THE

NEW ZEALAND CONSTITUTION ACT.

(Passed the 30th day of June, 1852.)

IN THE FIFTEENTH AND SIXTEENTH YEARS OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

ANALYSIS.

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75. Saving as to Canterbury Settlement Lands. 13 & 14 Vict., c. 71, and 14 & 15 Vict., c. 84.
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76. Power to Canterbury Association to transfer their powers to the Provincial Council.

77. Saving as to Nelson Trust Fund. 14 & 15 Vict., c. 86.

78. 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.

79. Her Majesty may delegate certain powers to Governor.

80. Interpretation of “Governor,” and “New Zealand.”

81. Commencement of this Act.

82. Proclamations to be published in the New Zealand Gazette. Schedule.

AN ACT to grant a Representative Constitution to the Colony of New Zealand.

WHEREAS, by an Act of the Session holden in the third and fourth year 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, thenceforth 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 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and all charters, letters patent, instructions, and orders in Council, made and issued in pursuance thereof, were repealed, abrogated, and annulled, so far as the same were repugnant to the act now in recital, or any letters patent, charters, orders in Council, or Royal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, 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 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 assemblies 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:—

1. 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.

2. 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.

3. For each of the said Provinces hereby established, and for every Province hereafter to be established, as hereinafter 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.

4. 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

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Councils of the Provinces to be chosen.

duly qualified in each of the said Provinces to elect members for the Provincial Councils as hereinafter mentioned, shall elect a Superintendent of such Province: and on the termination of such Council, by expiration of the period hereinafter 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 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.

5. 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 held 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 or-
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derly, 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.

6. 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.

7. The members of every such Council shall be chosen by the votes of the inhabitants of the Province who may be qualified as hereinafter 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.

8. 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.

9. 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; and upon the receipt by the Superintendent of such resignation the seat of such member shall become vacant.

10. 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.

11. 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.

12. 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.

13. 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
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proclamation or otherwise, sooner to dissolve the same, whenever he shall deem it expedient so to do.

14. 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.

15. 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.

16. It shall be lawful for the Superintendent to pro-rogate such Council from time to time, whenever he shall deem it expedient so to do.

17. 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.

18. 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 hereinafter mention-ed) 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.

19. It shall not be lawful for the Superintendent and Provincial Council to make or ordain any law or ordinance for any of the purposes hereinafter mention- ed; (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. 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.

20. 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 hap-
pen, the election shall be repeated and confirmed as aforesaid.

21. 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.

22. No Provincial Council shall be competent to the despatch of any business, unless one-third of the whole number of members be present.

23. 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.

24. 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.

25. 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.

26. 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 be 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.

27. 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 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.

28. 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.

29. 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.

30. No Bill which shall be reserved for the signification of the assent of the Governor shall have any force and 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
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.

31. 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.

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

33. 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.

34. 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.
35. 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.

36. 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.

37. 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.

38. 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.

39. 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.

40. For the purpose of constituting the House of Representatives of New Zealand, it shall be lawful for the Governor, within the time hereinafter 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.

41. 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 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.

42. 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.

43. 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.

44. The General Assembly of New Zealand shall be held 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.

45. The said House of Representatives shall, until provision be made otherwise in that behalf by law, be judges without appeal, of the validity of the election of each member thereof.

46. 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:—

"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."

47. 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.

48. 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.

49. 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.

50. 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 attained of treason, or be convicted of felony or any infamous crime, his seat in such house shall thereby become vacant.

51. When and so often as a vacancy shall occur, as aforesaid, in any seat in the said House of Represen-
tatives, 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.

52. 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 hereinafter 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.

53. 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 repug-
CONSTITUTION ACT.

nant 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.

54. 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.

55. 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.

56. 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 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.

57. 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.

58. 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.

59. 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.

60. 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.

61. 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.

62. 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 payable under the provisions hereinafter contained, for or on account of the purchase any force until assented to by her Majesty.

Acts to be printed.

Duties not to be levied on supplies for Troops, nor any dues, &c., inconsistent with treaties.

Expenses of collection of Revenue.
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.

63. 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.

64. 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.

65. 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.

66. 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.

67. 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 Representatives, &c.
of 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.

68. 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.

69. 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.

70. 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
CONSTITUTION ACT.

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 bye-laws 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 hereinbefore declared.

71. 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.

72. 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 hereinafter 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.

73. 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.

74. 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:

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 license 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 license, 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.

75. 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 ex-

sum to be paid to New Zealand Company till their debt is discharged.

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.
ercised by the said Association, the provisions of the present Act shall come into force as regards the lands to which the said acts relate.

76. 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.

77. 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, intitled “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.

78. 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 fulfill 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.

No Act of the General Assembly to interfere with such regulations, save with consent, &c.
79. It shall be lawful for her Majesty, by any such letters patent 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, the establishment of municipal corporations, and the preservation of aboriginal laws, customs, and usages.

80. 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 one hundred and seventy-three degrees of West longitude, reckoning from the meridian of Greenwich.

81. 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.

82. 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.

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CONSTITUTION ACT.

DESPATCH FROM SIR GEORGE GREY, TO THE RIGHT HON. EARL GREY.

No. 121—Legislative.

Government House, Wellington,
August 30, 1851.

My Lord,—Adverting to my despatch, No. 123, of the 24th October, 1850, in which I transmitted, for your Lordship's information, the draft of a Bill for the constitution of Provincial Councils which I intended to introduce into the General Legislative Council of these islands, I have now the honour to enclose that Ordinance in the form in which it passed the Council and received my assent.*

2. In thus transmitting it for the purpose of being submitted for Her Majesty's approval or disallowance, I think it right to make, for your Lordship's information, the following report upon the enclosed measure.

3. In doing so it will however be necessary for me to advert to what took place in 1846, when Parliament passed an Act to make further provision for the government of the New Zealand islands, in conformity with the provisions of which a Charter was issued, and a Constitution conferred upon these islands, regarding the general provisions or details of which, it was, from want of time, not found practicable to afford me any opportunity of making a report or offering any opinion.

4. When that Constitution and the Instructions which accompanied it arrived in the colony, very serious disturbances prevailed; and the native population having for some time previously been in a state of great excitement and rebellion, I thought it would be imprudent to attempt immediately to introduce certain revisions in the Charter, Constitution, and Instructions, which had been sent out to me, and I reported to your Lordship accordingly. With a promptitude and generous confidence in my prudence and judgment for which I shall always feel grateful,

* Provincial Councils Ordinance, Sess. XI, No. 6.
your Lordship acceded to my views; and upon your recommendation Parliament passed an Act in 1848, suspending for five years the constitution which had been bestowed upon these islands, and further authorizing me, during those five years, to constitute in New Zealand Provincial Councils, to be composed either wholly of elected, or partly of appointed and partly of elected members, as might be thought most desirable.

5. The suspending Act of Parliament not wholly repealing, or even altering, the constitution which, under your Lordship’s directions, had been conferred upon these islands, but only deferring its introduction for five years, I felt that it was my duty to your Lordship, who had acted with such generosity and confidence towards myself, to be careful to exercise the powers conferred upon me by Parliament with regard to the creation of Provincial Councils in such a manner as should neither defeat nor even embarrass, but rather aid in the introduction (at the termination of the five years for which it was suspended) of that form of constitution which that officer of Her Majesty’s Government, under whose direct orders I was serving, and upon whom the responsibility of advising the Queen upon such subjects rested, had deemed most fitted for the present condition of these islands, and which constitution was, moreover, in very many of its main features, one well adapted to promote the prosperity of New Zealand.

6. I also felt that I had a peculiar and very delicate duty to perform towards Parliament, because the powers with which I was intrusted by the Act 11 Vict., cap. 5., of constituting Provincial Councils, were very great powers, such as I believe had before that time rarely, if ever, been entrusted to a Colonial Governor; and Parliament, at the same time that it had intrusted me with these ample and unusual powers of legislation on such important subjects, was itself legislating upon the same subjects, with reference to colonies in the immediate vicinity of the lands. I judged therefore that it was my duty, as officer of a great Empire, intrusted with high powers, not to attempt rashly to set up my judgment against the opinions of the majority of the great council of that
Empire, and by legislating in a manner different from that which they thought proper to pursue in immediately neighbouring colonies, create, perhaps, great embarrassment and much discontent. But I thought it rather my duty, in any Ordinances which I might pass for the creation of local legislatures, to act, in as far as the circumstances of this country would permit, in perfect accord and harmony with the system which Parliament might pursue; and then, in reference to any other changes I might deem necessary, to make recommendations on the subject to your lordship, in order that they might be submitted for the consideration of Parliament.

7. In all proceedings, therefore, which I have taken in reference to the changes I have introduced into the constitution of this country, I have held the two foregoing principles in view; although I have still so framed my measures as to make gradual advances towards what, in my own opinion, would be the most perfect form of constitution which could be bestowed upon New Zealand.

8. The recent despatches I have received from your Lordship having convinced me that your desire to promote the welfare of the inhabitants of these islands and the interests of the Empire is so strong, that you are ready instantly to forego the form of constitution proposed by your Lordship if a better one can be presented for your consideration, and as you have invited the full expression of my views upon the subject, I now, although with a sense of great diffidence in opposing my own views to those of your Lordship and Parliament, proceed, in transmitting the enclosed Ordinance, to make a general report upon the form of institutions which a long consideration of the subject has made me deem best adapted to the circumstances of these islands, and to show how I hoped that the Ordinance now transmitted might ultimately form a component, and perhaps the most important part of such institutions.

9. In making such a report as I have above indicated, I shall assume, in conformity with the terms of your Lordship's despatch, No. 23, of the 19th February, 1851, that (although they have not yet reached me) Instructions have been issued to me by her Majesty,
leaving me unfettered discretion as to the number of provinces into which New Zealand should be divided; and I shall further report fully the mode in which I intend temporarily to give effect to those instructions and to the enclosed Ordinance, so that my proceedings may, in as slight a degree as possible, interfere with any arrangements which Her Majesty's Government may see fit to make regarding the form of constitution for New Zealand, whether they may either adopt in whole or in part, or entirely reject, the plan of institutions embodied in the enclosed Ordinance and this report.

10. In order that the present state of these islands, and the condition of the several races inhabiting them, for whom representative institutions are to be provided, may be clearly understood, and that the subject may stand in a complete form, it will be necessary for me to incorporate into the present despatch, with such modifications as carry the subject up to the present time, several of the first paragraphs of a despatch, number 98, which I addressed to your lordship upon the 9th of July 1849.

11. The group of colonies comprised in the New Zealand islands are composed at present of what may be termed nine principal European settlements, besides smaller dependencies of these. The largest of these settlements contains about nine thousand (9,000) European inhabitants; and their total European population may be stated at about twenty-six thousand souls. These settlements are scattered over a distance of about nine hundred miles of latitude; they are separated from each other by wide intervals; and communication, even for persons on horseback, exists only between three of them. Their inhabitants are chiefly British subjects, but there are amongst them many Americans, French, and Germans. The majority of them have never been trained to the use of arms. The settlers, both in the main colonies and the subordinate dependencies, have occupied the country in so scattered and irregular a manner, that it would be found impossible to afford them efficient protection. They are generally without arms, and would probably be deprived of them by the aboriginal population if they possessed them at any remote stations.
12. The wide intervals between these European colonies are occupied by a native race, estimated to consist of one hundred and twenty thousand (120,000) souls, a very large proportion of whom are males capable of bearing arms. These natives are generally armed with rifles or double-barrelled guns; they are skilled in the use of their weapons, and take great care of them; they are addicted to war, have repeatedly in encounters with our troops been reported by our own officers to be equal to any European troops, and are such good tacticians that we have never yet succeeded in bringing them to a decisive encounter, they having always availed themselves of the advantage afforded by their wilds and fastnesses. Their armed bodies move without any baggage, and are attended by the women, who carry potatoes on their backs for the warriors, or subsist them by digging fern-root, so that they are wholly independent of supplies, and can move and subsist their forces in countries where our troops cannot live.

13. I should here correct a popular fallacy, which, if ever acted upon, might prove ruinous to these settlements. It has been customary to compare them to the early American colonies, and the natives of this country to the North American Indians. There appears to be no analogy between the irregular manner in which these islands were partially peopled by whalers and persons from all portions of the globe, and the pilgrim fathers who founded the early settlements in America; and I have been assured by many excellent and experienced officers, well acquainted with America and this country, that there is, in a military point of view, no analogy at all between the natives of the two countries; the Maories, both in weapons and knowledge of the art of war, a skill in planning, and perseverance in carrying out, the operations of a lengthened campaign, being infinitely superior to the American Indians. In fact there can be no doubt that they are, for warfare in this country, even better equipped than our own troops.

14. These natives, from the positions which they occupy between all the settlements, can choose their own points of attack, and might even so mislead the
most wary government as to their intended operations, as to render it extremely difficult to tell at what point they intended to strike a blow. They can move their forces with rapidity and secrecy from one point of the country to another; whilst, from the general absence of roads, the impassable nature of the country, and the utter want of supplies, it is impossible (except in the case of some of the settlements where good roads have been constructed) to move a European force more than a few miles into the interior from any settlement.

15. The natives, moreover, present no point at which they can be attacked, or against which operations can be carried on. Finding now that we can readily destroy their pas or fortifications, they no longer construct them, but live in scattered villages, round which they have their cultivations, and these they can abandon without difficulty or serious loss, being readily received and fed by any friendly tribe to whom they may repair. They thus present no vulnerable point. Amongst them are large numbers of lawless spirits, who are too ready, for the sake of excitement and the hope of plunder, to follow any predatory chief. To assist in anything which might be regarded as a national war, there can be little doubt that almost every village would pour forth its chiefs and its population.

16. With these characteristics of courage and war-like vagrancy, the Maories present, however, other remarkable traits of character. Nearly the whole nation has now been converted to Christianity. They are fond of agriculture, take great pleasure in cattle and horses; like the sea, and form good sailors; have now many coasting vessels of their own manned with Maori crews; are attached to Europeans, and admire their customs and manners; are extremely ambitious of rising in civilization and of becoming skilled in European arts; they are apt at learning; in many respects extremely conscientious and observant of their word; are ambitious of honours, and are probably the most covetous race in the world. They are also agreeable in manners, and attachments of a lasting character readily and frequently spring up between them and
the Europeans. Many of them have also now, from their property, a large stake in the welfare of the country; one chief has, besides valuable property of various kinds, upwards of five hundred pounds (£500) invested in Government securities; several others have also sums of from two to four hundred pounds (£200 to £400) invested in the same securities.

17. A consideration of these circumstances will, I think, lead to the conclusion that any attempt to form, in those portions of these islands which are densely peopled by the natives, an ordinary European settlement, the inhabitants of which produced all they required, and were wholly independent of the native race, must end in failure. The natives in the vicinity of such a settlement, finding themselves excluded from all community of prosperity with its inhabitants, would soon form lawless bands of borderers, who, if they did not speedily sweep away the settlement, would yet, by their constant incursions, so harrass and impoverish its inhabitants that they would certainly soon withdraw to the neighbouring Australian settlements, where they could lead a life of peace and freedom from such incursions. Upon the other hand, however, it would appear that a race such as has been described could be easily incorporated into any British settlement, with mutual advantage to both races; the natives supplying agricultural produce, poultry, pigs, and a constant supply of labour (although yet for the most part rude and unskilled); whilst, upon the other hand, the Europeans would supply the various manufactured goods required by the natives, and provide for the manifold wants created by their increasing civilization. Such a class of settlements might easily grow into prosperous communities, into which the natives, with characters softened by Christianity, civilization, and a taste for previously unknown luxuries, would readily be absorbed. This process of the incorporation of the native population into the European settlements, has, accordingly, for the last few years, been taking place with a rapidity unexampled in history. Unless some sudden and unforeseen cause of interruption should occur, it will still proceed, and a very few years of continued peace and prosperity would suffice for the entire fusion of the two races into one nation.
18. These observations on the present relative positions of the European and native populations of these islands apply principally to the northern island of New Zealand; the European population in the Middle Island already probably considerably outnumbering the natives who inhabit that island.

19. In considering the geographical and political positions, in relation to each other, of the several settlements occupying the Northern Island, it may be stated that the centre of that island is occupied by a mountain range, the highest point of which is probably about ten thousand (10,000) feet above the level of the sea, and is covered with perpetual snow, having as one of its peaks a volcano of boiling water. The snows which cover this range form perpetual springs from which rivers of cold and pure water are thrown off in all directions to the coast; whilst the volcano in the same range constitutes a fountain of perpetual supply to two nearly continuous chains of boiling springs, which run from the mountain range to the north-eastern coast of the island.

20. The central mountain range throws off also spurs or ridges of very difficult mountainous country in various directions to the coast, the valleys between which ridges, generally mere gorges at the hills, become fertile and extensive plains near the coast, and form the channels of the Thames, the Waikato, the Mokau, the Whanganui, the Rangitikei, and other minor streams. These subsidiary mountain ridges or spurs thrown off from the main range are, for the most part, where roads have not been constructed across them, impassable even for horses; so that no overland communication, except for foot passengers, can be considered as yet existing between the several principal settlements.

21. In the plains in the Northern Island through which the above named rivers flow, and at points where the coast line indents these plains with roadsteads or harbours, are situated the principal European settlements; whilst the Maori population inhabit the central mountain range, or are distributed in small villages scattered along the fertile banks of the rivers from their sources to their junction with the sea, or occupy in small communities the coast line which
intervenes between the several European settlements. Each European settlement has also now attracted to its vicinity, or contains mixed up with its white inhabitants, a considerable Maori population. In these cases both races already form one harmonious community connected together by commercial and agricultural pursuits; they profess the same faith; resort to the same courts of justice; join in the same public sports; stand mutually and indifferently to each other in the relation of landlord and tenant, and are insensibly forming one people. Each day also, as the European settlements spread along the coast, or towards the interior, a large number of Maories are weaned from barbarism, and are adopted into a civilized community. The danger of any general outbreak on their part, therefore, daily decreases; and there seems no reason why populations which so readily assimilate may not be gradually and by prudent measures brought under one form of constitutional government, which might equally foster and promote the really common interests of both races, if those of the ruder race be first taught to resort for the settlement of their disputes to courts of judicature expressly adapted to their present state, and be by degrees trained to the exercise of simple municipal duties.

22. The Middle Island may be said to be traversed by a mountain range, which, commencing at its north-east extremity, where it almost abuts on the coast, runs in nearly an east and west line across the country to the west coast, along which coast it continues uninterruptedly, but increasing in elevation till it reaches the south west corner of the island. To the westward this range falls abruptly into the sea, leaving, generally, but a narrow strip of fertile land between its base and the sea coast; whilst, although it falls in the same abrupt manner on its eastern side, fertile plains of immense extent intervene on that side between the base of the mountain range and the sea.

23. Two considerable settlements are already established on these plains on the east coast, and a third very considerable settlement (Nelson) is established on the plains in the northern part of the
island, which intervene between the mountain range and the sea. The mountain range in the Middle Island is also throughout a great portion of its extent covered with perpetual snow, and gives rise to numerous rivers of considerable width, subject to sudden floods, and generally of very rapid course.

24. In the Middle, as in the Northern Island, no overland communication, except for foot passengers, as yet exists between the different settlements. For in that island, where mountain ranges do not interpose an almost insurmountable barrier between the settlements, the wide, rapid, and dangerous rivers offer at present a no less serious difficulty in the way of any continuous intercourse between the various towns. The inconsiderable native population in the Middle Island may be said to be principally located in the vicinity of the several European settlements.

25. In the two islands there exist six principal towns, five of which are situated on good harbours, and each of these form emporiums for considerable colonies in their neighbourhood.

26. These five colonies were settled at different times, each upon a totally distinct plan of colonization, and by persons who proceeded direct to their respective colony, either from Great Britain or from the neighbouring Australian colonies, and who rarely passed through any other New Zealand settlement previously to reaching the colony which they now inhabit; and who, except in a few instances, rarely travel from their own colony to any neighbouring settlement.

