

NEW ZEALAND.



ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 70.

ANALYSIS:

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**AN ACT** to provide for the establishment of new Provinces in New Zealand. Title.  
[21st August, 1858.]

**W**HEREAS it is expedient to make better provision for Local Self-Government, and for that purpose, to provide for the establishment of new Provinces in certain cases, Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand, in Parliament assembled, and by the authority of the same, as follows:—

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Establishment of new Provinces.

I. Whenever not less than three-fifths of the Registered Electors entitled to vote in the Election of Members of the House of Representatives, resident within any District whereof the area shall not be less than 500,000 acres: shall petition the Governor in Council to establish a new Province comprising such District, the Governor in Council by order published in the *New Zealand Government Gazette* shall with all convenient speed establish such Province accordingly; subject nevertheless to the fulfilment of the following conditions; that is to say,—

1. Such Petition shall be signed by at least one hundred and fifty registered Electors exclusive of persons of the Native Race, and shall contain a sufficient description of the District proposed to be comprised in the new Province.
2. There shall be at the date of the Order in Council establishing any Province under this Act a population *bona fide* resident within such district, within an area of not exceeding one million acres, of at least one thousand souls, exclusive of aboriginal Natives, and of Officers, Non-Commissioned Officers, and Privates of Her Majesty's Troops serving in the Colony.
3. There shall be at the date of the said Order in Council within the limits of such District a Town which shall be constituted the Capital of the Province, and a Port or Ports from which the greater part in value of the exported produce of the District shall be shipped coastwise, or for exportation beyond seas, or into which the greater part of the imported commodities consumed within such District, shall be brought Coastwise or imported from beyond seas.
4. No point of the boundary of any such District shall be within 60 miles measured in a right line, of the Capital Town of any Province already or hereafter to be established in New Zealand, except the Province of New Plymouth nor within 35 miles of the Town of New Plymouth: Provided always that this condition shall not apply to any boundary line dividing territory drained by rivers falling into Blind Bay from adjacent territory to the eastward thereof.
5. The area of any such District shall not exceed three millions of acres. And every Province established under this Act, shall, subject to the provisions of this Act, be deemed to be a Province established under the Constitution Act.
6. No such District shall comprise any part of more than one Province.

Definition of limits of new Provinces.

II. Provided always that the Governor in Council shall define the limits of every such new Province, by the order in Council establishing the same, and in so doing, may at his discretion,

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include Territory not within the District described in the Petition, or exclude Territory comprised in such District, or may both include and exclude Territory as aforesaid: Provided also that the limits of every new Province shall be so fixed as that if a description of the Territory therein comprised had been substituted in the Petition upon which such order shall be made in lieu of the description of the District actually described in such Petition, all the aforesaid conditions would, upon the presentation of such Petition, have been fulfilled in respect of such Territory.

III. Every such Order in Council shall take effect at such time not exceeding six months from the date thereof as shall be therein, for that purpose, expressed.

Date of effect of order in Council.

IV. All laws in force within any Province of which any new Province established under this Act may have formed a part, shall subject the provisions of this Act and to the alteration or repeal of such laws by the Provincial Legislature of such new Province, continue in force within such new Province so far as the same are applicable; Provided always that until such alteration or repeal all powers by any such laws vested in the Superintendent of such original Province, either solely, or with the advice, or the advice and consent of the Executive Council of such original Province, shall, within such new Province, become vested in the Superintendent thereof.

Laws of original Province to be in force in new Province.

V. The Provincial Council of every Province established under this Act shall in the first instance, consist of such number of Members not less than Nine, as the Governor shall by proclamation direct and appoint.

Number of Members of Provincial Councils.

VI. It shall be lawful for the Governor, by Proclamation, to constitute within every Province established under this Act, convenient Electoral Districts for the election of Members of the Provincial Council, 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 formation of the first Electoral Rolls for the Election of such Members, 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.

Governor to appoint Electoral Districts &c.

VII. Where any Province established under this Act shall comprise the whole of any Electoral District returning a Member or Members to the Provincial Council of the Province of which such new Province may have formed a part, the sitting member or members for such District shall forthwith cease to sit in the Provincial Council of such original Province, and such District shall cease to return any member to such Provincial Council.

Provision in respect of Electoral Districts of original Province wholly or partially comprised in new Province.

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And where any Province so established shall comprise a part only of any such Electoral District, the seat or seats of the sitting member or members for such District shall become vacant, and the remainder of such Electoral District shall become a complete Electoral District in lieu of the original Electoral District, and shall return the same number of members; and the Governor shall cause a new Electoral Roll to be made out for the same, and shall cause to be placed thereon the names of all such registered Electors of the original Electoral District as shall possess a qualification within the new Electoral District; and an Election of a member or members (as the case may require) to sit for such new Electoral District in the Provincial Council of the original Province shall be held with all convenient speed; provided that nothing in this Act contained shall prevent the Superintendent and Provincial Council of the original Province from altering the boundaries of such new Electoral District or the number of Members to be returned by it to the Provincial Council.

