majesty may by Letters Patent establish Municipal Corporations in the Islands of New Zealand.

II. And be it enacted, That it shall be lawful for Her Majesty, in and by any Letters Patent hereafter 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 the Islands of *New Zealand* One or more Municipal Corporation or Corporations, and to grant to any such Corporations 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*.

III. And

Her Majesty may by Letters Patent divide the Islands into Provinces, and establish separate Assemblies.

III. And be it enacted, That it shall be lawful for Her Majesty, in and by any Letters Patent hereafter to be issued under the Great Seal of the United Kingdom, from Time to Time to divide the said Islands of *New Zealand* into Two or more separate Provinces, and to constitute and establish within the same Two or more separate Assemblies; (that is to say,) One such Assembly in and for each of such separate Provinces, and that each of the said Assemblies shall consist of and be holden by a Governor, a Legislative Council, and a House of Representatives.

Legislative Councils to consist of Persons appointed by Her Majesty.

House of Representatives to be elected by Mayors, Aldermen, &c.

IV. And be it enacted, That each of the said Legislative Councils, when such Legislative Councils shall be constituted, shall consist of such Persons as Her Majesty shall for that Purpose appoint; and that the Members of each of the said Houses of Representatives shall be elected by the respective Mayors, Aldermen, and Common Councils of the several Municipal Corporations aforesaid, situate within the Limits of the Government for which each of the said Houses of Representatives respectively shall be so elected, and that such Elections shall take place in such Manner and Form and under such Regulations as shall for that Purpose be prescribed in any such Letters Patent as aforesaid.

Assemblies may make Laws, &c. for the Government of the Province for which they are constituted.

V. And be it enacted, That it shall be competent for any such Assembly so to be constituted and established within the Islands of *New Zealand*, and they are hereby authorized and empowered (save as herein-after is excepted), to make and enact Laws, Statutes, and Ordinances for the Peace, Order, and good Government of such Parts of the said Islands as shall be within the Limits of any separate Province for which any such Assembly shall be so constituted and established as aforesaid, such Laws not being repugnant to the Laws of the United Kingdom aforesaid, or to the Laws of the General Assembly herein-after mentioned.

Her Majesty may by Letters Patent establish a General Assembly for the Islands.

VI. And be it enacted, That it shall be lawful for Her Majesty, in and by any such Letters Patent as aforesaid, to constitute and establish a General Assembly in and for the Islands of *New Zealand*, to be called the General Assembly of *New Zealand*, which said General Assembly shall consist of and be holden by the Governor in Chief of the said Islands, and a Legislative Council, and a House of Representatives; and that the said Legislative Council shall consist of such Persons as Her Majesty shall for that Purpose appoint; and that the said House of Representatives shall consist of Members of the respective Houses of Representatives of the several Provinces into which the said Islands may in manner aforesaid be divided, which Members so to serve in the said General Assembly shall be elected, nominated, and appointed by such Persons, and in such Manner and Form, and upon and subject to such Rules and Conditions, as Her Majesty by any such Letters Patent as aforesaid shall direct.

General Assembly may make certain Laws for the Regulation

VII. And be it enacted, That it shall be competent to the said General Assembly of the *New Zealand* Islands, and they are hereby authorized and empowered, to make and enact such Laws, Statutes, and Ordinances as may be required for all or any of the Purposes after-

of the Islands.

after-mentioned; (that is to say,) first, for the Regulation of all Duties of Customs to be imposed on the Importation or Exportation of any Goods at any Port or Place in the *New Zealand* Islands; and secondly, for the Establishment of a General Supreme Court, to be a Court of original Jurisdiction or of Appeal from any of the Superior Courts of any such separate Provinces as aforesaid; and thirdly, for determining the Extent of the Jurisdiction and the Course and Manner of Proceeding of such General Supreme Court; and fourthly, for regulating the current Coin of the said Islands, or the Issue therein of any Bills, Notes, or other Paper Currency; and fifthly, for determining the Weights and Measures to be used therein; and sixthly, for regulating the Post Offices within and the Carriage of Letters between different Parts of the said Islands; and seventhly, for establishing general Laws of Bankruptcy and Insolvency to be in force throughout the same; and eighthly, for the Erection and Maintenance of Beacons and Lighthouses on the Coasts of the said Islands; and ninthly, for the Imposition of any Dues or other Charges on Shipping at any Port or Harbour within the same.

Laws of General Assembly to supersede those enacted by separate Provinces.