27. Each of these chief towns carries on an independent trade with Great Britain and with the neighbouring Australian colonies, and hardly any interchange of commerce takes place between them, since they at present all produce nearly the same commodities, and require the same kind of supplies, which they naturally seek at the cheapest mart; whilst the cost of transport from a port in the Australian colonies, but in a trifling degree, if at all, exceeds the corresponding charges from a port in New Zealand. There is indeed already a considerable and increasing coasting trade in New Zealand, which in some parts is chiefly carried on in vessels owned and manned by
Maories; but it consists rather of a trade between various small native and European settlements, and that one of the principal European towns from which they derive their supplies, and with which they are immediately connected, than of any trade between the principal colonies themselves.

28. I think it must be clear that between colonies so constituted, little of what may be termed community of interest can be said to exist. There is no general capital or mart to which all merchants and persons having extensive business at all times resort. There is no one central town for all the islands in which the courts of law hold their sittings. Individuals who inhabit one colony, rarely have property or agents in another. Personal acquaintance or intercourse between the inhabitants of the various settlements can be scarcely said to exist.

29. Any attempt therefore to form a General Legislature for such a group of colonies, which should at present annually, or even frequently assemble, and which should be so composed as fairly to represent the various interests of all parts of this country, must, I think, fail; because there are as yet no persons in these islands who have the means or leisure, to enable them to abandon their own affairs each year, for the purpose of resorting to another colony, there to discharge their senatorial duties. If even a payment was made to such persons to remunerate them for their expenses whilst travelling and absent from home, they still could not afford to neglect their own affairs during so long an interval of time.

30. I think, therefore, it may be assumed, that a General Legislature which should be required frequently to assemble, should form no part of any plan of institutions to be conferred upon such a group of colonies; although I shall show presently that for some purposes a General Legislature is even now necessary, and will hereafter be still more necessary, if these islands are to form, as is greatly to be desired, one large and prosperous country.

31. The same causes which appear to me to render it impossible at present to assemble frequently a General Legislature, which should at all fairly represent the interests of all the settlements, seem also, in
as far as I can judge, to be fatal to the adoption in
these islands of the municipal system alone, without
some other peculiar institutions being adopted in aid
of that system, which would be adapted to the unusual
state of circumstances which prevail in this country.

32. Because such municipalities can only exist con-
currently with a Legislature which frequently meets.
For there is nothing connected with the offices of
mayor or alderman of the corporation of a small
colonial town, which would induce the ablest and
leading men of the country to strive to obtain such
offices. Under a system of extended municipalities
with enlarged powers, such corporations would,
however, compose in fact not only the legislative
body, but also the executive government of large
districts of country. It would therefore certainly be a
great oversight, and an unwise policy, thus by indirect
means to exclude from the higher legislative and
executive offices, the fittest and ablest men that the
country affords. The frequent sittings of a municipal
body would also, in a country where every man is
engaged in some active occupation, prevent all those
who did not live in the town or in its immediate neigh-
bourhood, from becoming members of such municipal
bodies; hence a large portion of the population and
of the country would, under such a system, be vir-
tually unrepresented, and their requirements unknown.
The careless manner in which municipal bodies enact
their laws render them also little qualified for the
offices of higher legislation for extensive districts of
country; and the frequency and permanency of their
sittings would in a great degree remove them from
that watchful control of public opinion, which is always
eagerly concentrated on the proceedings of a legislative
body which has only one annual sitting, extended
over no very great length of time. Moreover, corpo-
rate bodies, exercising the usual and rather extended
municipal powers, are already required for several
towns in New Zealand. I think, therefore, that the
municipal system should be here carefully preserved,
and that it should be so preserved in its integrity for
municipal purposes, and that its vitality and very
form of being should not be destroyed, by producing
it in a shape which, possessing no distinctive charac-
CONSTITUTION ACT.

ter, no clearly ascertained line of duties, would command little or no respect, would have no precedents to guide it, would, I am sure, in practice prove entirely unsatisfactory and almost useless, and would thus, after a short existence, during which great discontent would be generated in the country, and its prosperity and progress be much retarded, leave to Great Britain the task of again framing a constitution for this country, which task would then be found a far more difficult one than it would be at present.

33. Having thus discussed these preliminary questions, I now proceed to report upon the form of Constitution which I think would meet all the difficulties presented by the anomalous circumstances of this country; and in doing this I shall endeavour to trace them upwards from the municipal institutions of the lowest kind which exist here, to the General Legislature; because I believe that the whole working of the proposed form of future institutions will depend upon a proper balance of different interests being preserved; indeed, the main feature of the plan now submitted for your Lordship's consideration is, that it is an attempt to adjust the English constitution, and its balance of powers, to the peculiar circumstances of this country.

Municipal Institutions.

34. These I propose should be of three kinds, two of which are already in existence, and appear likely to confer great benefit on these islands.

First.—The division of the country into hundreds, represented by their wardens, the mode of election, powers, and duties of which officers, as also the nature and extent of the funds placed at their disposal, are set forth in the Ordinance named in the margin,* and in the Royal Instructions dated 12th of August, 1850. This system of small municipalities has already been for a long time in full and beneficial operation, and the system has received the Royal sanction. It may be said to be one which precedes the system of large municipal boroughs, first occupying with simple institutions a country thinly inhabited by Europeans and Maories engaged in agricultural pursuits, and which are of such a

nature that they form a fitting introduction to a higher class of municipal institutions.

Secondly.—The division of the thinly inhabited portions of the country, at present almost exclusively occupied under lease from the Crown by persons employed in rearing and tending sheep and cattle, into large districts to be called "pastoral districts," represented by pastoral wardens, the mode of election, powers, and duties of which officers are detailed in the Ordinance noted in the margin.* No municipality of this kind has yet been created, the law which enables me to do so having only recently passed, nor has it yet received the Royal sanction. But the declaration of my proposing to create municipalities of this kind has been received with general satisfaction, and great benefits are expected to flow from the adoption of this system.

Thirdly.—The constitution of municipalities, of the nature of those existing in Great Britain, but with more extended powers. These would generally embrace several hundreds of the first class, which would however, still preserve their own privileges as hundreds, and elect their own wardens; although for a higher and more extended class of municipal duties they would be adopted, as wards, into the larger corporation. The necessary powers for creating these bodies are already conferred upon the Governor-in-Chief by the Charter and Fifth chapter of the Instructions of 1846. Full details relating to the constitution, duties to be confided to, and powers of these bodies, are set forth in the Auckland Charter, creating such a municipality, and my despatch to the Lieutenant-Governor which accompanied it, which I transmitted to your Lordship in my despatch named in the margin. Several municipalities of this nature, in addition to the borough of Auckland, will require to be almost immediately constituted.

35. From the preceding statement of the nature of the municipal institutions which I consider necessary for New Zealand, your Lordship will, I think, see that I rely greatly upon municipal institutions as a very important element in the constitution of this country; and it will be found by a reference to my

* Crown Lands Amendment and Extension Ordinance, Sess. XI, No. 10.
despatches of the numbers and dates mentioned in
the margin, that, from one third of the gross pro-
cceeds realized from the sale of land in their re-
spective districts being placed under the control of
these municipal bodies, I anticipated that a more
popular and better administration of the waste lands
of the Crown would result than prevails in any
other colony.

36. Finally, I would make two remarks upon this
subject.

Firstly.—I believe the system of municipal institu-
tions which I have detailed is very popular, and will
gradually become more so, and that the inhabitants
of New Zealand generally would very unwillingly
see them swept away to give place to any other
system that has as yet been proposed.

Secondly.—That all the necessary powers for the cre-
ation and regulation of such municipalities rest upon
legislative enactments and instructions already in
existence; and that, consequently, nothing has
either to be done, nor does anything require to be
swept away, in order to secure to New Zealand the
advantage of such corporate bodies.

In any constitution, therefore, which may be given
to these islands, all that is necessary is to preserve,
exactly in its present form, the fifth chapter of the
Royal Instructions of 1846, "on Municipal Corpora-
tions."

**Provincial Councils.**

37. Next ascending to the legislative body, which
it is proposed should immediately succeed municipali-
ties.

38. I think that power should be given to the
Governor-in-Chief to divide the New Zealand islands,
when he thought it expedient to do so, into the five
provinces named in the margin; * and that power
should also be given to the Governor-in-Chief, with
the advice and consent of the General Legislature of
these islands, to alter the boundaries of such provinces,
and to create others if necessary.

39. One of the provinces I have named would proba-
bly immediately contain three boroughs or munici-

* Auckland or New Ulster, Wellington, Nelson, Canterbury, Otago.
palities; and they might all, from their nature, contain either several municipalities or none. If the returns of the native population are at all correct, the proposed province of New Ulster would now contain,

Europeans... 10,000 \{ nearly 80,000 souls; 
Natives....... 70,000 \} that of Wellington,

Europeans.... 8,000 \{ 48,000 souls, exclusive of the 
Natives........ 40,000 \} military.

The other provinces would at present contain comparatively small populations. But a rapid increase in the European population of the whole of New Zealand is taking place.

40. To each province that might be created, I propose that a Legislative Council should be given, to be called the Provincial Legislative Council. I propose that for the present those Councils should be constituted in the manner provided in the enclosed Ordinance, and that they should possess all the powers which that law confers upon them, although I think that certain alterations in their constitution and powers should shortly be made in the mode which I will presently explain.

41. I, perhaps, ought here to add that, in conformity with the terms of the Charter and Royal Instructions, it is only provided in the Provincial Councils Ordinance, now transmitted to your Lordship, that those Councils shall not legislate upon the several subjects named in the Charter and Instructions, and in a subsequent despatch addressed to me by your Lordship. If this question was left entirely to my discretion I should, with a view of securing uniformity in the administration of justice throughout the entire islands, prohibit the Provincial Councils, in addition to the other subjects named in the enclosed Ordinance, from making any laws for the establishment of any courts of judicature, criminal or civil, or for the alteration of the constitution of, or course of practice in, any such courts.

And further, in order that the same punishment might attach to indictable offences throughout the whole of New Zealand, instead of enacting, as directed by your Lordship, and as has been done in the
thirteenth section of the twenty-ninth clause, that it shall not be competent for the Provincial Council to make any law for inflicting the punishment of death or transportation for any crime or offence, I should wish to see it enacted that such Councils should not make any law for altering or affecting the criminal law of the colony, so far as relates to any felony, treason, or misdemeanor prosecuted by indictment or information.

42. If such a Legislative Council as I suggest is given to each province, and the members of it receive the payment proposed for their attendance, then annual sessions might be held at the capital of the province without inconvenience, and each of these Councils would possess the most ample, in fact all requisite powers of legislation for the regulation of all questions that could arise within a province; and as the whole of the local revenues (except that portion which is required for general purposes, including the civil list) is placed at the disposal of such Legislative bodies, there can be no doubt that the revenues of the country would be fairly and equitably applied throughout its whole extent.

43. Legislative Councils of this nature appear to me to present great advantages in a country circumstanced as New Zealand is. I will name a few of these advantages: Firstly—They secure, in the only manner which I believe to be practicable in New Zealand, real local self-government throughout every part of these islands. Secondly,—If any questions of an exciting kind should arise between the European and native populations, the majority of the provinces, from the small number of natives in them, would have no great personal interest in such questions. Their inhabitants and legislatures could therefore form a dispassionate and unprejudiced opinion on such questions. Hence the general Government in pursuing such a line of policy towards the natives as justice and humanity might demand, could be certain that it would not be compelled to yield to momentary passions, prejudice, or self-interest; because there would be a large number of persons, and several regularly constituted legislative bodies, on whom it could rely for support. On the other hand, if the General Government, weakly yielding to public clamour and
prejudice, was about to give effect to the momentary merely local popular will of any province by committing some act of injustice towards the natives, regularly constituted legislative bodies would be in existence to give expression to their opinion, and thus check its action. Thirdly.—The constitution of such legislative bodies, which possessed such extensive powers of local legislation, would, for at least several years to come, render the frequent assembling of the General Legislature entirely unnecessary. Fourthly.—The powers of legislation of such Councils being merely of a local nature, and being restricted in reference to general matters, a great difficulty is avoided; inasmuch as Ordinances passed by them need not be referred home for the Royal assent, but might, as is provided in the enclosed Ordinance, be either allowed or disallowed by the Governor-in-Chief. The question therefore which relates to the transmission of all colonial laws for the allowance or disallowance of the Crown would be much narrowed; indeed it could only arise in reference to laws passed by the General Legislature; and as that body would so seldom meet, and the subjects reserved for its legislation are so few, the probability is that it might never be thought of in as far as relates to New Zealand. Fifthly.—Such Provincial Legislative Councils would greatly increase the efficiency of the municipalities, by forming the proper bond of union between the several boroughs of any one province, which would then all be fitted as it were into one body politic, the action of the several parts and of the whole of which would be in entire harmony.

44. In my despatch, No. 123, of 24th October, 1850, transmitting the draft of the Provincial Councils Bill, and in the other despatches named in the margin,* I reported so fully upon the reasons which induced me to adopt the rate of franchise for electors named in the enclosed Ordinance, the principles of no express qualification being required for members of the Council, and of paying the estimated amount of their probable expenses, as also upon the reasons

* No 106, 29th Nov., 1848—No. 4, 2nd Feb.—No. 23, 15th March—No. 27, 22nd March, and No. 161, 30th Nov., 1849.
which led me to recommend that these Councils should only be elected for two years, that I do not think it necessary to trouble your lordship with a further explanation on these subjects. I therefore now pass on to the form of General Legislature which I would recommend for these islands.

General Legislature.

45. A consideration of the enclosed Ordinance, and of the subjects of general interest on which it prohibits the Provincial Councils from legislating, reserving these for the General Legislature, will, I think, so clearly point out the necessity which exists for the creation of a General Legislature, that I do not think it necessary to advance any arguments in favour of the creation of such a body; but assuming it to be admitted that a General Legislature should be constituted for New Zealand, I shall proceed to point out how I think that body should be composed.

46. I think it should consist of—
A Governor-in-Chief, appointed in the usual manner by the Crown; of—
A Legislative Council, elected in the manner recently suggested to me by your Lordship, that is, by the Provincial Councils, such a number of votes being allowed to each member of these Councils as to enable a minority to be at least in some degree represented: and, thirdly, of—
A Representative Assembly, to be elected by voters, with exactly the same qualification as is required to be possessed by those who vote for the return of members of the Provincial Councils.

I think, as it is proposed that the General Legislature should be so rarely assembled, it would be requisite that the members, both of the Legislative Council and of the House of Representatives, should be elected for a period of five years.

47. I have only within the last few days had an opportunity of perusing for the first time the Report of the Committee of the Board of Trade and Plantations on the proposed establishment of a Representative Legislature for the Cape of Good Hope, which your Lordship so kindly sent out to me; and I beg to state, that I think the recommendations made in the twenty-sixth and twenty-seventh paragraphs of that
Report regarding the powers to be given both to the Governor and Legislative Council to amend bills which may be sent up to them should be conferred upon the Governor-in-Chief and the Legislative Council of New Zealand, if the form of constitution I propose is introduced into this colony.

48. I have thus traced the general outline of the form of representative institutions which experience and reflection have led me to deem best suited to the circumstances of New Zealand. There yet, however, remains for me the duty of suggesting the form of Executive Government by which these institutions should be worked, and without a distinct exposition of which the proposed plan could only be very imperfectly understood. In explaining my views on this subject it will be necessary for me to follow an order the reverse of that which I have adopted in explaining the constitution I propose for New Zealand; that is, whilst I traced the institutions themselves up from the lowest order of municipality to the General Legislature, it will be necessary for me, in order to make myself clearly understood, to trace the Executive Government from the Governor-in-Chief downwards.

General Executive Government.

49. I propose that the General Executive Government should consist of a Governor-in-Chief nominated by the Crown, a Civil Secretary, and either two or three principal officers, for the present nominated by the Crown, and holding permanent appointments. I am unable, until the system has been tested, to state the precise number of officers that may be necessary to conduct the business of the central Government, nor do I think it requisite to attempt to state how the personal staff of the Governor-in-Chief should be composed, or what establishment of clerks may be necessary for the principal officers. The number of such persons need at present only be very limited, and I presume that the cost of the central Government would for the present be paid from the civil list.

50. The duties of the Governor-in-Chief would consist in corresponding with, and receiving all necessary instructions for his guidance in the government of these islands from her Majesty, through one of her Majesty's principal Secretaries of State. He would also
correspond through the Civil or Chief Secretary with the officers administering the Government of the several Provinces, and within the limits fixed by the laws existing at the time, would prescribe to what extent it should be the duty of such officers to await his instructions before carrying into effect the powers by law vested in them.

51. It would be immaterial in what province he might temporarily reside, as under the Provincial Councils Ordinance, his duties would in no way interfere with those of the officer administering the government of the province.

52. I think also that the Governor-in-Chief should be the sole Commander-in-Chief in the New Zealand Islands, and should alone have the power of issuing to the officer in command of the forces within these islands and their dependencies orders for the march and distribution of troops, the formation and march of detachments and escorts, and generally for such military service as the safety and welfare of the colony may require.

53. I think, farther, that the Governor-in-Chief should alone be entrusted with the power of issuing orders regarding the temporary occupation of Crown lands for depasturing purposes; that he should have the appointment of all officers having the control or administration of the Crown lands, except such officers as might be appointed for these purposes by wardens or municipalities in accordance with the powers by law vested in them; and I think also that the distribution of the Crown land revenue in the manner prescribed by law, either for emigration purposes or for the purpose of public works to be executed under the authority of the Provincial Legislatures, should be made under the direction of the Governor-in-Chief.

54. In like manner I think that the expenditure of the civil list, and of such sums as may be reserved for purposes connected with the welfare of the native population should be made under the direction of the Governor-in-Chief, subject to such instructions as he may receive from time to time from the Secretary of State. He should also be allowed to exercise the power he at present possesses of appointing Resident Magistrates and Native Assessors for the purpose of carrying out English laws in any district which from its large native population might, in his opinion, require the presence of such officers.
55. The Governor-in-Chief should also in my opinion alone have the power of making to Europeans grants for lands which may be claimed in virtue of alleged contracts between themselves and persons of the native race, the nature of the claim to which would differ from one which rested on a purchase made from the Crown of part of its demesne lands. I think, farther, that the Governor-in-Chief should have the power of making, at his discretion, grants of lands to persons of the native race, and of assuring to themselves and their heirs the uninterrupted possession of certain properties; and that he should also alone have the power of making grants of the demesne lands of the Crown for public purposes.

56. Lastly, on this head, I think the Governor-in-Chief should, for the present, have all the powers regarding the confirmation or disallowance of Provincial Ordinances which are conferred upon him by the enclosed Ordinance; and should, in conjunction with the General Assembly of the islands, have the power of making and ordaining all such Laws and Ordinances as may be required for the peace, order, and good government of the New Zealand islands, which laws should be transmitted with the least possible delay for her Majesty's allowance or disallowance.

57. I also propose that the Governor-in-Chief should have the power of dividing the colony into judicial districts for the purposes of the administration of justice, of altering the limits of such districts, and of prescribing the places at which Circuit Courts should be held; and, farther, that he should exercise all such powers as have been or may be conferred upon him by Ordinances made by the General Legislature of New Zealand.

58. The Governor-in-Chief, conjointly with the General Legislature, would have the power of fixing by law the number and salaries of the officers employed in the collection of those portions of the revenue which were collected under laws enacted by their authority; and would in like manner fix the number and salaries of the officers who were to be employed in the survey and administration of the Crown Lands.
59. Under the existing laws of New Zealand, the Governor-in-Chief already possesses the whole of the powers which I have recommended should still be exercised by him. In many points, such as the appropriation of the land revenue, and of the sums reserved for native purposes, the issuing of orders for regulating the depasturing of sheep and cattle on waste lands of the Crown, the rate of remuneration to be given to the officers of the General Government, &c., &c. the limits within which he should exercise the powers intrusted to him, would have by degrees to be adjusted by laws enacted by the Governor-in-Chief and General Assembly of these islands. But I do not apprehend that any serious difficulty will be experienced in adjusting these details.

