



TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. XIV.

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AN ACT to alter the mode of Election of Superintendents in the Province of Hawke's Bay. Title.

[15th September, 1873.]

WHEREAS by "The New Provinces Act, 1858," it was enacted Preamble.

that wherever 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 should not be less than five hundred thousand acres, should 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*, should with all convenient speed establish such Province, subject nevertheless to the fulfilment of certain conditions therein specified: And whereas by an Order in Council made the first day of November, one thousand eight hundred and fifty-eight, and published in the said *Gazette* on the third day of November in the year aforesaid, after reciting the hereinbefore in part recited Act, and that a petition had been duly presented praying for the establishment of a new Province at Hawke's Bay, in the Province of Wellington, and that the several requirements and conditions of the said Act had been duly complied with, His Excellency the then Governor of the Colony, with the advice and consent of the Executive Council, and in exercise of the powers vested in him by the said Act, did establish a new Province, to be called and known by the name of Hawke's Bay, as in the said in part recited Order in Council particularly mentioned: And whereas by the said Act it was also enacted, among other things, that within one month after the election of the first and every successive Provincial Council of any Province established under the said Act, the Council should meet at a convenient time and place, to be appointed for that purpose by the Principal Returning Officer of the Province, and should by an absolute majority elect some person qualified to vote in the election of the said Council to be Superintendent of the Province:

*Superintendents of Hawke's Bay Election.*

And whereas it is expedient to make provision whereby the election of Superintendents of the said Province may be made in the manner provided by the Constitution Act, and not in the manner provided by the hereinbefore in part recited Act:

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

Short Title.

1. The Short Title of this Act shall be "The Superintendents of Hawke's Bay Election Act, 1873."

Majority of registered electors may petition that Act be brought into force.

2. Whenever a majority of the registered electors entitled to vote in the election of Members of the House of Representatives, resident within the Province of Hawke's Bay, shall sign and cause to be presented to the Governor in Council a petition praying that this Act may be brought into operation in the said Province, it shall be lawful for the Governor, by Order in Council, to appoint that as from a day to be fixed in such Order in Council this Act shall come into operation; and every such Order in Council shall be published in the *New Zealand Gazette*.

Council to be dissolved on Act coming into force.

3. Immediately on the coming into operation of this Act, the Provincial Council of the said Province shall be dissolved as effectually as if the period for which the same had been elected had duly expired by effluxion of time; and within such time as the Governor shall appoint, not later than sixty days after the coming into operation of this Act, a new election of Members of such Provincial Council shall be held in manner required by law.

Superintendent to hold office till election of successor.

4. The Superintendent of the said Province who shall be such Superintendent on the dissolution of the Provincial Council as aforesaid, shall continue to hold office as such Superintendent until the election of his successor as next hereinafter provided.

Superintendent hereafter to be elected as provided by Constitution Act.

5. On the coming into operation of this Act, the next and every successive Superintendent of the said Province shall be elected by the persons who within such Province are duly qualified to elect Members of the Provincial Council, in the same manner as if the Province of Hawke's Bay had been a Province of the Colony established under the Constitution Act; and the provisions of "The New Provinces Act, 1858," contained in the ninth, tenth, and eleventh sections thereof, shall, from and after the coming into operation of this Act, cease to have any force or effect within the Province of Hawke's Bay.

Provisions of Constitution Act to apply to such election.

6. Upon the election of a Superintendent of the said Province, all the provisions of the Constitution Act and any Act amending the same shall, subject to this Act, apply to such Superintendent as fully and effectually as if he were elected the Superintendent of a Province established under the Constitution Act; but no such Superintendent shall exercise any powers under the twenty-seventh section of the Constitution Act with respect to any Bill passed by the Provincial Council of the said Province; but such Superintendent shall have and may exercise the powers conferred on Superintendents under and by virtue of the twelfth section of "The New Provinces Act, 1858."

Superintendent *ex officio* Member of Provincial Council.

7. Whenever this Act shall be brought into operation as hereinbefore provided, it shall be lawful for every Superintendent of the said Province who shall be elected under this Act, by virtue of his office as such Superintendent, and so long as he shall hold such office, to sit and vote in the Provincial Council of the said Province, and to take part in the debates and other proceedings therein, in like manner and as fully as any elected Member of such Provincial Council.

Not to apply to Deputy Superintendent.

This provision shall not extend or apply to any person who may fill the office of Deputy Superintendent of the said Province at any time.