If Questions arise as to the Power, &c. of General Assembly, Her Majesty in Council to determine the same.

VIII. And be it enacted, That the Laws so to be enacted as aforesaid, for any of the Purposes aforesaid, by the said General Assembly of the *New Zealand* Islands, shall control and supersede therein any Laws, Statutes, or Ordinances in anywise repugnant thereto which may be enacted by the Assemblies of any such separate Provinces as aforesaid; and that if any Questions shall arise regarding the Limits of the Authority and Jurisdiction of the said General Assembly of the *New Zealand* Islands, and the Authority and Jurisdiction of the said other Assemblies, all Courts, Officers of Justice, and others shall conform and give Effect to the Decision of the said General Assembly of the *New Zealand* Islands on any such Question, until the Decisions thereon of Her Majesty in Council shall have been made known and promulgated within the said Islands, by which Decision any such Questions as aforesaid shall thenceforward be determined within the same.

Until 31st Dec. 1854 the Charter, &c. of 16th Nov. 1841 relating to New Ulster to remain in force.

IX. And whereas the immediate or early Establishment of any Assembly within certain Parts of the Island of *New Ulster* may be inexpedient, by reason of the unsettled State of the native Inhabitants thereof; be it therefore enacted, That it shall be lawful for Her Majesty, by any such Letters Patent as aforesaid, to maintain in force within such Parts of the said Island of *New Ulster* as to Her Majesty shall seem meet, until any Period not later than the Thirty-first Day of *December* One thousand eight hundred and fifty-four, the said Charter or Letters Patent of the Sixteenth Day of *November* in the Fourth Year of Her Majesty's Reign, and the Legislature constituted under the said Letters Patent; and so long as such last-mentioned Legislature shall be so maintained the said General Assembly of the *New Zealand* Islands shall be composed in the Manner and shall exercise the Powers herein-before mentioned, save only that such and so many Members of the Legislature of such Parts as aforesaid of the said Island of *New Ulster* as Her Majesty shall for that Purpose be pleased to appoint shall, in virtue of such an Appointment, be Members of the House of Representatives of the said General Assembly of the

*New*

*New Zealand* Islands: Provided always, that the Number of Members so appointed shall never constitute a Majority of the said House of Representatives of the said General Assembly of the *New Zealand* Islands.

Laws of aboriginal or native Inhabitants to be maintained, where not repugnant to Principles of Humanity.

X. 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; be it enacted, That it shall be lawful for Her Majesty, by any such Letters Patent as aforesaid, 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 the said Islands of *New Zealand*, or in any Part thereof, in anywise notwithstanding.

Her Majesty, by Letters Patent to make and prescribe Rules and Regulations for Municipal Districts.

XI. And be it enacted, That it shall be lawful for Her Majesty, by any such Letters Patent as aforesaid, to make and prescribe all such Rules as to Her Majesty shall seem fit for determining the Extent and Boundaries of the Districts to be comprised within any such Municipal Corporations as aforesaid, and for regulating the Choice and Election of the various Officers of any such Corporations, and of the Members of the governing Bodies thereof, and for ascertaining the Qualifications of the Members of any such Municipal Corporations or Assemblies or General Assembly as aforesaid, and for determining the Length of Time for which every such Assembly or General Assembly shall be holden from the Time of the Election of the Members of the said Houses of Representatives, and how and by what Authority the same shall be dissolved or prorogued, and for prescribing the Oaths to be taken or the Affirmation to be made by the Members of the said Corporations, Assemblies, or General Assembly, or any of them, before entering on the Discharge of the Duties of their respective Offices, and for prescribing the Course of Proceeding to be followed in the said respective Assemblies and in the said General Assembly in regard to the Enactment of Laws, Statutes, and Ordinances therein, and for determining in what Cases the Governor in Chief for the Time being of the Islands of *New Zealand*, or the Governor for the Time being of any other such separate Provinces as aforesaid, shall, in the Name and on the Behalf of Her Majesty, assent to any such Laws, Statutes, or Ordinances, or reserve the Signification of Her Majesty's Pleasure thereon, together with all such Rules as shall be necessary for determining the Effect of the Disallowance by Her Majesty of any such Law, Statute, or Ordinance, although not so reserved as aforesaid, together with all such other Rules, not being repugnant to this present Act, as it may seem to Her Majesty necessary to make and establish for carrying into full Effect the Purposes and Objects thereof.