60. I think also that in reserving these powers to the Governor-in-Chief, Great Britain would retain the means of promoting in every desirable way the interests and welfare of all her Majesty’s subjects in these islands, to whatever race they belong. I do not think that, in justice to the native race who yielded the sovereignty of these islands to her Majesty, any of these powers ought for the present to be abandoned by the Crown. Nor do I think that the very great majority of her Majesty’s subjects inhabiting New Zealand would desire for the present to see Great Britain relinquish these powers. But I think a wise foresight requires that the Crown, in retaining all necessary powers, should retain none that are not essentially necessary. From this proceeding would probably spring a great and lasting contentment amongst her Majesty’s subjects in these islands, who, having a very large measure of freedom bestowed upon them, and being deprived of no privilege which was necessary for the free exercise of a system of local self government, would probably for a long series of years, cheerfully see vested in the hands of the Crown the powers which it alone could exercise for the good of all, and the possession of which by the Crown in no way interfered with the freedom or happiness of any class or community of its subjects. Having made these introductory remarks, I shall now proceed to the consideration of the form of Executive Govern-
ment which should, I think, be given to each of the Provinces into which it is proposed New Zealand should be divided.

*Provincial Executive Governments.*

61. The terms of the New Zealand charter of 1846 compelled me, in the Provincial Councils Ordinance, to apply the term "Lieutenant-Governor" to the officer administering the government of each province. Had a discretion been left to myself, I should have designated such an officer by the term "Superintendent," and I would still recommend the adoption of this designation for the officer administering the government of a province.

62. I should now remark, that, according to the original constitution of New Zealand, the Crown nominated one Governor, and the officers composing one general government for the whole of these islands. I propose still that it should exercise the same powers in the nomination of a Governor-in-Chief, and that for the present it should continue to nominate the officers of the General Government. But here, in addition to the observations I have already made upon the evils that may result from the Crown retaining unnecessary powers, I should observe that if the Crown nominates in these islands the Lieutenant-Governor or Superintendent of each Province, and all the officers composing the Executive Government of the respective Provinces, together with their establishments, and makes, as would in that case be necessary, their salaries a charge upon the civil list, it will create, throughout the entire New Zealand islands a multitude of officers who, in the event of their offices being abolished, when a freer system of institutions was introduced, would have a claim for compensation, and thus such serious difficulties would be interposed in the way of the introduction of any freer form of institutions into the islands of New Zealand, that I almost doubt if it would be possible subsequently to introduce them without subjecting the country to a crisis which must materially affect its prosperity.

63. I would, therefore, earnestly recommend her Majesty's government, subject to the restrictions which I will hereafter mention, to allow the electors
of every Province to elect the Superintendent or officer administering the Government of that Province, to hold office for the same period of time as the members of the Provincial Councils are elected to serve, and then to leave it to the Superintendent and the Provincial Council of each Province to regulate, by laws subject to the approval or disallowance of the Governor-in-Chief, the extent of the Executive Government which is to be constituted for such Province; the rate of remuneration which is to be paid to the officers composing the Executive Government, and the nature of the tenure upon which themselves and the subordinate officers in their respective establishments are to hold office. In fact, in these respects I should wish to see each Province treated as a large municipality which had the power of electing its own mayor and corporate officers.

64. The restrictions to which I think this rule should be subjected apply only to the period of its introduction into the several Provinces. At Auckland, Wellington, and Nelson, which would be the capitals of three separate Provinces, Governments have been already constituted. In two of these Provinces a large native population already exists, and no new experiment in them should therefore be rashly hazarded, or immaturely introduced. Great Britain also maintains in them a considerable military force for the protection of their inhabitants, and thus should for the present exercise a great influence in them. I would therefore recommend that the rule regarding the election by the inhabitants of the officer administering the Government, and of making laws for the nomination of the officers composing their own Executive Governments, should only take effect in the three Provinces I have named, from the period at which the six years of service of the two Lieutenant-Governors and of the Superintendent who have been appointed to administer their Governments respectively shall have terminated. This rule would present the farther advantage of a just dealing with the claims of the Lieutenant-Governors and the Superintendent.

65. I think also that a farther restriction should be imposed in reference to this rule, and that is, that no officer who has received a permanent appointment
from the Crown in any of the Provinces in New Zealand should be removed from his office by any Provincial Council until his claim shall have been considered, and until, if it is found a valid one, a law shall have been passed by the Provincial Council, and shall have received the assent of the Governor-in-Chief, securing to such officer such compensation for the loss of his situation as the nature of his office, the amount of salary received, and his length of service may be considered as fairly entitling him to.

66. With regard to the nature of the powers which should be conferred upon the Superintendent or other officer administering the Government of a Province, it is only necessary for me to state that I propose that he should be invested with all the legislative powers which are conferred upon him by the enclosed Provincial Councils Ordinance, and that, in addition thereto, he should exercise the powers usually intrusted to Colonial Governors of remitting fines, fees, and penalties, (the power of pardoning in criminal offences should still, I think, vest solely in the Governor-in-Chief in order that the whole question of the administration of justice should be left with the central authority,) and of making Crown grants of land to persons who may have legally purchased the same as part of the demesne lands of the Crown. He should also be empowered, with the advice of his Executive Council, and in conformity with the regulations required by law, to proclaim Crown lands as open for purchase, and to fix the upset price of such lands, not being less than the minimum price fixed by law.

67. But although I should wish to see these powers conferred upon the officer administering the government of a province, I think that the Governor-in-Chief, as the officer nominated by the Crown, should still possess the right of exercising these powers throughout the whole extent of the islands of New Zealand; and perhaps, at present some convenience would result from empowering him, by a legal instrument, to delegate these powers to such person as might be duly elected Superintendent of a province, for the time during which he might be elected to serve, and no longer.

68. From what I have above stated, it will be seen
that I am of opinion that the power of electing the officer to administer their government, and of making laws for regulating the appointment of their own executive officers, should be immediately conferred upon the provinces of Canterbury and Otago; and in fact that they should, in like manner, be conferred upon the provinces of Wellington and Nelson almost as soon as Her Majesty's assent could be received to the enclosed Ordinance, and upon the province of New Ulster at a rather later period; and as, after this rule was introduced into any province, no advantage could result to the Crown from an officer elected by the people nominating one-third of the members of the Council, (although for the purposes of the introduction of this measure into those provinces having a large native population, I believe this provision to be a most necessary one,) I would farther propose that the Governor-in-Chief and the existing General Legislative Council should be authorized to pass, before the new constitution was proclaimed, if they thought proper to do so, a law enacting that the Provincial Council should consist wholly of elected members from and after the time at which the inhabitants of any province should be authorized by the law to elect their own Superintendent.

69. I have but one observation to make upon this subject. In my previous despatches I have generally supposed that the Provincial Councils would eventually merge into a kind of municipal councils. But the rapid growth of these settlements in wealth and prosperity, and the turn events are taking, now lead me to think that they will always remain distinct and separate provinces, and that provision should be made for enabling their present form of government, consisting of one chamber, to be changed by the General Legislature into a form of government composed of a Legislative Council and House of Representatives, whenever the number of inhabitants in any province, and its wants, might render such a change in its form of government practicable and desirable.

Civil List.

70. The civil list at present appropriated for the services of New Zealand is twelve thousand pounds (£12,000); six thousand (£6,000) from the northern
province, and six thousand from what would be the four southern provinces; and as the revenues of each of these two great divisions of New Zealand are at present nearly equal, or about thirty thousand pounds (£30,000) each, such a division is, I think, at present fair, and the total amount is amply sufficient to defray the salaries of the officers composing the General Government, and of the judges of the Supreme Court, to which purposes alone I think it should be devoted. Indeed I think at present that the sum of ten thousand pounds (£10,000) as stated in the margin,* might suffice for these purposes: and if, in a few years, it should be found insufficient for them, then from the great liberality which has always been evinced by the General Legislature of these islands in providing funds for carrying on the Government, I feel quite satisfied that they would readily make good any deficiency. It will be observed that in proposing to throw this charge upon the civil list, it is assumed that the Parliamentary grant will be altogether relieved from the charges it at present defrays on account of the Governor-in-Chief and the General Government establishment.

Funds to be reserved for Native purposes.

71. But I should point out to your Lordship that under the form of government I now propose, the country is to be divided into electoral districts, which will only include those portions of it which are occupied by a large European population; the great mass of the native population, who contribute largely and increasingly to the revenue, which is at present almost entirely raised from duties of customs, would be thus wholly unrepresented. I beg, therefore, most earnestly to recommend that from the revenues of the northern province there should be reserved a further yearly sum of four thousand pounds (£4,000); from the revenues of the Wellington province a sum of two thousand pounds (£2000); and from the revenues of the three southern provinces a sum of one thousand pounds (£1,000), making in the whole an annual

* Governor-in-Chief and Establishment of General Government £7,000
  Judges ......................................................... 3,000

£10,000
amount of seven thousand pounds (£7,000), which the Governor-in-Chief should be authorized to apply, together with any surplus that may accrue from the civil list, to any of the following purposes:—

The construction and maintenance of hospitals, to which Maories are admitted on equal terms with other subjects of Her Majesty:

The establishment and maintenance of schools, to which Maori children are admitted on the same terms as other scholars:

For the payment of Resident Magistrates, and of Native Magistrates, and for the maintenance of a Native Police:

For making presents to native chiefs in acknowledgment of services rendered by them:

And, generally, to such other purposes as may tend to promote the prosperity and happiness of the native race, and their advancement in Christianity and civilization.

72. I perhaps ought to explain that the resident magistrates I allude to are judicial officers, appointed under a local law, termed the "Resident Magistrates Ordinance," and who are intrusted with considerable and peculiar powers for the adjustment of criminal and civil cases in which Europeans, or Europeans and Maories, or Maories alone, are concerned. The law to which I am adverting was devised and framed with great care to meet the peculiar circumstances of a European race mingling with a population just emerging from barbarism. It is highly esteemed by the natives, who now resort freely to the courts of the Resident Magistrates; and if any circumstance should occur which closed these courts, I fear that great discontent and renewed disturbances would take place amongst the native population.

73. I have recommended that for the present the Governor-in-Chief should be authorized to apply, at his discretion, the sums reserved for native purposes; but I think that a provision should be made that he should only exercise this power for a limited time, and that after that date such sums should be appropriated under the authority of Ordinances to be passed by the Governor-in-Chief and General Assembly, who I think would freely and cheerfully contribute such amounts as were required for the wants
of the native population; whilst, as I have continued—as I have reported in several despatches—to make considerable endowments for Hospitals and Native Schools, the incomes yielded from which are rapidly increasing, the necessity of providing for the support of such establishments from the general revenue will constantly diminish.

74. In further explanation of the necessity which exists for providing ample funds for native purposes, I beg to refer your Lordship to paragraphs from No. 11 to 32 inclusive, of my despatch No. 93, of the 9th July, 1849, which is published at page 190 of the Parliamentary Papers relative to the Affairs of New Zealand, which were presented to Parliament in 1850; and I would farther request, that that portion of the despatch I allude to might, together with this despatch, be laid before any persons required to report on the plan now transmitted for your Lordship's approval. Because I believe that the present peace and prosperity of the colony, and the continued rapid advancement of the natives in civilization, are in a great degree to be attributed to a rigid and consistent adherence to the line of policy laid down in that despatch. It will also be found, that the powers I propose should be reserved to the Governor-in-Chief are such, as, if he has the requisite funds for native purposes placed at his disposal, will still enable him virtually to govern that portion of the native population who live beyond the limits of European settlements; whilst all requisite local Ordinances have been passed by the General Legislature for the purpose of investing him with the requisite legal powers for carrying out the contemplated system. In naming the sum that will be required for native purposes, I have supposed that, as under Lord John Russell's original instructions, the Governor-in-Chief would still, if a necessity for his doing so should arise, be authorised to apply 15 per cent. of the land fund to such purposes; and that the General Government alone would have the power of treating with the natives for the purchase of their lands. I do not consider it necessary to repeat here any arguments in support of what appears an evident truth,—that the question of the
control and management of the large native population living beyond the limits of European settlement, who by being either left immersed in barbarism, or being roused to war, might entail great expense and loss of life and property, both upon Great Britain and every part of these islands—is a general question which possesses at present an interest for the whole Empire, and for the whole colony, rather than for any particular province.

75. Having now fully reported upon the form of constitution which I think should be given to these islands, and upon the nature of the Executive Governments which would best conduce to the effective working of such institutions, I have, in reference to these parts of the subject, only to report, that in order to admit of the immediate introduction of the institutions I have recommended, or of any other form of government which her Majesty's Government may be pleased to adopt, I shall only make any appointments under the Provincial Councils Ordinance, which I may find it necessary to make before I can receive your Lordship's reply to this despatch, subject to the condition that they are mere temporary appointments, the tenure of which is likely almost immediately to terminate.

76. I have farther to report that, in as far as depends upon me, all general laws necessary for the immediate introduction of such institutions have been already enacted by the General Legislature; that the revenues of the country are in a most satisfactory state; and that such economy has been exercised that each Provincial Legislature would enter upon its functions, not only free from debt, but with some surplus revenue at its disposal. The enclosed circular despatch,* which I have had addressed to the principal officers of the Government at the respective settlements, will show that I have made the necessary financial arrangements to bring the proposed system of representative institutions into immediate operation. The whole of these islands are now in a state of complete tranquillity; every settlement is in a prosperous condition; the native race are loyal, contented,

* Circular from the Colonial Secretary of New Munster, dated 4th September, 1851.
and daily increasing in wealth, and the Local Government now possesses very considerable influence over them. I also believe the proposed form of institutions could gradually be introduced in such a manner that not the slightest shock or change in the condition of the colony would be experienced. Probably, therefore, no more suitable moment could be chosen for giving a fitting constitution to this country; and I think that if the Queen is advised to avail herself of this opportunity, her Majesty will have the happiness of conferring upon her subjects in this country a boon which will be regarded by them with lasting gratitude.

77. In submitting the foregoing plan for your Lordship's consideration, I should state that I have no doubt, if it should be tried by the test of experience, it will from time to time be found capable of receiving considerable improvements; but I think it presents the advantage of being admirably adapted to the present state of New Zealand, and of at the same time containing those elements which will enable it, without any sudden or startling change being made, to be immediately brought into operation, and then afterwards to be adapted to the changing circumstances of a young and rapidly increasing country.

78. Should her Majesty's Government determine to introduce the proposed form of institutions into New Zealand, then I beg respectfully to state, that I think the best mode of effecting this would be, after obtaining such farther sanction as might be required from Parliament, to adopt the same course as was pursued in 1846, of conferring the proposed constitution on New Zealand in the form of a Charter, and Royal Instructions, divided into chapters, as the clearest division of subjects into chapters, and the plain and simple language, unembarrassed by technicalities, which could be so conveniently and appropriately used in Royal Instructions drawn on the model of those of 1846, would bring the whole subject entirely within the comprehension of the numerous individuals upon whom the beneficial working of such a constitution would depend.

I have, &c.,

(Signed) G. GREY.

The Right Hon. EARL GREY,
&c., &c., &c.
CONSTITUTION ACT.

DESPATCH FROM SIR JOHN PAKINGTON TO GOVERNOR SIR GEORGE GREY.

No. 32.

Downing Street, 16th July, 1852.

Sir,—I have now to transmit to you the Act "to grant a Representative Constitution to the Colony of New Zealand," which has received the Royal Assent.

2. When the seals of this Department were committed to me in the early part of the session of Parliament which has just terminated, I found the heads of a Bill for the same purpose already in preparation under the directions of my predecessor, Earl Grey; and on full consideration of the subject, Her Majesty's Government did not hesitate to adopt the general outlines of the measure thus originated, which appeared to them calculated to fulfill the expectations of the people of New Zealand, and to confer on them Constitutional rights in a form the most adapted to their peculiar circumstances.

3. The intentions with which that measure was framed were explained by my predecessor in a draft Despatch intended to accompany it: that draft has been printed for Parliament with a view to the discussions on this Bill: and I fully adopt the views set forth in the first 13 paragraphs of that draft, explaining the general purposes of the Bill, and the relation in which the Central Legislature will stand to the Provincial Councils: the only difference which it is necessary to note being that Her Majesty's Government have thought it advisable to add New Plymouth to the number of separate Provinces.

4. It has appeared, however, to Her Majesty's Government that the almost necessary effect of this subdivision into six Provinces, when effected, will be to supersede the present division into two Provinces, and along with it, the existing Lieutenants-Governorships. The Commission and Instruc-
tions issued to you under the present Act will be framed with a view to this change. I do not offer any opinion whether the present system has worked in a satisfactory manner; but it was in its nature temporary only, and New Zealand will, as far as I am able to judge, be better governed in future under a single head, with the assistance of local officers in the several settlements only. This change will, at all events, have the effect of diminishing, in some degree, the civil expenditure of the colony, a result which I am anxious to effect.

5. In the remaining portions of the Act there are some important differences from the scheme of the late government; and without entering into these in great detail I shall proceed to give some explanation of the measure in the shape which it has now assumed.

6. It has been thought advisable that the Provincial Councils should consist of a single Chamber, consisting wholly of elected members. They have been led to this conclusion by the comparatively unimportant nature of the functions of these Councils; which will be limited to local objects such as would be considered here to be of a municipal character, rather than partaking of the higher attributes of Legislation.

7. For the same reason, Her Majesty's Government determined on submitting to Parliament another suggestion originated by yourself, although not actually reduced by you into practice; that of rendering the Superintendents of Provinces elective. They are aware that this is an innovation on ordinary usage, inasmuch as these officers have one function at least of a higher and more independent character than the elective chief magistrate of an English municipality—being, that they are to possess a negative voice in the passing of Local Ordinances. But they have not, on this account, thought it necessary to withhold what they have every reason to believe will be regarded by the colonists as a valuable concession; while they feel a confident hope that the electors will form the best judgment as to the persons qualified to serve the public interest in offices for which a knowledge of the wants and circumstances of each particular locality is peculiarly requisite.

8. After the best consideration which Her Majesty's Government have been able to give the subject, Parliament has determined, under their advice, to insert in the Act no provision respecting the payment of the Superintendents, considering it a subject best left to the decision of the Provincial Councils. I may here add that they have in a similar way omitted all provision for payment of members either of the Provincial Councils or House of Representatives, not from
having formed any judgment adverse to such a regulation, but from feeling satisfied that the manner and amount of such payment, if any is thought necessary, will be best settled by those respective bodies.

9. Nor have provisions been inserted giving executive authority of any kind to the Superintendents. This is a point on which Her Majesty's Government did not feel that they had sufficient information to adopt any definite course, while the general prerogative of the Crown and the power of the General and Local Legislatures, seemed amply sufficient to provide whatever might be ultimately deemed advisable.

10. It is, however, my wish that any such Executive Powers as may be found necessary in order to carry on the functions of Government in the respective settlements, may be entrusted to these officers. This may be done by your own authority, as representing the Crown, or by Act of the Central Legislature, as the case may require; but they should, at all events, be always included in the Commission of the Peace for their respective localities.

11. Another point in which you will observe that your own suggestions have been adopted, is the leaving the power of allowance and disallowance of Provincial Ordinances in the Governor instead of the Crown.

12. I now proceed to the Constitution of the General Assembly, in respect of which the principal deviation introduced by Her Majesty's Government from the scheme of their predecessors is, that a Legislative Council of Members nominated by the Crown is maintained according to the ordinary model of Colonial Governments, except that, as in Canada to which a somewhat similar constitution was granted by Act of Parliament, their nomination is for life. I need not here enter into the particulars of the reasons for this change, which will be readily collected from the Parliamentary debates which have taken place on the subject.

13. The number of the Council is limited by a minimum only, in order that it may be hereafter expanded as the exigencies of the public service may, from time to time require; but for the present it is proposed to limit it by your Instructions so as not to exceed fifteen. The Instructions will accordingly empower you to nominate not less than ten, nor more than fifteen persons to the office of Legislative Councilor. And it is desirable that, without waiting for those Instructions, you should at once proceed to make your selection, and report it immediately to Her Majesty's Government.
14. It has been thought, upon the whole, most convenient to leave it the House of Representatives to make, on its first meeting, all the rules which may appear expedient for its own management, even to the appointment of a quorum for the conduct of business.