When first Writs to issue.

VIII. The Governor shall cause the first Writs for the election of the Members of the Provincial Council of every Province to be established under this Act, to be issued at some time not later than six months next after the publication of the Order in Council establishing such Province.

Election of Superintendents.

IX. The Superintendents of Provinces established under this Act, shall be elected as hereinafter provided.

Provincial Council to elect Superintendent.

X. Within one month after the election of the first and every successive Provincial Council of any Province established under this Act, the Council shall meet at a convenient time and place to be appointed for that purpose by the Principal Returning Officer of the Province, whereof seven days' previous notice shall be given in some newspaper published within the Province, or by keeping such notice posted for not less than seven days, in some conspicuous place within the Province and, after electing their Speaker (which election shall be at once valid and effectual), shall, by an absolute majority, elect some person qualified to vote in the election of a Member of the said Council to be Superintendent of the Province; Provided that in the event of the election of a Member of the Provincial Council to the Office of Superintendent the seat in the said Council of the person so elected shall be deemed vacant; Provided also, that whenever the office of Superintendent shall become vacant in any of the cases provided for by the Constitution Act, a new election shall in like manner take place on a day to be fixed by the Speaker, and to be notified as aforesaid, not being less than ten days, nor more than fifteen days, after the vacancy shall have been notified by the Governor to the Speaker.

Superintendent eligible for seats in Provincial Council.

XI. The Superintendent of any Province established under this Act shall be capable of being elected and sitting as a Member of the Provincial Council and as the Speaker thereof and accordingly, if a Member of any such Council shall be elected Super-

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intendent, and his seat in the Council shall be thereby vacated, he shall nevertheless be eligible for re-election.

XII. It shall not be lawful for the Superintendent of any Province established under this Act to assent on behalf of the Governor to any Bill passed by the Provincial Council of such Province, but only to declare, according to his discretion, and subject to such instructions as may from time to time be given him by the Governor, either that he withholds the assent of the Governor, or that he reserves such Bill for the signification of the Governor's pleasure thereon.

Superintendent not to assent to Bills on behalf of Governor.

XIII. It shall be lawful for the Governor before declaring his pleasure in regard to any such Bill to make such amendments therein as he may think needful or expedient, and to return such Bill with the amendments to the Superintendent, whose duty it shall be to transmit the Bill and amendments to the Provincial Council, and the consideration of such amendments by such Council shall take place in such convenient manner, as the Council shall think fit; and on the Bill being again presented to the Governor, either amended or not, it shall be lawful for the Governor at any time within three months after he shall have received the same, to signify his pleasure thereon.

Governor may return Bills with amendments.

XIV. All the Revenues arising from taxes, duties, rates, and imposts, levied, received, or otherwise howsoever arising, within any Province established under this Act, which at the time of the establishment of such Province, shall be subject to the appropriation of the Provincial Council of any Province of which such new Province shall have formed a part, shall, from and after the establishment of such new Province, be payable and paid to the Treasurer thereof, for the public uses thereof, and shall be subject to the appropriation of the Provincial Council of such new Province.

Provincial Revenues of original Province levied within new Province to be subject to appropriation of Provincial Council of new Province.

XV. Every Province established under this Act shall contribute from its Revenues to the payment of the Interest and Sinking Fund, on such part of the Loan raised under the Act of Assembly intituled "The New Zealand Loan Act 1856," as shall be a special charge upon the Revenues of the Province of which such District shall have formed a part, and also to the payment of the interest on the amount, at the time of the establishment of such new Province, of the Permanent Debt of such original Province, rateably, according to the proportion which the annual aggregate of the sums payable to the Treasurer of such new Province under the Acts of Assembly, respectively intituled "The Surplus Revenues Act, 1858," and "The Land Revenue Appropriation Act, 1858," shall bear to the annual aggregate of the sums payable under the same Acts to the Treasurer of such original Province, the year being reckoned as commencing on the first day of July.

Apportionment between original Province and new Province of the charge of the public debt of the original Province.

XVI. Upon the establishment of any Province under this Act, all estate and interest of the Superintendent of any Province, of which such new Province shall have formed a part in any lands

Public Reserves granted to Superintendent of original Province to vest in Superintendent of new Province.

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theretofore granted to the Superintendent of such original Province, under the Act of Assembly intituled "The Public Reserves Act, 1854," shall forthwith vest in the Superintendent of such new Province, and shall be deemed and taken to have been granted to him and his successors under the provisions of the said "Public Reserves Act, 1854."

Short Title

XVII. The Short Title of this Act shall be "New Provinces Act, 1858."