Her Majesty may appropriate and set apart out

XII. And be it enacted, That it shall be lawful for Her Majesty, by any such Letters Patent as aforesaid, to appropriate and set apart, from and out of the Revenues of any such separate Provinces as

of the Revenues of any separate Province a Sum of Money for the Maintenance of the Civil Government.

aforesaid, by way of Civil List, for the Maintenance of the Administration of Justice, and the principal Officers of the Civil Government, or of such separate Provinces as aforesaid, such Sums of Money as shall not exceed Six thousand Pounds by the Year in any One of the said separate Governments: Provided always, that if by any Law, Statute, or Ordinance hereafter to be enacted in and by any such Assembly as aforesaid, and assented to by Her Majesty, Provision shall be made for settling on Her Majesty a Civil List in substitution for the before-mentioned Civil List, then and in that Case so much of this Act as relates to the before-mentioned Civil List shall cease to be of any Force and Effect within the Province in and for which any such Law, Statute, or Ordinance shall so have been enacted.

Grants of Money made by the Assemblies, not having been first recommended by Her Majesty, prohibited.

XIII. And be it enacted, That it shall be lawful for Her Majesty, by such Letters Patent as aforesaid, to prohibit the Grant or Appropriation of any public Money by either of the said Assemblies, or by the said General Assembly, in any Case in which such Grant or Appropriation shall not first have been recommended by Her Majesty or on Her Majesty's Behalf, with a view to or in aid of some specific public Service to be performed within the said Provinces respectively, or within the said Islands of *New Zealand* collectively.

Certain Powers vested in Her Majesty may be delegated to Governors of the New Zealand Islands.

XIV. And whereas it may be convenient that some of the Powers hereby vested in Her Majesty should by Her Majesty be executed, not by means of such Letters Patent as aforesaid, but 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 it may also be convenient that the Exercise of some of the Powers aforesaid should by Her Majesty be delegated to the Governor in Chief of the *New Zealand* Islands for the Time being, or to the respective Governors of the said respective Provinces for the Time being, and that it should be competent to Her Majesty from Time to Time to amend, and for that Purpose to add to, or, if necessary, to repeal any such Letters Patent or Instructions as aforesaid; be it therefore enacted, That it shall be lawful for Her Majesty to execute any of the Powers hereby vested in Her Majesty, not by means of such Letters Patent as aforesaid, but by such Instructions as aforesaid; and that it shall be lawful for Her Majesty, by any such Letters Patent or Instructions, to delegate to such Governor in Chief, or to such respective Governors as aforesaid, the Exercise of such of the Powers aforesaid as it may seem meet to Her Majesty so to delegate, and to prescribe the Manner and Form in which, and the Conditions subject to which, such delegated Authority shall so be exercised; and that it shall also be lawful for Her Majesty from Time to Time to amend, and for that Purpose to add to, or if necessary to repeal, any such Letters Patent or Instructions as aforesaid.

Letters Patent issued under this Act to be published in the London Gazette,

XV. Provided always, and be it enacted, That all Letters Patent and Instructions which may be issued by Her Majesty in pursuance of this present Act shall be published in the *London Gazette*, and shall be laid before both Houses of Parliament within One Calendar Month from the Day of the Date thereof, if Parliament shall then be in

in Session, and if not then within One Calendar Month next after the Commencement of the then next ensuing Session of Parliament; provided also, that no such Letters Patent or Instructions as aforesaid, which may be issued at any Time subsequently to the Thirty-first Day of *December* One thousand eight hundred and forty-seven, shall be of any Force or Effect until the Lapse of Six Calendar Months next after the same shall have been so laid before Parliament, in so far as the Object of the same may be to amend, add to, or repeal any other Letters Patent or Instructions which may theretofore have been issued in pursuance hereof for the Purposes aforesaid, or for any of them. and laid before Parliament.

XVI. And be it enacted, That for the Purpose of this present Act the Officer for the Time being administering, in virtue of Her Majesty's Commission for that Purpose, the general Government of the Islands of *New Zealand* shall be considered as the Governor in Chief of *New Zealand;* and that the Officer for the Time being administering, in virtue of Her Majesty's Commissions for that Purpose, the respective Governments of any such separate Province as aforesaid, shall be considered as the Governor of such Province. Who are to be deemed Governor in Chief and Governor of a Province.

XVII. And be it enacted, That this Act may be amended or repealed in this present Session of Parliament. Act may be amended, &c.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1846.