15. It has been the object of Parliament to give to the General Legislature, thus constituted, powers as extensive as it was possible to confer, consistently with the maintenance of the prerogatives of the Crown. Accordingly there is no restriction on those powers introduced into the Act on which I think it necessary to make any observation, except the reservation of certain sums for specific services, ordinarily called a Civil List; which reservation, however, by no means withdraws those services from the control of the Legislature, but only renders it necessary that this control should be exercised by way of permanent Act instead of annual appropriation, and, in certain instances, with the consent of the Crown. The extract which I annex, from the despatch addressed by my predecessor to Sir Charles Fitzroy when transmitting the last Australian Constitutional Act, will more fully explain my meaning.*

16. In fixing the sum thus reserved, Her Majesty's Government have been guided by the information which you have yourself supplied. They have not thought it necessary to place the salary of more than one Puissé Judge on this permanent footing. The sum defined as for the "Establishment of the General Government," and that for "Native Purposes," you are empowered to appropriate in such manner as you may yourself think fit, taking care to keep the Secretary of State fully informed of the details of such appropriations, as well as to render accounts of them in the manner prescribed by section 65.

17. The object of the provisions of sections 62 and 63, establishing a distinction between gross and net Revenue, is to place the management of the Revenue in New Zealand as nearly as possible on the same footing as in this country, namely, by reserving the collection of the Revenue to the Executive. For the present the costs of the collection of Customs will be regulated and audited by the Lords Commissioners of the Treasury. But whenever the control of the Customs is handed over to the local authorities, as is gradually taking place in the neighbouring colonies, their Lordships will be able to delegate this power, as far as needful, to those authorities.

* See par. 13 to 17 inclusive, p. 77 and 78.
CONSTITUTION ACT.

18. Her Majesty's Government, in framing the Constitution of New Zealand and submitting it to the decision of Parliament, determined not to except the control of the waste lands of the Colony from the general powers conferred on its Legislature. Without entering into the discussions to which this subject has given rise, it is enough for me to say that they felt satisfied that this Revenue was likely to be administered in a more efficient manner, both for the benefit of the Empire at large, and of the community of New Zealand, by the Local Legislature than by any other authority. And they were of opinion that this administration would be better entrusted to the General Assembly than to the Provincial Legislatures, not only by reason of its great importance, but also because an uniform administration of the waste lands is desirable in regard both to efficiency and to economy.

19. To this general concession there are, however, certain exceptions rendered necessary by the peculiar circumstances of New Zealand, both as respects the Native title to land, and the rights already granted by Parliament to the New Zealand Company.

20. It has appeared so essential to maintain the principle, that all acquisitions of land from the Native tribes should take place through the Local Government only, that this regulation which previously rested on the Royal Instructions only has now been incorporated in the Constitutional Act; and in order to secure its maintenance, the Governor is empowered to pay the purchase money to the Natives out of the first proceeds of all the Land Revenue.

21. He is, secondly, empowered to pay out of the same revenue the sums which may become payable to the New Zealand Company.

22. In dealing with this very difficult portion of the question before them, her Majesty's Government have had only two considerations in view; the necessity of preserving the faith of the public already pledged to the New Zealand Company, and their own desire to do this in such a manner as should be least burthensome to the resources of the people of New Zealand.

23. It was indeed urged on her Majesty's Government that they should leave the New Zealand Company to their rights as defined by the Act 10th and 11th Victoria, c. 112. That act made the purchase money of their estates a first charge on the Land Revenue, after surveys and emigration. And her Majesty's late Government were advised that, from the manner in which the Act was framed, this charge was quite
indefinite, there being no particular proportion thus fixed by law for survey and emigration.

24. But this uncertainty only made the charge more burthensome. If (to put a supposition which I do not believe would have been realized) the Legislature of New Zealand had thought proper to reduce the payment to the New Zealand Company to a mere fractional amount, they could only have committed this act of injustice (for such under the circumstances it would have been) by devoting the whole residue to surveys and emigration without being able to appropriate any portion whatever to any public work or other purpose of general advantage.

25. This had been so strongly felt by my predecessor, Earl Grey, that he had thought it advisable, by way of compromise with the New Zealand Company, to fix the proportion to be paid to them, by mutual agreement, at one-fourth of the gross proceeds. And after the best consideration I could give the subject, with the advice of the parties best qualified to assist me, I arrived at the conclusion that the arrangement thus practically in existence already was that which it was best to retain in the Act.

26. I regret that I have found myself unable to accede to your proposal, made to my predecessor, to transfer this charge from the Local Land Revenue to the Imperial Treasury; not seeing any grounds of justice for the change. It was Lord Grey's project on the other hand to alter the charge into a fixed debt, of less amount, chargeable on the whole Revenue of the province, and bearing interest—a project on which I offer no opinion of my own, merely stating that I have no doubt her Majesty's Government will at all times be ready, if called on, to assist in any reasonable scheme for the extinction of the debt which the Local Legislature may devise.

27. The remaining exceptions to the general transfer of the control over the waste lands consist in the provisions thought necessary to maintain the Canterbury Settlement, and to empower her Majesty's Government to maintain that of Otago, if it shall find the Crown bound by existing engagements to do so, or shall deem it expedient to renew the powers of the Association on fresh terms. For the present, therefore, the affairs of these settlements, and the distribution of their funds, remain as heretofore, and I will duly acquaint you with any decision at which her Majesty's Government may arrive respecting either of them.

28. I shall also address you farther as to the affairs of the other settlements of the New Zealand Company, so far as these may be affected by the present Act.
CONSTITUTION ACT.

29. In addition to these functions, the Act confers on the Legislature by sections 67, 68, and 69, the most extensive powers of introducing into the Constitution such changes as experience may indicate, or deliberate public opinion may require.

30. Your own powers and duties, with reference to the ultimate confirmation or disallowance of Acts of the General Assembly by the Crown, are defined by the 56th and following sections so fully as to render it unnecessary for me to enter into any details on the subject.

31. Before dismissing the subject of the General Assembly, I wish to point out that while five years is fixed as the period of its duration, the Act contains no provisions fixing the periods of its sessions, or rendering it imperative on the Governor to assemble it at stated times. It has been felt that, under the present circumstances of New Zealand, and with a complete machinery of Provincial Councils, it was possible, although no absolute prediction on this point can be hazarded, that for some time its meetings will be occasional only.

32. The provisions of section 70 have been introduced into the Statute in order that its enactment may not clash with any measures which you are taking, or may be advised to take, respecting the establishment of Municipalities. At the same time I wish to convey my own opinion that, considering the character and functions of the Provincial Councils, which must be eminently of a municipal character, it seems doubtful whether there will be any necessity for the creation of other local authorities subordinate to these, until New Zealand has attained a greater amount of population than is likely to be the case for some time.

33. It has farther been thought essential to preserve to the Crown by section 71, with power of delegating it to yourself, the authority which you already possess, of portioning out districts in which the customs and usages of the natives may be preserved, and exempting them as it were from the common law of the settled portions of New Zealand. This is a power not to be exercised without strong ground, and which, it is rather to be hoped, you may not find it necessary at present to exercise, but under the power reserved by section 79 I have to inform you that the authority given to the Crown in that behalf, as well as for the formation of Municipal Corporations, by section 79 is, for the present, delegated by her Majesty to yourself.

34. The provision of section 80, defining the boundaries of New Zealand, requires a short explanation. It appears to me
that, by your commission, the limits of your Government to the South are so defined as to include the Auckland Islands, on which a separate settlement has lately been established by British colonists, and which it would be inconvenient to place within the limits of New Zealand for the purposes of the present Act. The Southern boundary is, therefore, fixed at South Latitude 50°.

35. I have now to add a few words respecting the duties cast upon yourself by the Act, in order to bring the Constitution into operation.

36. By section 1 of the Act existing laws are preserved, and existing legislative authorities retained in action, until the new legislatures are established.

37. The duty of appointing the boundaries of Provinces, and of taking the necessary steps for the elections both Provincial and General, has been entrusted to yourself. This course has been adopted as, upon the whole, more convenient and simpler than that of causing the necessary regulations to be made by Ordinances of the Legislature. But although in terms vested in yourself, you will understand that it is desirable that they should be exercised with the advice of your Executive Council. I refer you to my predecessors's draft Despatch as to the principles on which this division should be made, paragraphs 9, 10, and 11.

38. I have now only to add that I have great pleasure in entrusting to yourself the conduct of this very important measure; and, in the commission of these extensive powers to the colonists of New Zealand, her Majesty’s Government have had abundant opportunities of recognising, in the correspondence which has taken place on this subject between yourself and their predecessors, your strong attachment to liberal Institutions, and the able manner in which you and your Council have both prepared the way for their introduction, and urged upon the Imperial Government the necessity of speedily creating them, as soon as the temporary difficulties which induced you at first to advise their suspension had past away. They are, in fact, fully aware that the measure itself, now reduced into a law, owes its shape in great degree to your valuable suggestions. They, therefore, do not doubt that your proceedings in order to carry it into execution will prove satisfactory to the colonists, while an additional reason for their placing this reliance on you is the confidence with which you are personally regarded by numbers of her Majesty’s subjects of the native race, who have been brought within these few years to participate in the blessings of religion and social culture. Whatever na-
tural anxiety may still attend the success of this experiment chiefly relates to the manner in which it may affect their feelings and their interests; but her Majesty's Government have the strongest hope that your administration of it may not only prove acceptable to them, but that at no distant time they may be found to avail themselves largely of the Constitutional privileges thus thrown open to those among them who have made progress in civilization in common with their fellow subjects of the British race.

I have the honor to be,

Sir,

Your most obedient,

Humble Servant,

(Signed)  

John S. Pakington.

Governor

Sir George Grey, K.C.B.,
&c., &c., &c.,
New Zealand.

Extract from a Despatch from Earl Grey to Governor Sir George Grey.

Downing Street, February, 1852.

Sir,—I have to acknowledge your despatch No. 121, of August 30th last, transmitting the Provincial Councils Ordinance in the form in which it passed the Legislative Council, and explaining with great clearness and in much detail, your views with respect to the system of government best adapted to the existing condition of New Zealand. I have to thank you for the valuable information contained in this despatch. It has been of great service in preparing the enclosed heads of a Bill, which it is the intention of her Majesty's Government to introduce into Parliament in the present session, for the purpose of establishing the legislative institutions of New Zealand on a permanent footing. In transmitting to you these heads, it is necessary that I should explain, somewhat fully, the principles on which the measure is founded, and the reasons for the departure from your own recommendations which you will observe in some of its provisions.

2. The New Zealand Constitutional Act of 1846, together with the Charter and Instructions issued in consequence, so far as related to the establishment of representative institutions, were suspended for five years in 1848, in consequence of the
representations made by yourself, of the danger of introducing those institutions, in a part at least of the islands, at that particular conjuncture. By the Act passed in order to effect that suspension, large powers were vested in yourself and the existing Legislative Council, to establish such institutions of a provisional character during the suspension as you might deem fit.

3. These powers you employed, in the first place, by constituting Provincial Councils on the model of the General Legislative Council. Subsequently, as the increase of the settlement and the quiet and orderly condition of the native population convinced you that the dangers which you had at first apprehended were in the course of removal, you urged on her Majesty’s Government the expediency of commencing the introduction of the representative principle into the government of New Zealand, before the period allotted for the suspension of the Charter should expire.

4. Her Majesty’s Government, in the continued exercise of that confidence in your judgment and knowledge of the peculiar state of society in New Zealand which had originally induced them to accede to your proposal for deferring the grant of representative institutions to the colony, believed that no better course could be taken than that of relying on your opinion on this subject also; and you were therefore instructed to avail yourself of the power Parliament had entrusted to you, by taking measures for the establishment of Representative Provincial Legislatures. In accordance with these instructions, you have introduced the Provincial Councils Ordinance, which was first submitted to me in draft with your despatch of October 24, 1850, and which you have now transmitted in the form of a law.

5. I take the opportunity, while thus detailing the history of these transactions, to mention that my despatch of the 2d April last, acknowledging the receipt of the draft of this Ordinance, does not appear to have reached you before it was passed into law, as certain amendments which I then pointed out as desirable have not been inserted in it. I still trust, however, that I may hear from you in reply to that despatch, if not before the Bill which has been prepared must be submitted to Parliament, at all events in time for the consideration, during its progress, of any remarks which may be suggested to you by my observations on the draft Ordinance.

6. Under these circumstances, if no further steps were taken by Parliament with reference to the New Zealand Constitution, the suspending Act of 1848 would expire on March 7, 1853.
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The Provincial Councils Ordinance created under it would therefore also expire, together with the existing Legislative Council; and the Constitution framed in and under the Act of 1846 would, *ipso facto*, take their place.

7. Her Majesty's Government, however, on a deliberate consideration of the various despatches which you have addressed to me, have come to the conclusion that it would be inexpedient to leave the Act of 1846 to come thus into force; because they are of opinion that the changes which have taken place in the state of affairs in New Zealand, and the additional information which has been obtained since that measure was passed, suggest the propriety of various modifications, both in its substance and form, although its essential principles ought, in their judgment, to be preserved.

8. The most important of these principles, and that which, in fact, formed the foundation of the whole measure, was the creation of co-existing General and Provincial Legislatures. On the question whether this arrangement ought to be adhered to, her Majesty's Government have not failed to give full consideration to your own views and statements, and to those also which have reached them through you from various bodies of settlers in New Zealand, both for and against the scheme of Provincial Councils. The result of their deliberation is, that they concur with you in believing that the natural features of the island, the distance of the settlements, the severality of their local interests, however common those interests may be on some subjects, and the consequent difficulty of forming a General Legislature which should suffice to perform all the ordinary functions of legislation, all present arguments confirming the views entertained in 1846 in favour of the creation of local Legislatures.

9. With respect to the number of Provinces into which New Zealand should for the present be divided, her Majesty's Government have seen no reason for dissenting from your proposal; and it is intended to establish five Provinces accordingly; making, however, provision for the creation of additional Provinces by the authority of the Legislature, if this should hereafter become necessary, owing to the formation of new settlements.

10. It is intended that it should be left to yourself to define the limits of these Provinces, subject to this general rule, which is not contained in the heads of the Bill, but to be followed by yourself as a guide in the exercise of this power: that they are to extend only over the portions of the islands occupied by Europeans; reserving, however, a power of gradually extend-
ing their boundaries, as this may become necessary, by the settlement of the country.

11. It appears to her Majesty's Government that the remaining region, still of comparatively far greater extent, which is occupied by natives only, or almost entirely, ought, for various reasons, which will more distinctly appear in the course of this despatch, to be left under the control of the General Legislature alone; though hereafter the limits of the territory comprised in provinces will probably require to be from time to time enlarged.

12. With respect to the powers to be entrusted to these Provincial Councils, I am disposed, for my own part, to believe (notwithstanding the alterations which you state to have taken place in your own views on this point) that in the progress of events, as colonization extends, and the several settlements are drawn nearer to each other in boundaries and interests, they will very probably assume more and more of a municipal character, while the functions of the General Legislature will increase. But I do not think it would be advisable to introduce any special provision either to accelerate or retard such a gradual change. Anticipations as to the course which political affairs may hereafter take are everywhere liable to be disturbed by many unforeseen events, and most of all in new and advancing societies. Hence it seems to be the wisest course to rest satisfied with adapting the institutions which are to be established, as well as may be practicable, to the existing state of things, leaving their future development, and the alterations which a change of circumstances may hereafter require, to be effected by the local authorities thus created.

13. Without seeking, therefore, to determine whether the course of events will lead to an extension or restriction of the powers now about to be conferred on the Provincial Councils, it is proposed for the present to confer upon them a general power of legislation, subject to certain specified exceptions, which will be the same, or nearly so, as those established in your Provincial Councils Ordinance. The powers of the General Legislature, on the other hand, it is intended not to limit to any particular subjects. Its enactments alone would thus have the force of law on the subjects reserved to it, and they would also have paramount and superseding force on all those other subjects over which both it and the local Legislatures are meant to have authority. By this arrangement no conflict of powers can arise, since that of the General Legislature will always prevail whenever it may be exerted, and it will be left to experience, and to the judgment of the colonists themselves,
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to determine to what extent this power should be used, and the action of the subordinate Legislatures consequently restricted.


Extract from a despatch addressed by Earl Grey to Governor Sir C. A. Fitzroy, dated 30th August, 1850.

"13. The effect of sections 13, 17, and 18, is to give the legislature a considerably increased control over that part of the colonial expenditure now charged on what is called the Civil List. The legislatures will have the power to alter, by Acts passed for that purpose, all or any of the sums specified in the schedules. In the case of these alterations affecting the salary of the Governor, or the appropriation for public worship, it is required by the present Act of Parliament that the Colonial Acts should be reserved for the signification of her Majesty's pleasure.

"14. In the former Act there was a power given to the Governor, by the 38th section, of varying the sum appropriated to the purposes of Schedule B, and the savings accruing from such alteration were exempted from the control of the Legislative Council. This latter proviso has been omitted in the present Act, as there appeared to be no sufficient reason why the ordinary power of the legislative body should not extend to these particular savings.

"15. This extension of the authority of the legislature has been rendered expedient in the view of her Majesty's Government, by the evidence of the hitherto successful progress of constitutional government. The manner in which the people of New South Wales have hitherto exercised the powers they possessed through their Representatives seemed fully to justify the grant of the enlarged power which will now be entrusted to them in relation to their financial affairs; but it has been deemed right by Parliament, in order the more completely to maintain the independence of the judges of the Supreme Court, to provide that no diminution of judicial salaries by colonial enactments shall affect Judges appointed previously to the passing of such enactment.

"16. All other salaries, except those of the Governor and Judges, are placed by Parliament under the ordinary control of the legislature. With regard to the mode of exercising this control, you will, however, observe that reductions of fixed establishments, or of any expenditure provided for by permanent laws, can only be effected by Acts of the Legislature, which, of course, require the assent of the Crown, signified by
yourself, and confirmed by her Majesty; but I wish you distinctly to understand that there is no desire on the part of her Majesty's Government to prevent prospective reductions of charges which, in the opinion of the colonists, will safely admit of being diminished. The interests of existing officeholders must be protected, because they accepted those offices with expectations which cannot justly be disappointed. But, subject to these interests, there is no objection to the legislature fixing whatever scale of emoluments they may think fit for public servants to be hereafter appointed. I should, for my own part, consider it highly injudicious to reduce the salary of an office so as to render it no longer an object of ambition to men of ability and of respectable station. But this is a matter in which the interests of the colonists only are involved, as they will be the sufferers from any failure to provide adequate remuneration for those by whom the public service is carried on; the determination, therefore, of what is sufficient must be left to the legislatures, with whom will rest the responsibility for the judicious exercise of the power.

"17. I consider it, however, absolutely essential that whatever may be the rate of payment, the salaries of all the principal officers of the Government should, for the reasons stated in the Report of the Committee of the Privy Council, be permanently granted; that is, not voted from year to year, but provided for in the same manner as charges on the Consolidated Fund in this country by Acts, and therefore only susceptible of alteration by Acts of the Legislature passed in the ordinary manner, with the consent of the Crown. You will therefore understand that you are not at liberty to give the assent of the Crown to any Act which may be passed reducing the salaries of those who are now in the public service, or rendering dependent on annual votes any of the charges now provided for by permanent appropriations. Any Acts of this sort you will reserve for the signification of Her Majesty's pleasure, unless you consider them so manifestly objectionable as to call for their rejection. Subject to this restriction, you are authorized to exercise your own judgment in giving or withholding your assent from Acts for the reduction of the fixed charges on the colonial revenue."
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DESPATCH FROM SIR GEORGE GREY TO THE
RIGHT HON. EARL GREY.

Government House, Auckland,
9th July, 1849.

No. 93.—Executive.

My Lord,—I had hoped by the present opportunity to have transmitted to your Lordship the Blue Books for the Provinces of New Ulster and New Munster. But that for New Munster not having reached me, I think it better no longer to delay forwarding the Blue Book for New Ulster, together with my annual report upon these Colonies.

2. In order that this annual report may be understood, it is necessary to take the following view of the present state of these Colonies.

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(Paragraphs 3 to 9 inclusive, incorporated in despatch to Earl Grey, No. 121, of the 30th August 1851, see par. 11 to 17.)

* * * * *

10. The questions to be solved have therefore been, how to induce the Native race cordially to assist in the attempt to create so desirable a state of things, and how to provide the funds requisite for governing so many isolated settlements, spread over so vast a tract of difficult country, the intervals between which are occupied by so warlike a race, over whom it was necessary to exercise some control. It is worthy of remark here that the united population of New Zealand is as large as that of New South Wales has until very recently been; and that it is a population, from its mixed and peculiar elements, infinitely more difficult to govern than that of New South Wales; whilst the cost of the machine of Government is greatly increased from the number of the settlements and their distance from each other. In point of fact, the several settlements are distinct Colonies, and—both in the difference of feelings and interests of the Europeans, and of the respective Native tribes inhabiting each —differ much more widely from each other than many British colonies do. It appears, therefore, that it would be imprudent and unjust to attempt to draw any parallel in these respects between New Zealand and any other British colonial possession.
11. In carrying out any plan having for its object the amalgamation of the two races, the following difficulties have, until recently, presented themselves:—

1stly.—Hostile encounters had taken place between the settlers and the natives in the south of New Zealand, and between her Majesty's forces and the natives in the northern portion of the country, in all of which the number of killed and wounded on our side had been comparatively so large, and the loss of the enemy so small, that they had been led to form an exaggerated notion of their own prowess and strength, and a desire of emulating the example of those chiefs, who were imagined by their countrymen to have gained great successes, had excited a spirited of exultation and dissatisfaction throughout the greater portion of the islands; so that whilst a rebellion was actually raging in one portion of the islands, it was too probable that the natives would speedily break out into similar excesses in other portions of them.

2ndly.—Disputes existed between the settlers and the natives in various places regarding their respective rights to certain lands. These disputes, relating to the personal interests of the parties concerned, created between them a feeling of hostility and bitterness which was gradually raising race against race, and which threatened ultimately to become a feeling which could only be put a stop to by the extermination of the one party or the other.

3dly.—As a necessary result of the difficulties existing under the two previous heads, the revenue had almost disappeared, and by the issue of paper money a large debt had been contracted; there was thus an absence of the funds requisite for the re-establishment of order and good government, whilst the settlers had also, to a great extent, lost all confidence in their future prospects, and were in a disheartened and desponding condition.

4thly.—A very great difficulty had been created by the Crown's right of pre-emption having been waived in favour of certain individuals over large tracts of land, and by the inordinate demands of other persons to extensive tracts of country having been entertained by the Government, the result of which was, that a party of land claimants had been called into existence who made demands so extravagant and illegal that no government could accede to them, nor did it appear practicable to make a settlement of these claims, even upon the most liberal basis, without incurring for the Government such a degree of hostility from a large number of persons as would probably exceedingly embarrass and impede any subsequent administrations.

12. In determining the line of policy the Government
should pursue in reference to the first class of the difficulties above named—that is, in reference to the war which existed in New Zealand, and the rebellion which appeared likely to break out—the following considerations seemed naturally to present themselves:

13. It appeared to be clearly the duty of the Government, in a firm and decided manner, to crush the existing rebellion, and to put down without delay any disturbances which might afterwards break out; but yet it also seemed clear that its ruling line of policy should be, not to embark in any operations in which an absolute certainty did not exist of a speedy and complete success; and rather to delay engaging in hostilities which might appear necessary, than hurriedly embark in any contest the result of which could not be foreseen.

14. Indeed, delay in engaging in hostilities was, wherever practicable, obviously the first duty of the Government of this territory. No knowledge of the country, of such a nature as to enable an officer to move with certainty a body of troops even to a few miles from any of the settlements, was possessed by the Government. The number of persons who possessed a competent knowledge of the native language was so few that it was impossible to secure the services of the requisite number of interpreters. The two races had so recently been brought into close contact, that their ignorance of their respective appearance, of their language, customs and manners, filled them with mutual distrust, whilst their disputes in relation to land, embittered their feelings of hostility. It appeared very probable that as the two races became more accustomed to each other—as their knowledge of each other's language and customs increased, and as their private differences were adjusted, so would all necessity for war and conflict between them wear away; whilst, should these anticipations of a delay in military operations rendering a war unnecessary prove correct, it would clearly have been an uncalled for measure of severity to hurry on a contest with the natives. And in the case of each individual who fell in such a conflict, it might have been said that from his ignorance a man had been destroyed whom a few months' enlightenment would have rendered a good subject, a valuable consumer of British manufactured goods, and a contributor to the revenue. The loss to Great Britain by engaging in an unnecessary war would also have been great; every 100 soldiers that had fallen must have cost at least £10,000. Moreover, Great Britain, in despatching two regiments to this country, had made great exertions which it could not continue or repeat without considerable inconvenience to the public service. Yet even a very few false movements might have entailed so
considerable a loss upon the small force in this country as to have rendered large and continued reinforcements necessary. It is perhaps not too much to say, that during a considerable period of time any signal failure in an operation which had been entered upon, would have led to a simultaneous and almost general rising, the effect and cost of which may easily be conceived.

15. It was also certain that even if the anticipations which had been formed of the benefits which might spring to both races from delaying military operations had not been realised, and it had proved ultimately necessary to embark in a war, yet that each month's delay, by increasing our knowledge of the country and of the native language, and by enabling us to complete our roads and to consolidate our establishments, would be of the greatest advantage to Great Britain, by enabling it to enter on the contest with greater means and more certainty of success.

16. Mercy, justice, and prudence, all appeared therefore to point to delay as the general rule on which the Government should act. This line of policy has therefore been in all instances unwaveringly pursued, and the result has quite equalled the anticipation which might reasonably have been formed; for whilst the rebellion which existed and the disturbances which naturally sprung from that rebellion have been in all instances crushed, the total loss, of all ranks, sustained on our side through so long a period of time has amounted to only 28 killed and 53 wounded; and in as far as human judgment can form an estimate of such matters, no probability exists of any extensive rebellion ever hereafter breaking out in this country; and even should such disturbances again unhappily break out, our knowledge of the country is now so much more accurate, our alliances with the natives have become so much more numerous, our military roads have been so far completed, the number of persons acquainted with the native language and customs so increased, and the natives' supplies of arms and ammunition have been so much diminished, that we should enter on such a contest with infinitely greater advantage than we formerly possessed.

17. The efforts which have been made by the Government of this country for the removal of the second class of difficulties alluded to, were of two kinds:—

1st.—The resumption of the Crown's right of pre-emption, which had unfortunately been abandoned, and—

2nd.—The adjustment of many of the almost innumerable land questions which existed. The task of resuming the Crown's right of pre-emption appeared at first to be one of great difficulty and danger; but the natural good sense of the
natives, and their continually increasing confidence in the Government, have rendered its accomplishment much less difficult than was anticipated. The various steps which have been taken for the adjustment of the disputes in reference to land have been so fully detailed in the despatches from the various authorities, and the large mass of documents which have been transmitted to the Home Government, that it may be unnecessary to say more than that, with very few trifling exceptions, every land question in the Southern Province has been already disposed of; whilst, in the Northern Province, nearly all questions connected with lands have been also arranged, with the exception of those which, resting upon grants issued by the Crown, can only be dealt with by our Courts in the ordinary manner.

18. The measures taken to remedy the difficulties detailed under the third head—namely, the want of a revenue, the existence of a depreciated paper currency, and the failure which had taken place in the confidence and expectations of the settlers, have also all been fully detailed in the despatches which relate to these subjects. The objects contemplated by the Government in reference to these subjects, may be generally stated to have been the imposition of duties, which, by a system of indirect taxation, might raise from the native as well as from the European population a revenue which would increase with every successive step of their advancement, and yearly yield the means for their more efficient control and government, whilst in aid of and in connexion with these plans, the depreciated paper currency was partly withdrawn, and the remaining portion of it was converted into a funded debt.

19. In order to remedy, in as far as practicable, the evils enumerated under the 4th head—namely, the difficulties which had been created by the Crown's right of pre-emption having been waived in favour of certain individuals over large tracts of land, and the claims of others having been entertained to enormous tracts of country, every effort has been made to adjust these claims upon the most liberal terms, and to carry out these arrangements in the most conciliatory manner; this being, however, one of those cases in which individuals have been led to form extravagant expectations which it was impossible for any Government to realize, no efforts could probably have prevented much disappointment and bitterness of feeling ensuing, and it is probable that nothing but time can completely eradicate this evil, although from the settlement of so large a number of these claims, and from the arrival of so many disinterested persons in the colony, the proportionate number of individuals whose ex-
pectations have been disappointed, is gradually decreasing, and their influence, as a party, will soon cease to be felt.

20. But little would, however, have been accomplished if the Government had confined itself simply to an attempt to remove the various evils under which these islands were labouring. It was necessary that active measures should at the same time be taken, without delay, for the amalgamation of the two races—that the confidence of the natives should be won—that they should be inspired with a taste for the comforts and conveniences of civilized life—that they should be led to abandon their old habits—that the chiefs should be induced to renounce their right of declaring peace and war, and that the whole of the native race should be led to abandon their barbarous modes of deciding disputes and administering justice, and should be induced for the future to resort to our Courts for the adjustment of their differences and the punishment of their offenders.

21. Thoroughly to accomplish a change of this nature would require a long series of years, and a succession of generations. The utmost, therefore, that any government could hope to do was, to establish institutions which might imperceptibly but certainly lead to so complete a change of manners in a barbarous nation as was contemplated, and to secure these institutions by such laws and by such a constitution as appeared to afford a reasonable guarantee for their perpetuity.

22. The first step to be taken to ensure these ends appeared to be, to convince the natives that our laws were better than their own, as affording more perfect security for life and property, and a much more ready means of adjusting differences which might arise either between natives and Europeans or amongst natives themselves.

23. To attain these ends, the Resident Magistrate's Ordinance was passed, and Mixed Courts were constituted for the settlement of disputes between natives. At the same time a considerable number of their young chiefs and most promising young men were enrolled in an armed police force, and thus habituated to act as actual administrators in the lowest offices of the law, and were made acquainted with the practical administration of the law in our inferior Courts. This latter measure, at the time it was introduced, excited unbounded ridicule, yet probably no measure has been so totally successful in its results. The native armed police force has furnished gallant men who have led our skirmishing parties, and who have fallen like good soldiers in the discharge of their duty; and it has furnished intelligent, sober, and steady constables, whose services, under various circumstances, have been found of great utility. The actual result of the two measures combined is sufficiently attested by the
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number and importance of the cases in which natives were concerned which have been recently decided by our tribunals, to which until lately the natives never resorted.

24. To bring the natives under the influence of the Government, and to gain their confidence and attachment, various measures have been resorted to by the Government. Hospitals have been established in the principal districts to which both races have been equally admitted, and in which they have been tended with equal care; Savings Banks have been instituted for the benefit of both races; a considerable number of natives have been employed in the minor offices of the Government establishments; pensions have been conferred on those chiefs who, during the first rebellion, were distinguished by their gallantry, fidelity, and devotion to the British cause. Large numbers of natives have been employed on public works, and in the construction of roads, thereby securing to the colony the advantage of excellent lines of communication; whilst from the discipline maintained amongst those employed upon public works, these works formed in fact industrial schools, in which the natives were trained to European habits of order and obedience, were accustomed to use European tools instead of their own rude implements, and were thus gradually trained to become useful labourers for the colonists. The natives have also been encouraged to pursue improved modes of husbandry, to construct mills, to acquire vessels, to attend to the breeding of cattle and horses—and a newspaper is fortnightly published by the Government, for the purpose of giving them useful information and plain practical directions on all those points to which the Government is anxious they should direct their attention.

25. These various measures may be, however, said to aim only at the present improvement of the native race, and to make no adequate provisions for their continual advancement in the arts of civilized life, and for the education of the native children upon such a system that they might have a prospect of standing on terms of equality with the European race, and of understanding and speaking their language.

26. Fortunately the task of the Government in this respect has been an easy one. There existed in this country three missions, established by different Christian denominations, amongst whom there is, perhaps, an emulation as to which shall achieve the greatest amount of good. And it may reasonably be doubted whether at any period of the world there has existed in one country, amongst so large a number of men who had devoted themselves to the holy calling of a missionary, so many persons who were eminently qualified
by piety, ability, and zeal, to discharge the functions of the office upon which they had entered; the result has been, that these gentlemen, scattered throughout the country, have exercised an influence without which all the measures adopted by the Government would have produced but little effect. Won by their teaching, the natives have almost as an entire race embraced Christianity, and have abandoned the most revolting of their heathen customs. Instructed by the missionaries, probably a greater proportion of the population than in any country in Europe are able to read and write; and encouraged by the precept and example of the same gentlemen, they have, in all parts of the islands, made considerable progress in the rougher branches of civilized life. The Government therefore, in establishing schools, thought it most desirable not to attempt to set up a system of its own, which might have required years for its development (during which a generation might have melted away, and an opportunity have been lost which could never be recalled), but rather to join its exertions to those of the missionaries, and to endeavour, whilst it established its own educational institutions, to render the system of the missionaries more complete and effective than hitherto. It therefore provided considerable funds which should be set apart for educational purposes, but determined that these funds should be applied under the direction of the heads of the different denominations who had missions established in New Zealand, it being provided that the several institutions which received any portion of these funds should be conducted upon the industrial system—that the English language should be taught there, and that a sound religious education should be imparted to the pupils. Provision was also made by Government for the appointment of inspectors who will examine into the state of the schools, and will ascertain that the various requirements which are imposed by the laws relating to these institutions are strictly complied with.

27. All these measures appeared calculated to secure a permanent and constantly increasing, instead of a scanty and superficial, civilization for the native population; and in order still further to increase the chances of success, two laws were passed, the first of which prohibited the natives from procuring arms or ammunition, and the second of which debarred them from the use of spirituous liquors. These regulations appeared stringent and likely to create discontent; but it was thought probable that, united with so many other measures of a character which were agreeable to the natives, and clearly calculated to promote their welfare, their strong natural good sense would lead them to see that these more distasteful restrictions had originated in the same care for their
welfare as had suggested the other portions of the system, and
the result has justified the anticipations which were formed,
as they have, without complaint, acquiesced in these regula-
tions, and generally and cheerfully acknowledged their ben-
eficial tendency.

28. In the course of the past 18 months the natives have,
on several occasions, shown in the most striking manner
their increasing confidence in our institutions, and their know-
ledge of the rights they have gained by their incorporation in-
to the British Empire, by carefully considering the effect that
proposed measures are likely to have upon their future wel-
fare, and by evincing their gratitude or dissatisfaction by for-
warding congratulatory addresses for benefits received, or by
transmitting memorials against proposed measures to the
Queen, on whose justice and desire to promote their welfare
they evidently relied with the most implicit confidence.

29. The most cursory consideration of the large number of
objects which the Government proposed to itself, in carrying
out the system of policy which has just been detailed, must have
shown that it relied upon receiving, at least for some years,
considerable monied assistance from some extraneous source,
until the improvement which might naturally be looked for
in the internal traffic and external commerce of the colony had
so far improved the revenue that it would suffice to defray the
necessary expenditure of the Government.

30. Such assistance was, in point of fact, most generously
supplied by the Imperial Parliament, and it hence became an
important object for the Local Government so to conduct the
financial operations of the colony that it might, at the earliest
possible period, dispense with the assistance which was afford-
ed to it, and thus cease to be a burden to the Parent State,
which had so liberally aided it during its early struggles. This
end may be said to be so far attained, that in the ensuing
year the resources of the country will suffice to defray the
whole of its expenditure with the exception of £15,000, if the
proposed financial operations are approved of which were de-
tailed in the despatch named in the margin, whilst, as in
each succeeding year, an increase of revenue may be looked
for, and no corresponding increase in the expenditure will be
requisite, the amount of assistance received from Great Brit-
tain can be still further diminished in each year subsequent
to 1850.

31. In order that every guarantee might be afforded that
the state of prosperity which these colonies were attaining
might have a character of permanency, it was still necessary
that institutions should be devised which would ultimately
constitute a form of Government which was likely to be
adapted to the circumstances of this country, and to be satis-
factory to its mixed and peculiar population. It also appeared to be a matter of great importance, that continual advances should be made towards such institutions, so that their introduction may be gradual, and that they might, as it were, imperceptibly grow with the growth of the colony.

32. Such a form of institutions had already in their main outline been sketched by your Lordship, and these in their main features presented a constitution than which nothing better could be devised here, although alterations in the details appeared necessary to adapt them to this country and to the feelings of the inhabitants. These alterations were made, and the form of constitution which appeared best adapted to New Zealand was fully reported on in the despatches named in the margin, whilst several steps preparatory to their introduction have already been taken in this country, and in point of fact, with the exception that the Assemblies, instead of being elective, are nominated by the Crown; the proposed system may be said already to be in full operation in New Zealand. The great error which the Local Government is in this respect thought by one party in the colony to have committed, is, too great a delay in introducing the elective principle. It may, perhaps, upon the other hand, be urged that, looking to the peculiar condition and population of this country, it is better to err on the side of prudence, and not to incur the risk of the fearful evils which would ensue from another rebellion for the sake of acquiring one or two years earlier that which must certainly within so short a period be obtained.

33. The foregoing sketch of the policy which has been pursued by the Local Government, and the reasons upon which that policy has been based, will probably, when taken in conjunction with the various despatches which I have written upon the several subjects alluded to (and which fill up the present outline), form so complete an exposition of the recent proceedings of the Government in these colonies as will make your Lordship fully to understand the returns contained in the Blue Book for New Ulster. I can only trust I have not omitted to forward information upon any subject which your Lordship may deem important, although amongst so large mass of matter it is difficult not to fall into the error of too hastily passing over subjects which may be only imperfectly understood in England.

I have, &c.,

G. GREY.

The Right Hon. Earl Grey,

&c., &c., &c.
CONSTITUTION ACT. 89

PROCLAMATION.

By His Excellency Sir George Grey, a Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over the Islands of New Zealand, and Vice-Admiral of the same, &c., &c., &c.

WHEREAS, by an Act passed in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, c. 72, intituled “An Act to grant a Representative Constitution to the Colony of New Zealand,” it is enacted that the said 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 therein expressly provided, shall take effect in New Zealand from the day of such proclamation thereof:

Now therefore, I, the Governor-in-Chief, do proclaim and declare, That I have received a copy of the said in part recited Act; and I do further proclaim and declare, that this Proclamation, and the said in part recited Act, shall take effect, and come into operation, within New Zealand, upon and from the date hereof.

Given under my hand, and issued under the Public Seal of the Islands of New Zealand, at Government House, at Wellington, in the Province of New Munster, in the Islands aforesaid, this seventeenth day of January, in the year of Our Lord, one thousand eight hundred and fifty-three.

G. Grey,
Governor-in-Chief.

By His Excellency’s command,

Alfred Domett,
Civil Secretary.

God Save the Queen!
By His Excellency Sir George Grey, a Knight Commander of the Most Honorable Order of the Bath, (L.s.) Governor-in-Chief, and Commander-in-Chief in and over the Islands of New Zealand, and Vice-Admiral of the same, &c., &c., &c.

WHEREAS an Act was passed in the Fifteenth and Sixteenth years of the Reign of Her present Majesty, cap. lxxi, intitled “An Act to grant a Representative Constitution to the Colony of New Zealand:”

And whereas the said Act, in accordance with the provisions thereof, was Proclaimed in the said Colony of New Zealand on the Seventeenth day of January, in the year of Our Lord One Thousand Eight Hundred and Fifty-Three:

And whereas, by the second clause of the above-recited Act, the following Provinces were established in the said Colony of New Zealand, namely—

The Province of Auckland,
The Province of New Plymouth,
The Province of Wellington,
The Province of Nelson,
The Province of Canterbury, and
The Province of Otago.

And whereas it was by the same clause of the same Act further enacted that “the limits of such several Provinces shall be fixed by Proclamation by the Governor as soon as conveniently may be after the Proclamation of the said Act:”

Now therefore, I, the Governor-in-Chief, do hereby proclaim and declare, That the limits of the Provinces aforesaid shall be as follows, namely—

Auckland.

The Province of Auckland shall be bounded on
The North
By the Coast line, including the Islands adjacent thereto.
The East
By the Coast line, including the Islands adjacent thereto.

The West
By the Coast line, including the Islands adjacent thereto.

The South
By the River Mokau to its source, thence by a right line running from the source of the Mokau, to the point where the Ngahuinga or Tuhua, the principal tributary of the Wanganui River is intersected by the thirty-ninth parallel of South Latitude, thence Eastward by the thirty-ninth parallel of South Latitude, to the point where that parallel of Latitude cuts the East Coast of the Northern Island of New Zealand.

New Plymouth.

The Province of New Plymouth shall be bounded on

The North
By the River Mokau to its source.

The East
By a right line running from the source of the River Mokau to the point where the Ngahuinga or Tuhua, the principal tributary of the Wanganui River is intersected by the thirty-ninth parallel of South Latitude, thence by the River Wanganui to the point where it is met by the Taumatamahoe Path leading from the River Waitera, thence by a right line running from the above described point on the Wanganui River to the mouth of the River Patea.

The West
By the Coast line, including the Islands adjacent thereto.

The South
By the Coast line, including the Islands adjacent thereto.

Wellington.

The Province of Wellington shall be bounded on

The North
By the Southern boundary of the Province of Auckland as already described in this Proclamation.
The East
By the Coast line, including the Islands adjacent thereto.

The North West
By the Southern portion of the Eastern boundary of the Province of New Plymouth as already described in this Proclamation.

The South West
By the Coast line, including the Islands adjacent thereto.

The South
By the Coast line, including the Islands adjacent thereto.

Nelson.
The Province of Nelson shall be bounded on

The North
By the Coast line, including the Islands adjacent thereto.

The East
By the coast line, including the islands adjacent thereto.

The West
By the coast line, including the islands adjacent thereto.

The South
By the River Hurunui to its source, thence by a right line drawn to the point where the River Kotu-urakaoka issues out of Lake Brunner, thence by the River Kotu-urakaoka to its junction with the River Grey, thence by the River Grey to its mouth.

Canterbury.
The Province of Canterbury shall be bounded on

The North
By the Southern boundary of the Province of Nelson as already described in this Proclamation.

The East
By the Coast line, including the Islands adjacent thereto.

The West
By the Coast line, including the Islands adjacent thereto.
The South
By the River Waitangi to its source, thence by a right line running to the source of the River Awarua, thence by the River Awarua to its mouth.

Otago.

The Province of Otago shall be bounded on

The North
By the Southern boundary of the Province of Canterbury as already described in this Proclamation.

The East
By the Coast line, including the Islands adjacent thereto.

The West
By the Coast line, including the Islands adjacent thereto.

The South
By the Coast line, including the Islands adjacent thereto, with the exception of Stewart’s Island, its adjacent Islands, and Sclanders Island, and the Island of Ruapuke.

This Proclamation shall take effect within the Province of Wellington on and after the day of the date hereof, and within each of the other Provinces aforesaid on and after the day of the receipt of a copy hereof at the principal Town of such Province.

Given under my hand, and issued under the Public Seal of the Islands of New Zealand, at Government-House, at Wellington, in the Province of New Munster, in the Islands aforesaid, this Twenty-Eighth day of February, in the Year of Our Lord One Thousand Eight Hundred and Fifty-Three.

G. GREY,
GOVERNOR-IN-CHIEF.

By His Excellency’s command,

ALFRED DOMETT,
Civil Secretary.

GOD SAVE THE QUEEN!
PROCLAMATION.

By His Excellency Sir George Grey, a Knight Commander of the Most Honorable Order of the Bath, Governor-in-Chief and Commander-in-Chief in and over the Islands of New Zealand, and Vice-Admiral of the same, &c., &c., &c.

ANALYSIS.

Preamble.

Sec. I.—General Assembly.

1. Number of Members to be elected.
2. Number of Electoral Districts.
3. Number of Members of the House of Representatives.

Sec. II.—Superintendents and Provincial Councils.

Province of Auckland.

4. Number of Members of Provincial Council.
5. Number of Electoral Districts.
6. Number of Members of Provincial Council for each District.

Province of New Plymouth.

7. Number of Members of Provincial Council.
8. Number of Electoral Districts.
9. Number of Members of Provincial Council for each District.

Province of Wellington.

10. Number of Members of Provincial Council.
11. Number of Electoral Districts.
12. Number of Members of Provincial Council for each District.

Province of Nelson.

13. Number of Members of Provincial Council.
14. Number of Electoral Districts.
15. Number of Members of Provincial Council for each District.

Province of Canterbury.

17. Number of Electoral Districts.
18. Number of Members of Provincial Council for each District.

Province of Otago.

19. Number of Members of Provincial Council.
20. Number of Electoral Districts.
21. Number of Members of Provincial Council for each District.
CONSTITUTION ACT.

Sec. III.—General Regulations.

22. Qualification of Voters.
23. Claim to be preferred.
24. Form, &c., of Claim.
25. When to be preferred.
26. When to be preferred for certain Districts.
27. List of Claims to be prepared.
28. And to be published.
29. Justices to prepare Electoral Roll.
30. Objections to Claims.
31. Electoral Roll how to be formed.
32. Proof of Qualification in what case required.
33. The Electoral Roll how long in force.
34. Copy of Electoral Roll to be published.
35. Polling Places.
36. Additional Polling Places.
37. Returning Officers.
38. Writs for Elections.
40. Days for Nomination and Election how fixed.
41. Returning Officer to preside at Nomination.
42. In case of a Contest.
43. In case a Poll be demanded.
44. The Polling.
45. Mode of Voting.
46. What enquiry may be made.
47. State of the Poll in certain cases to be declared.
48. Names of Persons elected as Members of the House of Representatives or of a Provincial Council to be inserted in Writ.
49. State of the Poll in certain cases to be declared.
50. State of the Poll in each District to be inserted in Writ at Election for Superintendent.
51. Voting Papers to be preserved.
52. New Writ in certain cases.
53. Objection to validity of Return of Superintendents.
54. Objection to validity of Return of Members of the House of Representatives.
55. Objection to Validity of Return of Members of Provincial Council.
56. Auckland, New Plymouth, Wellington, Nelson, Christchurch, and Dunedin, to be deemed Capital Towns for purposes of Proclamation.
57. Proclamation to take effect from date.
Schedules.
Plans.

WHEREAS, by an Act of the Session of the Imperial Parliament holden in the fifteenth and sixteenth years of the Reign of Her Majesty Queen Victoria, chap. seventy-two, it is amongst other things enacted, That it shall be lawful for the Governor of New Zealand, by Proclamation, to constitute within each of the said Provinces, by the above in part recited Act established, convenient Electoral Districts for the Election of the Superintendent—of Members of the Provincial Council—and of the House of Representatives of New Zealand—and to make provision for the Registration and Revision of Lists of Preamble reciting 15 & 16 Vic. Reg., cap. lxxii., "An Act to grant a Representative Constitution to the Islands of New Zealand."—[30th June, 1852.]
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 whereas, by the said recited Act, power is given to the Governor, by Proclamation, to declare certain places to be Towns for the purposes of the said Act:

Now therefore, I, the Governor-in-Chief of New Zealand, in pursuance and by virtue of the power and authority vested in me by the said in part recited Act, and under and by virtue of all other powers and authorities enabling me in that behalf, do hereby proclaim, declare, direct, and appoint, as follows:—

Sec. I.—General Assembly.

1. The House of Representatives for the Islands of New Zealand shall consist of Thirty-seven Members.

2. The said Islands, for the purposes of the Election of the Members of the House of Representatives shall be divided into Twenty-four Electoral Districts, to be named as follows:—

1. The City of Auckland.
2. The Suburbs of Auckland.
3. The Pensioner Settlements.
4. The Northern Division.
5. The Southern Division.
6. The Bay of Islands.
7. The Town of New Plymouth.
8. The Grey and Bell Districts.
9. The Omata District.
10. The City of Wellington.
12. The Hutt District.
13. The Wairarapa and Hawke's Bay Districts.
15. The Town of Nelson.
16. The Waimea District.
17. The Motueka and Massacre Bay Districts.
18. The Wairau District.
19. The Town of Christchurch.
20. The Christchurch Country District.
CONSTITUTION ACT.

21. The Town of Lyttelton.
22. The Akaroa District.
23. The Town of Dunedin.
24. The Dunedin Country District.

The Boundaries of the said Districts being particularly set forth and described in the Schedule, and delineated on the Maps or Plans hitherto annexed.

3. The number of Members to be elected to serve in the House of Representatives for the said several Districts shall be as follows, viz.:—

1. For the City of Auckland Three Members.
2. For the Suburbs of Auckland Two Members.
3. For the Pensioner Settlements Two Members.
4. For the Northern Division Two Members.
5. For the Southern Division Two Members.
6. For the Bay of Islands One Member.
7. For the Town of New Plymouth One Member.
8. For the Grey and Bell Districts One Member.
9. For the Omata District One Member.
10. For the City of Wellington Three Members.
11. For the Wellington Country District One Member.
12. For the Hutt District Two Members.
13. For the Wairarapa and Hawke's Bay Districts One Member.
14. For the Wanganui and Rangitikei Districts One Member.
15. For the Town of Nelson Two Members.
16. For the Waimea District Two Members.
17. For the Motueka and Massacre Bay Districts One Member.
18. For the Wairau District One Member.
19. For the Town of Christchurch One Member.
20. For the Christchurch Country District Two Members.
21. For the Town of Lyttelton One Member.
22. For the Akaroa District One Member.
23. For the Town of Dunedin One Member.
24. For the Dunedin Country District Two Members.

SEC. II.—Superintendents and Provincial Councils.

PROVINCE OF AUCKLAND.

SUPERINTENDENT AND PROVINCIAL COUNCIL.

4. The Provincial Council of the said Province shall consist of Twenty-four Members.
5. The Province of Auckland, for the purposes of the Election of the Superintendent and the Members of the Provincial Council thereof shall be divided into Six Electoral Districts, to be named as follows, viz.:—

1. The City of Auckland.
2. The Suburbs of Auckland.
3. The Pensioner Settlements.
4. The Northern Division.
5. The Southern Division.
6. The Bay of Islands.

The Boundaries of the said Districts being particularly set forth and described in the Schedule, and delineated on the Maps or Plans hereunto annexed.

6. The number of Members to be elected to serve in the Provincial Council for the said several Districts in the Province of Auckland shall be as follows:—

1. For the City of Auckland Six Members.
2. For the Suburbs of Auckland Four Members.
3. For the Pensioner Settlements Four Members.
4. For the Northern Division Four Members.
5. For the Southern Division Four Members.
6. For the Bay of Islands Two Members.

PROVINCE OF NEW PLYMOUTH.

SUPERINTENDENT AND PROVINCIAL COUNCIL.

7. The Provincial Council of the said Province shall consist of Nine Members.

8. The Province of New Plymouth, for the purposes of the Election of the Superintendent and the Members of the Provincial Council thereof, shall be divided into three Electoral Districts, and shall be as follows, viz.:—

1. The Town of New Plymouth.
2. The Grey and Bell Districts.
3. The Omata District.

The Boundaries of the said Districts being particularly set forth and described in the Schedule, and delineated on the Maps or Plans hereunto annexed.

9. The number of Members to be elected to serve in the Provincial Council for the said several Districts in the Province of New Plymouth shall be as follows:—
CONSTITUTION ACT.

1. For the Town of New Plymouth Two Members.
2. For the Grey and Bell Districts Four Members.
3. For the Omata District Three Members.

PROVINCE OF WELLINGTON.

SUPERINTENDENT AND PROVINCIAL COUNCIL.

10. The Provincial Council of the said Province shall consist of Eighteen Members.

11. The Province of Wellington, for the purposes of the Election of the Superintendent and Members of the Provincial Council thereof, shall be divided into Five Electoral Districts, to be named as follows, viz.:—
   1. The City of Wellington.
   2. The Wellington Country District.
   3. The Hutt District.
   4. The Wairarapa and Hawke's Bay Districts.
   5. The Wanganui and Rangitikei Districts.

The Boundaries of the said Districts being particularly set forth and described in the schedule, and delineated on the Maps or Plans hereunto annexed.

12. The number of Members to be elected to serve in the Provincial Council for the said several Districts shall be as follows, viz.:—
   1. For the City of Wellington Seven Members.
   2. For the Wellington Country District Three Members.
   3. For the Hutt District Four Members.
   4. For the Wairarapa and Hawke's Bay Districts Two Members.
   5. For the Wanganui and Rangitikei Districts Two Members.

PROVINCE OF NELSON.

SUPERINTENDENT AND PROVINCIAL COUNCIL.

13. The Provincial Council of the said Province shall consist of Fifteen Members.

14. The Province of Nelson, for the purposes of the Election of the Superintendent and Members of the Provincial Council thereof, shall be divided into Seven Electoral Districts, to be named as follows :—
1. The Town of Nelson.
2. The Suburban Districts.
3. The Waimea East District.
4. The Waimea West District.
5. The Waimea South District.
6. The Motueka and Massacre Bay Districts.
7. The Wairau District.

The Boundaries of the said Districts being particularly set forth and described in the Schedule, and delineated on the Maps or Plans hereunto annexed.

15. The number of Members to be elected to serve in the Provincial Council for the said several Districts shall be as follows:—
1. For the Town of Nelson Five Members.
2. For the Suburban Districts One Member.
3. For the Waimea East District Two Members.
4. For the Waimea West District One Member.
5. For the Waimea South District Two Members.
6. For the Motueka and Massacre Bay Districts Two Members.
7. For the Wairau District Two Members.

PROVINCE OF CANTERBURY.

16. The Provincial Council of the said Province shall consist of Twelve Members.

17. The Province of Canterbury, for the purposes of the Election of the Superintendent and the Members of the Provincial Council thereof, shall be divided into Four Electoral Districts, to be named as follows, viz. :—
1. The Town of Christchurch.
2. The Christchurch Country District.
3. The Town of Lyttelton.
4. The Akaroa District.

The Boundaries of the said Districts being particularly set forth and described in the Schedule, and delineated on the Maps or Plans hereunto annexed.

18. The number of Members to be elected to serve in the Provincial Council for the said several Districts shall be as follows:—
CONSTITUTION ACT.

1. For the Town of Christchurch Three Members.
2. For the Christchurch Country District Four Members.
3. For the Town of Lyttelton Three Members.
4. For the Akaroa District Two Members.

PROVINCE OF OTAGO.

SUPERINTENDENT AND PROVINCIAL COUNCIL.

19. The Provincial Council of the said Province shall consist of Nine Members.

20. The Province of Otago, for the purposes of the Election of the Superintendent and the Members of the Provincial Council thereof, shall be divided into Two Electoral Districts, to be named as follows:—

1. The Town of Dunedin.
2. The Dunedin Country District.

The Boundaries of the said Districts being particularly set forth and described in the Schedule, and delineated on the Maps or Plans hereunto annexed.

21. The number of Members to be elected to serve in the Provincial Council for the said several Districts shall be as follows:—

1. For the Town of Dunedin Three Members.
2. For the Dunedin Country District Six Members.

SEC. III.—General Regulations.

22. Pursuant to the Provisions of the above recited Act, every man of the age of Twenty-one years and 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 seized 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 a 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

Number of Members of Provincial Council.
Number of Electoral Districts.

Number of Members of Provincial Council for each District.

Qualification of Voters.
limits of the Town, of the clear annual value of Ten Pounds—or without the limits of a Town, of the clear annual value of Five Pounds, 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 Superintendent of a Province, or of a Member or Members of the Provincial Council thereof, or of a Member or Members of the House of Representatives, Provided that he is not an alien—and that he has not at any time heretofore been attainted or convicted of any treason, felony, or any 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.

23. No person shall be qualified to vote at the Election of any Superintendent of a Province, or of any Member of the House of Representatives, or of the Members of the Provincial Council of any of the Provinces as aforesaid, unless he shall prefer a claim to the right of voting, and unless such claim be duly enrolled as hereafter prescribed.

Form, &c., of Claim.

24. Every such Claim shall be in writing, and shall state the name of the District or Districts in respect of which it shall be made, and shall be signed by the Claimant, or by some other person in his name and by his authority, and shall state also the place of abode and calling or business of the Claimant, and the qualification in respect of which such Claim may be made.

When to be preferred.

25. No such Claim as aforesaid shall be received unless it be made between the 15th day of April next and the 15th day of May next, or in the month of April in some succeeding year.

Where to be preferred for certain Districts.

26. Every person claiming a right to vote for the Election of the Members of the House of Representatives—of the Superintendent—or of the Members of the Provincial Council in the following Districts:

PROVINCE OF AUCKLAND.

1. The City of Auckland,
2. The Suburbs of Auckland,
3. The Pensioner Settlements,
4. The Northern Division,
5. The Southern Division,
shall deliver his claim, or cause the same to be delivered, at the Police Office at Auckland.

6. The Bay of Islands,
shall deliver his claim, or cause the same to be delivered, at the Police Office at Russell.

PROVINCE OF NEW PLYMOUTH.

1. The Town of New Plymouth,
2. The Grey and Bell Districts,
3. The Omata District,
shall deliver his claim, or cause the same to be delivered, at the Police Office at New Plymouth.

PROVINCE OF WELLINGTON.

1. The City of Wellington,
2. The Wellington Country District,
shall deliver his claim, or cause the same to be delivered, at the Resident Magistrate’s Office at Wellington.

3. The Hutt,
4. The Wairarapa and Hawke’s Bay District,
shall deliver his Claim, or cause the same to be delivered, at the Resident Magistrate’s Office in the Valley of the Hutt.

5. The Wanganui and Rangitikei Districts,
shall deliver his Claim, or cause the same to be delivered, at the Resident Magistrate’s Office at Wanganui.

PROVINCE OF NELSON.

1. The Town of Nelson,
shall deliver his Claim, or cause the same to be delivered, at the Resident Magistrate’s Office at Nelson.

2. The Waimea Districts,
(for the Election of Members of the House of Representatives).

   2. The Suburban Districts,
   3. The Waimea East District,
   4. The Waimea West District,
   5. The Waimea South District,
(for the Election of the Superintendent and Members of the Provincial Council),
shall deliver his Claim, or cause the same to be delivered, at the Resident Magistrate’s Office, Nelson, or at such places in the Waimea District, or in the Suburban Districts, the Waimea
East District, the Waimea West District, the Waimea South District, respectively (as the case may be), as the Resident Magistrate at Nelson may, by public notice, direct and appoint.

6. The Motueka and Massacre Bay Districts, shall deliver his claim, or cause the same to be delivered, at such place in the Motueka District as the Resident Magistrate at Nelson may, by public notice, direct and appoint.

7. The Wairau District, shall deliver his claim, or cause the same to be delivered, at such place as the Resident Magistrate at Nelson may, by public notice, direct and appoint.

PROVINCE OF CANTERBURY.

1. The Town of Christchurch,
2. The Christchurch Country District, shall deliver his claim, or cause the same to be delivered, at the Resident Magistrate’s Office at Christchurch, or at such other place or places as the Resident Magistrate at Lyttelton may, by public notice, direct and appoint.

3. The Town of Lyttelton, shall deliver his claim, or cause the same to be delivered at the Resident Magistrate’s Office at Lyttelton.

4. The Akaroa District, shall deliver his claim, or cause the same to be delivered, at the Resident Magistrate’s Office at Akaroa.

PROVINCE OF OTAGO.

1. The Town of Dunedin,
2. The Dunedin Country District, shall deliver his claim, or cause the same to be delivered at the Resident Magistrate’s Office Dunedin, or at such other place or places as the Resident Magistrate at Dunedin may, by public notice, direct and appoint.

List of Claims to be prepared.

27. On the Fifteenth day of May next, and on the Thirtieth day of April in every succeeding year, or as soon after as conveniently may be, the Resident Magistrate, or some other fit person or persons to be appointed by the Governor in that behalf, at each of the above-named offices in the respective Districts in the Islands of New Zealand and several Provinces as aforesaid, shall respectively cause a list to be prepared of the Claims which have been delivered at such re-
Constitution Act.

Spective offices as aforesaid, in pursuance of this Proclamation, setting forth the Christian and Surname of every Claimant at full length, together with his place of abode, calling, or business, and the ground on which his claim may be made, and arranging the names in alphabetical order, and classing them for the several Districts for which they may respectively claim to be entitled to vote.

28. On or before the Fifteenth day of June next, every such Resident Magistrate, or other person as aforesaid, shall, as soon as conveniently may be, cause a copy of the List of Claims, and in the month of June, in every succeeding year, shall cause a copy of the List of Claims which may have been preferred in pursuance of this Proclamation, together with a copy of the Electoral Roll then in force, to be posted in some conspicuous place in the District, to which the said List and Roll shall especially relate, and shall subjoin thereto a Notice, that all objections thereto will be heard and determined at a meeting of Justices open to the Public, and to be held on a day to be specified in such Notice, not being more than one calendar month after the date thereof.

29. Each such Resident Magistrate or other person shall call a Special Meeting of the Justices of the Peace, residing within the District or Districts to which the said Claims may relate, to be held on the day so to be specified as aforesaid, for the purpose of hearing and determining objections to such List and Roll as aforesaid, and of forming the Roll for the ensuing year of persons qualified to vote under the provisions of the said recited Ordinance.

30. Any person whose name shall be on any such List or Roll may object to any other person as not entitled to have his name retained on the Electoral Roll. But the person so objecting shall, ten days at least before the day appointed for the formation of such Electoral Roll, cause notice in writing of such objection, and of the ground thereof, to be given to the Resident Magistrate or other the person acting for the District, and also to the person objected to.

31. At the meeting to be held for the formation of the said Electoral Roll, or at some adjournment of such meeting, the Justices (any two being a quorum) shall retain on the List of Claims, and on the Roll then in force, the names of all persons to whom no objection shall have been duly made, and shall also retain on the said Lists and Rolls the name of every person...
who shall have been objected to, unless the party objecting shall appear in person in support of such objections, and shall also prove due service of his notice of objection.

32. In case the party objecting shall make his objections in person, and shall prove such service of notice as aforesaid, the Court shall require proof of the qualification of the person so objected to: and in case the qualification of such person shall not be proved to the satisfaction of the Court, the name of such person shall be expunged from the List or Roll. The Court shall also expunge therefrom the name of every person who shall be proved to be dead, and shall correct any mistake, or shall supply any omission, which should be proved to have been made therein respectively, in respect of the name or the place of abode of any person who shall be included therein, or in respect of the local description of his property: and the Lists and Roll so corrected shall form the Electoral Roll for the ensuing year, and shall be signed by the Resident Magistrate, or other the person presiding at such meeting of Justices as aforesaid.

33. The persons whose names shall be so enrolled thereon shall be deemed and taken to be the Electors of the District until the completion of the “Electoral Roll” for the year next ensuing: and every person whose name shall appear upon such “Electoral Roll” shall be deemed and taken to be duly qualified to vote for the District in respect of which his name shall appear upon such Roll without any further or other inquiry, revision, or scrutiny whatever. And when the name of any person claiming to be placed upon such Roll shall once have been duly enrolled thereon, such name shall from year to year continue to be published as aforesaid, and be retained on the Electoral Roll for the time being without any further claim on the part of the Elector, until his name be objected to and shall be duly expunged in manner hereinbefore prescribed.

34. As soon as conveniently may be after the annual revision of such Roll, the Resident Magistrate, or such other person as aforesaid, shall cause copies thereof to be published for general information: and the original Roll shall be preserved by him as long as it shall remain in force, open to the inspection of any Elector, at reasonable times, on payment of one shilling.

PROVINCE OF AUCKLAND.

Polling Places. 35. The Polling Places for the following Districts in the Province of Auckland, viz.:
CONSTITUTION ACT.

1. The City of Auckland,
2. The Suburbs of Auckland,
3. The Northern Division,
shall be at some convenient place in the City of Auckland to be specified by the Returning Officer.
4. The Pensioner Settlements,
5. The Southern Division,
shall be at some convenient place in the village of Onehunga to be specified by the Returning Officer.
6. The Bay of Islands,
shall be at some convenient place in the Town of Russell to be specified by the Returning Officer.

PROVINCE OF NEW PLYMOUTH.
The Polling Places for the following Districts in the Province of New Plymouth, viz.:
1. The Town of New Plymouth,
2. The Grey and Bell Districts,
3. The Omata District,
shall be at some convenient place in the Town of New Plymouth to be specified by the Returning Officer.

PROVINCE OF WELLINGTON.
The Polling Places for the following Districts in the Province of Wellington, viz.:
1. The City of Wellington,
2. The Wellington Country District,
shall be at some convenient place in the City of Wellington to be specified by the Returning Officer.
3. The Hutt District,
shall be at some convenient place in the Valley of the Hutt to be specified by the Returning Officer.
4. The Wairarapa and Hawke's Bay Districts,
shall be at some convenient place or places to be specified by the Returning Officer.
5. The Wanganui and Rangitikei Districts,
shall be at some convenient place at Wanganui to be specified by the Returning Officer.

PROVINCE OF NELSON.
The Polling Places for the following Districts in the Province of Nelson, viz.:
1. The Town of Nelson,
shall be at some convenient place in the Town of Nelson to be specified by the Returning Officer.
2. THE WAIMEA DISTRICTS,
3. THE SUBURBAN DISTRICTS,
4. THE WAIMEA EAST DISTRICT,
5. THE WAIMEA WEST DISTRICT,
6. THE WAIHEA DISTRICT,
shall, for the Election of the Members of the House of Representatives, be at some convenient place or places in the Wai- mea District, or for the Election of the Superintendent or Members of the Provincial Council, at some convenient place or places in the Suburban Districts, the Waimea East Dis- trict, the Waimea West District, the Waimea South District, respectively (as the case may be), to be specified by the Re- turning Officer.

6. THE MOTUEKA AND MASSACRE BAY DISTRICTS,
shall be at some convenient place or places in the Motueka District to be specified by the Returning Officer.

7. THE WAIHEA DISTRICT,
shall be at some convenient place or places to be specified by the Returning Officer.

PROVINCE OF CANTERBURY.
The Polling Places for the following Districts in the Province of Canterbury, viz.:
1. THE TOWN OF CHRISTCHURCH,
2. THE CHRISTCHURCH COUNTRY DISTRICT,
shall be at some convenient place in the Town of Christchurch to be specified by the Returning Officer.
3. THE TOWN OF LYTTLETON,
shall be at some convenient place in the Town of Lyttelton to be specified by the Returning Officer.
4. THE AKAROA DISTRICT,
shall be at some convenient place at Akaroa to be specified by the Returning Officer.

PROVINCE OF OTAGO.
The Polling Places for the following Districts in the Province of Otago, viz.:
1. THE TOWN OF DUNEDIN,
2. THE DUNEDIN COUNTRY DISTRICT,
shall be at some convenient place or places in the Town of Dunedin or in the Dunedin Country District to be specified by the Returning Officer.

Additional Polling Places. If additional Polling Places are found necessary for any of the Districts in the above mentioned Provinces, they shall
be at such places as the Governor, or the Superintendent of the Province may, from time to time, by public notice, appoint.

37. The Principal Returning Officer of the Capital Town of each Province shall be the Resident Magistrate of the District in which such Capital Town is situated, or such other person as the Governor may from time to time appoint.

The Returning Officers for the above mentioned Electoral Districts in the Islands of New Zealand, and situated respectively in the Provinces above named, shall be the Resident Magistrate residing in the District, or such other person as the Governor, or the person deputed by him in that behalf, may from time to time appoint.

38. The Writs for the Election of the Superintendents of Provinces, of the Members of the House of Representatives, and of the Members of the Provincial Councils, shall be issued by the Governor under his hand, and shall be directed to the Returning Officer for the District, and shall state the number of days within which such Writs shall be made returnable to the said Governor.

39. Whenever it shall be established to the satisfaction of the Superintendent of any one of the Provinces as aforesaid, that the seat of any Member of the Provincial Council of such Province 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.

40. The Returning Officer shall endorse on the Writ the day on which he may have received it, and shall fix the day of Nomination, and also the day on which the voting, if necessary, shall take place, and shall give not less than Fourteen days’ Public Notice thereof respectively.

41. On the day of Nomination so to be fixed as aforesaid, the Returning Officer shall preside at a meeting to be held at noon, at the chief Polling Place for the District, and shall declare the purpose for which such meeting is held: And if at such meeting there be no more candidates proposed than the number of Members to be returned, the Returning Officer shall declare such Candidate or Candidates to be duly elected, and shall make his return accordingly.
42. In the event of there being more Candidates than the number to be elected, the Returning Officer shall call for a show of hands separately in favour of each Candidate, and after such shew of hands, shall declare the person or persons on whom the Election has fallen, and shall return the same accordingly, unless a Poll be demanded by some one of the Candidates, or by not less than six Electors on his behalf.

43. On such demand as aforesaid being made for a Poll, the Polling shall be taken on the day so to be fixed as aforesaid, the voting to commence at any time after nine o'clock of the said day, and to close at four o'clock in the afternoon of the same day.

44. The Polling shall take place before the Returning Officer or his Deputy, and the voting shall be conducted in the manner following, that is to say,—

45. Every Elector for the District may vote for any number of persons not exceeding the number of persons then to be chosen, by delivering to the Returning Officer or his Deputy a Voting Paper containing the Christian names and Surnames of the persons for whom he votes, together with their place of abode and description, and signed with the name of the Elector so voting, and setting forth his own place of abode and description.

46. No enquiry shall be permitted at any such Election as to the right of any person to vote except only as follows: that is to say, the Returning Officer or his deputy shall, if required by any two Electors for the District, put to any voter at the time of his delivering in of his Voting Paper, and not afterwards, the following questions, and no others:—

1. Are you the person whose name is signed as (A.B.) to the Voting Paper now delivered in by you?
2. Are you the person whose name appears as (A.B.) on the Electoral Roll now in force for the District of ( )?
3. Have you already voted at the present Election?

And no person required to answer any of the said questions shall be permitted or qualified to vote until he shall have answered the same, the first two affirmatively, and the last negatively.

47. As soon as conveniently may be after the Election of Members of the House of Representatives, and of Members of the Provincial Council, shall have been held, the Returning
CONSTITUTION ACT.

Officer for the District shall, at the place of nomination, openly declare the state of the Poll, and shall at the same time declare the name or names of the person or persons who may have been duly elected at such election. And in the event of the number of votes being found to have been equal for any two or more Candidates, he shall by his casting vote declare which of the said Candidates shall be elected: Provided that no Returning Officer shall vote at any Election of which he is the Returning Officer, except in the case of an equality of votes as aforesaid.

48. The name or names of the person or persons so elected as Member of a Provincial Council, or as Member of the House of Representatives, shall be inserted in or endorsed upon the Writ by the Returning Officer; and such Writ shall be returned by him to the Governor or to the Superintendent, in the case of an Election to supply a vacancy in the Provincial Council within the time by which such Writ may be returnable.

49. As soon as conveniently may be after the voting for the Election of a Superintendent of a Province has closed in any Electoral District, the Returning Officer of such District shall openly declare the state of the Poll, and shall, as soon as conveniently may be, transmit a certified copy of the same to the Principal Returning Officer of the Capital Town of the Province for which such Election may have taken place; and such Principal Returning Officer, so soon as he has received from the several Returning Officers of each Electoral District in the Province certified copies of the state of the Poll in each District, shall openly declare and publicly notify the same; and shall at the same time openly declare and publicly notify the name of the person who may have been duly elected at such Election, by a majority of the voters of the whole Province, to be Superintendent thereof: And, in the event of the number of votes being found to have been equal for any two or more Candidates, such Principal Returning Officer shall, by his casting vote, declare which of the said Candidates shall be elected; provided that such Principal Returning Officer shall not vote at the Election for the Superintendent of the Province of which he is Principal Returning Officer, except in the case of an equality of votes as aforesaid.

50. The Returning Officer for each Electoral District, at the Election for the office of Superintendent, shall insert in or endorse upon the Writ the state of the Poll when the voting in the District closed; and such Writ shall then be returned
by him to the Governor within the time by which such Writ may be returnable.

51. The Voting Papers, at such Election, shall be kept, for the space of six calendar months after such Election, by the Returning Officer, who shall permit any Elector to inspect the same upon payment of one shilling.

52. In case any Writ to be issued by the Governor, or by any Superintendent, for supplying a vacancy shall not be duly executed, or in case no valid Election shall be made by virtue thereof, the Governor or Superintendent, as the case may be, shall issue a new Writ, directing the Returning Officer to proceed to a Public Election, in manner and subject to the provisions hereinbefore prescribed.

53. All complaints of the undue return of Superintendents of Provinces shall be addressed in the form of Petition to the Governor of New Zealand, stating the general objections. But no such Petition shall be noticed, nor any proceedings taken thereon, unless it be signed by some person who was a Candidate at the Election whereof it may be alleged that an undue Return was made, or by a number of persons who voted, or were qualified to have voted at the said Election, amounting to not less than one-twentieth of the whole number on the List of Electors; and no such Petition shall be noticed which shall not be delivered to the Principal Returning Officer of the Capital Town of the Province, for immediate transmission to the Governor, within fourteen days from the day of Election; nor unless a copy thereof shall have been served upon the party whose Return shall be objected to within such period of fourteen days as aforesaid.

54. All complaints of the undue Return of Members to serve in the House of Representatives shall be addressed in the form of Petition to the Governor, stating the ground of objection. But no Petition shall be noticed, nor any proceedings had thereon, unless it be signed by some person who was a Candidate at the Election whereof it may be alleged that an undue Return was made, or by a number of persons who voted, or who were qualified to have voted at the said Election, amounting to not less than one-twentieth of the whole number on the List of Electors; and no such Petition shall be noticed which shall not be delivered to the Returning Officer of the District, for immediate transmission to the Governor, within twenty-one days from the day of Election; nor unless a copy thereof shall have been served upon the party whose Return
shall be objected to within such period of twenty-one days as aforesaid. Within ten days after any such Petition shall have been received at the Office of the Civil Secretary from the Returning Officer, if the General Assembly be then sitting, or if the Assembly be not then sitting, within ten days after its next meeting, the Governor, or some other person duly authorised by him in that behalf, shall cause such Petition to be referred to the said General Assembly, and the validity of the Return so complained of shall be decided by such General Assembly, or by such other tribunal and in such manner as the said Assembly shall direct and appoint.

55. All complaints of the undue return of Members to serve in the Provincial Councils shall be addressed in the form of Petition to the Superintendent of the Province, stating the ground of objection. But no Petition shall be noticed, nor any proceedings had thereon, unless it be signed by some person who was a Candidate at the Election whereof it may be alleged that an undue return was made, or by a number of persons who voted, or who were qualified to have voted at the said Election, amounting to not less than one-twentieth of the whole number on the List of Electors. And no such Petition shall be noticed which shall not be delivered to the Returning Officer of the District, for immediate transmission to the Superintendent of the Province, within twenty-one days from the day of Election; nor unless a copy thereof shall have been served upon the party whose return shall be objected to within such period of twenty-one days as aforesaid. Within ten days after any such Petition shall have been received by the Superintendent from the Returning Officer, if the said Council be then sitting, or if the Council be not then sitting, within ten days after its next meeting the Superintendent, or some other person duly authorised by him in that behalf, shall cause such Petition to be referred to the said Council, and the validity of the Return so complained of shall be decided by such Council, or by such other tribunal and in such manner as the said Council shall direct and appoint.

56. And I hereby further proclaim and declare, That Auckland, New Plymouth, Wellington, Nelson, Christchurch, Lyttelton, and Dunedin, shall be deemed and taken to be Towns for the purposes of this Proclamation; And I hereby further proclaim and declare, That, for the purposes of this Proclamation, the Town of Auckland shall be deemed and taken to be the Capital Town of the Province of Auckland; the Town of New Plymouth to be the Capital Town of the Province of New Plymouth; the Town of Wellington to be the Capital Auckland, New Plymouth, Wellington, Nelson, Christchurch, Lyttelton, and Dunedin, to be deemed Towns for purposes of Proclamation:
Town of the Province of Wellington; the Town of Nelson to
be the Capital Town of the Province of Nelson; the Town of
Christchurch to be the Capital Town of the Province of Can-
terbury; and the Town of Dunedin to be the Capital Town
of the Province of Otago.

57. This Proclamation shall take effect from the day of the
date hereof.

Given under my hand, and issued under the Public Seal
of the Islands of New Zealand, at Government-House,
(l. s.) at Wellington, in the Province of Wellington, in the
Islands aforesaid, this Fifth day of March, in the
year of our Lord one thousand eight hundred and
fifty-three.

G. GREY,
GOVERNOR-IN-CHIEF.

By His Excellency’s command,

ALFRED DOMETT,
Civil Secretary.

GOD SAVE THE QUEEN!

SCHEDULE A.

DESCRIPTION OF DISTRICTS.

1. The CITY OF AUCKLAND, comprises the East Town Ward, the
Middle Town Ward, and the West Town Ward, of the Borough of
Auckland.

2. The SUBURBS OF AUCKLAND, comprise the Suburban East Ward,
the Suburban South Ward, and Suburban West Ward, of the Bo-
rough of Auckland.

3. The PENSIONER SETTLEMENTS DISTRICT, comprises so much of
the sites of the several Villages of Onehunga, Panmure, Otahuhu,
and Howick, as are delineated on the Plans hereunto annexed,
coloured Blue.

4. The NORTHERN DIVISION, comprises so much of the Province
of Auckland not included in the above-mentioned districts as is in-
cluded between a line drawn through the centre of the entrance
into Manakau Harbour, in an easterly direction to the Southern
extremity of the Epsom Road on the beach at Onehunga, thence
along the centre of the Epsom Road as far as the Bridge in Me-
chanics' Bay, thence in a North East direction across the Harbour of Waitemata to the East Point of the North Head, thence to the South Point of the Island of Motutapu, thence to the North Point to Cape Colville, and thence in an Easterly direction and a straight line drawn from the mouth of the River Wariara, on the East Coast in a Westerly direction to the junction of the Wairoa and Kaibou Rivers, and thence in a straight line to the Manaho Point on the West Coast, the Boundaries of the said district being particularly marked on the Plan hereunto annexed.

5. The Southern Division, comprises so much of the Province of Auckland not included in the above-mentioned districts, or any of them, as lies between the Southern boundary of the Northern division, and the Southern boundary of the Province, being particularly delineated on the Plan hereunto annexed.

6. The Bay of Islands, comprises so much of the Province of Auckland as lies to the Northward of the Northern division, and as delineated on the Plan hereunto annexed.

Schedule B.

Province of New Plymouth.

Description of Districts.

1. New Plymouth, comprises the Site of New Plymouth, as delineated on the Plan hereunto annexed.

2. The Grey and Bell District, comprises the Grey, Bell, and Waiwakaio Blocks, and all that other part of the Province of New Plymouth which lies north of the Paritutu Line, excepting the Town Site of New Plymouth as delineated on the Plan hereunto annexed.

3. The Omata District, comprises the Omata and Tataramaka Blocks, and all that other part of the Province of New Plymouth which lies south of the Paritutu Line as delineated on the Plan hereunto annexed.

Schedule C.

Province of Wellington.

Description of Districts.

1. The Town of Wellington, comprises the Site of the Town of Wellington as delineated on the plan hereunto annexed.

2. The Wellington Country District, comprises the following Districts:
   The Wade's Town District,
   The Karori District,
   The Ohiro District,
   The Kai Warra Warra District,
   The Porirua District,
   The Manawatu District,

and including (excepting therefrom the Town of Wellington) the country adjacent to the above named Districts, and the Islands of Kapiti and Mana, and the other Islands adjacent to the coasts.
thereof: The Boundaries of the said Wellington Country District being particularly delineated on the Plan hereunto annexed.

3. The Hutt District, comprises the following Districts:—
   The Hutt District,
   The Upper Hutt District,
   The Pakuratahi District to the summit of the
   Rimutaka Range,
   The Lowry Bay District,
   The Wainui-o-Mata District,
and the country adjacent to these districts, as more particularly delineated on the Plan hereunto annexed.

4. The Wairarapa and Hawke's Bay District, comprises that portion of the Wairarapa Valley, and of the Country adjacent thereto, which is particularly delineated on the Plan hereunto annexed, and that portion of the Hawke's Bay District which has been acquired by the Crown by purchase from the Natives, and which lies within the Province of Wellington.

5. The Wanganui and Rangitikei District, comprises the tracts of country situated upon the rivers Rangitikei and Wanganui, which have been acquired by the Crown by purchase from the Natives.

Schedule D.

Province of Nelson.

Description of Districts.

1. The Town of Nelson, comprises the Site of the Town of Nelson, as delineated on the Plan hereunto annexed.

2. The Waimea District, for the Election of Members of the House of Representatives, comprises the following Districts:—
   Suburban South,
   Waimea East,
   Waimea West,
   Waimea South, including Eighty-eight Valley and Motueka Valley,
the said District comprising the four Districts next hereinafter following, (viz., the Suburban Districts, the Waimea East, the Waimea West, the Waimea South), for the Election of the Superintendent and Members of the Provincial Council, the Boundaries of the said District being more particularly delineated on the Plan hereunto annexed, and the before mentioned Town of Nelson being excluded therefrom.

3. The Suburban District, for the Election of the Superintendent and Members of the Provincial Council, comprises the Suburban North, Maitai, Brook-street Valley, and Suburban South Districts, as delineated on the Plan hereunto annexed.

4. The Waimea East District, for the Election of the Superintendent and Members of the Provincial Council, comprises the District of Waimea East, the Boundaries of the said District being more particularly delineated on the Plan hereunto annexed.

5. The Waimea West District, for the Election of the Superintendent and Members of the Provincial Council, comprises the District of Waimea West, the Boundaries of the said District being more particularly delineated on the Plan hereunto annexed.
CONSTITUTION ACT.

6. The Waimea South District, for the Election of the Superintendent and Members of the Provincial Council, comprises the District of Waimea South, including Eighty-eight Valley and Motueka Valley, the Boundaries of the said District being more particularly delineated on the Plan hereunto annexed.

7. The Motueka and Massacre Bay Districts, comprise the following Districts, the Moutere District, the Motueka District to Astrolabe Roads, the Massacre Bay District, the Boundaries of the said Districts being more particularly delineated on the Plan hereunto annexed.

8. The Wairau District, comprises the Wairau Valley and Plain and the country adjacent thereto, as far as the southern boundary of the Province of Nelson, the Boundaries of the said District being more particularly delineated on the Plan hereunto annexed.

Schedule E.

PROVINCE OF CANTERBURY.

Description of Districts.

1. The Town of Christchurch District, comprises the site of the Town of Christchurch as shown on the Plans of the Canterbury Association in their office at Christchurch.

2. The Christchurch Country District, comprises all that tract of land within the Province of Canterbury which is not comprised in "the Town of Christchurch District," in "the Town of Lyttelton District," or in "the Akaroa District."

3. The Town of Lyttelton District, comprises the Site of the Town of Lyttelton as shewn in the Plans of the Canterbury Association in their office at Christchurch.

4. The Akaroa District, comprises all that portion of Banks' Peninsula, which is bounded on the North, South, and East by the Sea, and on the West by a right line drawn from a point on the Northern Coast of Banks' Peninsula, midway between the Eastern Head of Port Levy and the Western Head of Pigeon Bay, due North and South across Banks' Peninsula, until it meets the Sea on the South Coast of the said Peninsula.

Schedule F.

PROVINCE OF OTAGO.

Description of Districts.

1. The Town of Dunedin District, comprises the Site of the Town of Dunedin, as delineated on the Plan hereunto annexed.

2. The Dunedin Country District, comprises all that portion of the Middle Island of New Zealand, not comprised in the Site of the Town of Dunedin, which is comprised within the boundaries of the Province of Otago.
PROCLAMATION.

By His Excellency Sir George Grey, a Knight Commander of the most Honorable Order of the Bath, Governor-in-Chief, and Commander-in-Chief in and over the Islands of New Zealand, and Vice-Admiral of the same, &c., &c., &c.

WHEREAS, by an Act of Parliament, 15 & 16 Vict., cap. lxxii, intitled "An Act to grant a Representative Constitution to the Colony of New Zealand," power is given to Her Majesty, subject to certain provisions therein contained, to regulate the Sale, Disposal, and Occupation of the Waste Lands in New Zealand: And Her Majesty is further enabled, by Instructions signified through one of Her Majesty's Principal Secretaries of State, to delegate to the Governor of New Zealand any of the powers thereinbefore given to Her Majesty with respect to the said Regulation of the Sale, Letting, Disposal, and Occupation of such Waste Lands as aforesaid:

And whereas such power has been delegated to the Governor by Instructions received through Her Majesty's Principal Secretary of State for the Colonies:

Now therefore, I, the Governor of New Zealand, do hereby make and establish the following Regulations for the Sale and Disposal of the Waste Lands of the Crown in New Zealand:

General Land Regulations.

ANALYSIS.

SECTION I.—TOWN AND SUBURBAN ALLOTMENTS.

1. Town and Suburban Lands to be sold by Auction.
2. Regulation not to prevent sales of allotments now open for purchase.

SECTION II.—LANDS WITHIN THE LIMITS OF HUNDREDS.

3. Lands inside Hundreds to be sold by Auction unless in Hundreds exempted from this rule:
4. In which case the regulations of next section to apply to exempted lands.
5. Preceding rules not to prevent sales of land now open for purchase.
6. Right of Pasturage in Hundreds confined to occupants under Grants, &c.

Section III.—Proclaimed Lands Outside Hundreds.

7. Rural Lands outside Hundreds to be sold at fixed price of 10s. per acre.
8. But where land is so unavailable that the Commissioner shall certify it is not worth 10s. per acre, lands so certified shall be surveyed and put up to auction at 5s. per acre.
9. Mineral sections, or other sections for which there may be several competitors, may at any time be put up to auction.
10. Rural allotments to be generally of a rectangular form, and extend at least forty chains in depth from roads, rivers, &c.:
11. But in any cultivated localities allotments of irregular shape and small extent may be laid out.
12. In districts where the lines of road are not laid out, a right of road reserved, and allowance made in land from three to five per cent.
13. Right of pre-emption of homesteads granted to run holders at a fixed price of either 10s. or 5s. per acre; the run holder, however, may be called upon to exercise this right.
14. Lands applied for which form part of a sufficiently stocked run will, provided they be certified as unavailable for agriculture, be put up to auction at 5s. per acre after three months' notice of sale shall have been given to the run holder.

Section IV.—Unproclaimed Lands.

15. Applicants for lands in unproclaimed districts to make their own surveys if a Government Surveyor cannot be sent:
16. In which case an allowance of five acres per cent. will be made.
17. If such land be sold at Auction, and the original applicant be outbid, the original applicant will be repaid, as the cost of such survey, a sum not exceeding one shilling per acre.
18. Allotments in unproclaimed districts not to be less than eighty acres in extent.
19. Certain rules for lands in proclaimed districts to be also applicable in unproclaimed.

Section V.—Sales by Auction.

20. Lands sold by Auction to be first surveyed and marked on plans.
21. Public notice of sale to be given not more than three months nor less than one month.
22. Lands put up to Auction, and not sold, may be purchased at the upset price within three years, unless again put up to Auction.
23. Ten per cent. of the purchase money to be deposited at the sale, and the remainder paid within one month, or deposit forfeited.
24. Lands on which such deposit shall have been so forfeited may be purchased within three years at the price bid for them, deducting any deposit paid, unless again put up to Auction.

Section VI.—Government Scrip.

25. Scrip to be taken as cash in the purchase of Town and Suburban lots.
26. Value at which scrip shall be received in the purchase of rural land of various denominations.
27. Scrip not available in the purchase of Crown land in certain localities.

Section VII.—Military Settlers.
28. Military and Naval Officers to be entitled throughout Crown Lands in New Zealand to privileges of Regulations of May, 1851, but the remission money subject to Regulations 25 and 26 as to scrip.

Section VIII.—Appropriation of the Land Fund.
29. After defraying the charges created by Parliament, the Land Fund to be applied to Public Works and Immigration until otherwise directed by General Assembly or Provincial Legislatures.

Section IX.—Fees on Crown Grants.
30. The fees on the issue of any Crown Grant to be 20s. only.

Section X.—Commencement of Regulations.
31. Regulations to come into force, except as regards Lands reserved to the Canterbury and Otago Associations, fifteen days after the receipt in each Province of a copy thereof by the proper officer.
32. Proclamation to take effect from date.

Sec. I.—Town Allotments and Suburban Allotments.
1. All lands reserved as Town and Suburban allotments will be sold by Auction according to the Regulations herein-after prescribed for Auction sales, and at such prices as may be fixed by Government in the public Notice or Proclamation in which the intended sale of such allotments is notified.

Regulation not to prevent sales of land already open for purchase.

2. The foregoing rule will not prevent the sale of such Town and Suburban allotments as are now open for purchase under former Regulations.

Sec. II.—Lands within the Limits of Hundreds.
3. Lands within the limits of Hundreds, (except in those Hundreds which may, upon petition of the inhabitants thereof or otherwise, be declared as not falling within this rule), will be sold by Auction in accordance with the Regulations hereinafter prescribed for Auction sales, and at such prices and in allotments of such extent as may be fixed by Government in the public Notice or Proclamation in which the intended sale of such lands is notified.
CONSTITUTION ACT.

4. In those Hundreds or parts of Hundreds which may be declared not to fall within the preceding rule, all the regulations contained in the next section, relating to "Proclaimed Lands Outside Hundreds," shall apply to the lands so exempted.

5. The preceding rules will not prevent the sale of such lands within Hundreds as are now open for purchase under former regulations.

6. The right of Pasturage on Waste Lands of the Crown within any Hundred is enjoyed exclusively by occupants of land held under Grant from the Crown, Pensioners enrolled for service in New Zealand, or persons of the Native or Half-caste races, occupying land within the Hundred with the permission of Government.

SEC. III.—PROCLAIMED LANDS OUTSIDE HUNDREDS.

7. In Districts outside Hundreds which may be proclaimed or notified as open for sale, the intending purchaser must pay to the Commissioner of Crown Lands (or other officer appointed in that behalf), in cash or scrip, the price of any section or sections of land, (generally not to be less than forty acres in extent) which he may desire to select: the price for all lands so selected being at the rate of Ten Shillings per acre. A surveyor will then be sent who will lay off the section or sections which may have been chosen, and will put the Purchaser in possession of the same.

8. In Districts beyond the limits of Hundreds which may be proclaimed or notified as open for sale, and which may appear to be, from their hilly and broken character or otherwise, so unavailable for agricultural purposes, that the Commissioner of Crown Lands shall, upon the application of an intending purchaser, certify to the Government that the lands applied for (or any parts thereof as the case may be) are not worth ten shillings per acre, the applicant must state the number of acres so certified as not being worth ten shillings per acre which he desires to purchase; and deposit with the Commissioner (or other officer appointed in that behalf) ten per cent. of the upset price next mentioned, in cash or scrip. Such lands will then be laid off by the Surveyor in rectan-
gular blocks of not less than 80 acres nor more than 640 acres in extent each, and these blocks will be offered for sale at Auction at an upset price of Five Shillings per acre, according to the Regulations hereinafter prescribed for conducting Auction sales. If some other person than the original applicant become the purchaser of such lands, then the deposit of cash or scrip made by such original applicant will be returned to him; but if no other purchaser comes forward and the original applicant does not complete the purchase himself, the deposit of ten per cent. will be forfeited.

9. Nothing contained in the foregoing Regulations shall be construed to prevent the Government from offering any Mineral section for sale by Auction, if it should be found to possess peculiar value, or any Rural section, if from the amount of population in the vicinity thereof, there may be several competitors who may appear to have equal claims to it.

10. Every allotment of Rural Land must, so far as circumstances and the natural features of the country will admit, be selected of a rectangular form, and extend at least forty chains in depth from roads, rivers, &c.

But in any cultivated localities allotments of irregular shape and small extent may be laid out.

In districts where the lines of road are not laid out, a right of road reserved and allowance made in land from three to five per cent.

11. But in those neighbourhoods where there may be a considerable extent of cultivated land, and persons may desire to complete their properties by the purchase of adjoining lands in blocks of irregular shape and small extent, the Government will afford every proper facility for their doing so. And in such localities small blocks of land will be laid out, in as far as possible, to meet the views of intending purchasers.

12. Where lands shall be purchased in Districts in which all future lines of road have not been determined and laid out, a right of road will be reserved in the Grant, an allowance being made to the purchaser for such reserve according to the annexed scale:

<table>
<thead>
<tr>
<th>Purchasers of 500 acres or less</th>
<th>will receive an allowance of</th>
<th>5 acres per cent.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchasers between 500 and 1000 acres</td>
<td>4 &quot;  &quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>Purchasers of more than 1000 acres</td>
<td>3 &quot;  &quot;</td>
<td>&quot;</td>
</tr>
</tbody>
</table>
13. No person will be allowed to purchase the Homestead of any occupant of a run held with the permission of Government, until the offer of purchasing such homestead shall have been made to the occupant of the run at the price of either Ten Shillings per acre, or Five Shillings per acre, according to the quality of the land, as the same shall be certified by the Commissioner of Crown Lands. The occupant of the run will in such case be allowed to exercise the right of purchasing his homestead at such fixed price over an extent of land varying from ten to eighty acres, at his discretion. But the Government reserves to itself the power of requiring the occupant to exercise this right at any time after one month's notice, although no person should have applied to purchase the land.

14. If any intending purchaser, other than the holder of the run, shall apply to the Commissioner to purchase land forming a Run or portion of a run which is with the sanction of Government in the bona fide possession of such holder; which shall in the opinion of such Commissioner be sufficiently stocked; and which, upon the application of the holder of the run to such Commissioner, shall be certified by him to be, from its hilly and broken character, or from some other cause, unavailable for agricultural purposes; such run or portion of a run shall in that case be disposed of by public Auction at the upset price of five shillings per acre, and in accordance with the regulations hereinafter prescribed for auction sales; but such sale shall not take place until after three months' notice of the application to the Commissioner to purchase such land has been left at some station on the run.

Sec. IV.—Unproclaimed Lands.

15. Any person desirous of purchasing Crown Lands in districts not proclaimed or notified as about to be surveyed for sale, must, after selecting the locality and determining the number of acres he desires to purchase, give notice thereof to the Commissioner of Crown Lands; when he will be required, if the Government has no surveyor available for that purpose, to have such lands surveyed at his own expense by a surveyor authorised by Government in that behalf, whose survey must be duly approved before the applicant is allowed to complete the purchase.
16. In such case an allowance of land will be made to the applicant at the rate of five acres for every hundred acres so surveyed.

17. If the land so surveyed should fall under the regulations for land to be sold by auction, and the original applicant should not become the purchaser thereof, then the purchaser of the land, in addition to the amount he bid for the same, will be required to pay to the original applicant as the cost of surveying such land, such amount not exceeding one shilling per acre, as may be assessed by the Commissioner of Crown Lands after taking such evidence respecting the cost of the survey as he may consider necessary.

18. No allotment of less than 80 acres in extent will be disposed of in any unproclaimed district.

19. The rules in regard to Proclaimed Lands which relate to the prices of various kinds of land; to their sale at fixed price or by auction; to the shape of allotments; to the reservations for roads; to the right of preemption of homesteads on runs; and to the notice to be given to occupants of runs before land is sold by auction; will equally apply to lands in unproclaimed districts. But where the applicant makes the survey at his own cost the deposit of ten per cent. referred to in Rule 8 will not be required.

SEC. V.—SALES BY AUCTION.

20. No lands shall be included in a Proclamation or Notice as about to be sold by auction, unless the same shall have been previously surveyed, and have been distinguished by an appropriate mark upon a chart exhibited in the office of the Commissioner of Crown Lands.

21. Notice of the time and place at which any intended auction shall be held, as also of the allotments of land which will be then offered for sale, shall be given by Proclamation or public Notice, not more than three months nor less than one month before the same shall take place.
22. It shall be competent to any person within three years next after any auction, to become without any further auction the purchaser of any lands so put up for sale as aforesaid and not then sold, by offering and paying for the same the upset price at which the same may have been put up for sale. Provided always that it shall be competent to the Government instead of permitting such lands to be purchased as aforesaid, to cause the same to be again put up to auction, giving such notice thereof as is hereinbefore provided.

23. Immediate payment in cash of one-tenth of the purchase money shall be the condition of any such sale by auction, and the remaining nine-tenths of the purchase money must be paid by the purchaser within one calendar month next after the time of such sale by auction, or the one-tenth of the purchase money which has been deposited will be forfeited, and the original contract for the sale of the land will thenceforward be null and void.

24. In the case of lands thus forfeited by the non-completion of the contract for their purchase, it shall be competent for any person within the next three years after the auction at which the bidding for such lands was made, to purchase such lands for the amount that was bid for them, after deducting the amount of any deposit that shall have been paid thereon. But this regulation will not prevent the Government from causing the same lands to be put up to auction again if it shall appear necessary to do so.

SEC. VI.—GOVERNMENT SCRP.

25. The Scrip to be issued in satisfaction of claims under land orders of the New Zealand Company shall be taken in payment for Town and Suburban Land at the nominal value of such Scrip in pounds sterling.

26. In the purchase of Rural Land the Scrip shall be taken at such a value that one pound in Scrip shall represent the upset price or fixed price, as the case may be, of one acre of Rural Land at the date when the Scrip may be tendered at the Treasury; and for the protection of the Scrip holders this rule shall equally prevail if the general price of Country Land throughout the colony shall at any time be raised: Provided always that in the purchase of all Rural Lands put up to Auction and not sold may be purchased at the upset price within three years unless again put up to Auction.

Ten per cent. of the purchase money to be deposited at the sale and the remainder paid within one month, or deposit forfeited.

Lands on which such deposit shall have been so forfeited may be purchased within three years at the price bid for them, deducting any deposit paid, unless again put up to Auction.

Scrip to be taken as cash in the purchase of Town and Suburban lots.

Value at which Scrip shall be received in the purchase of Rural Lands of various denominations.
Lands within the limits of hundreds, and of such Rural Lands outside the limits of Hundreds as may be put up to auction or sold at a fixed price under clauses 9 and 11 of these Regulations, one pound in Scrip shall represent its nominal value of one pound sterling, except where such fixed or upset price is lower than £1 per acre, in which case it shall represent such lower price only.

27. The Scrip will not be available in the purchase of Crown Land within the limits of any Hundred which shall have been proclaimed before the 2nd day of August, 1851, nor within the Town site of New Plymouth.

**Sec. VII.—Military Settlers.**

28. Military and Naval Officers will be allowed in all parts of New Zealand where there are Waste Lands of the Crown, the privileges accorded to them by the Regulations of May, 1851. But the remission money given to them in the terms of those regulations will be subject to the rules 25 and 26 hereinbefore prescribed relative to Government Scrip.

**Sec. VIII.— Appropriation of the Land Fund.**

29. After the charges made upon the Land Fund by the Act of Parliament 15 and 16 Vict., cap. 72, have been defrayed in the manner prescribed by law, the remaining portion of the Land Fund will, until the General Assembly or the Provincial Legislatures may otherwise direct, be devoted to Roads and Public Works, or to bringing out to New Zealand the friends and relatives of those persons who may undertake to defray, within twelve months after the arrival in the colony of the immigrants so brought out, one-half of the cost of their passage to this country, according to the following scale, namely:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
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<tbody>
<tr>
<td>For Adults</td>
<td>£16 0 0 per. head</td>
</tr>
<tr>
<td>Children between 7 and 14 years old</td>
<td>10 10 0</td>
</tr>
<tr>
<td>Children between 1 and 7 years of age</td>
<td>6 0 0</td>
</tr>
</tbody>
</table>
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In districts where a Land Fund may not have been created by the sale of land, the Government will receive applications from persons desirous of having their relations or friends sent out, and willing to enter into an agreement, guaranteed by some responsible person, for the repayment of the passage money within twelve months after their arrival in the colony.

Sec. IX.—Fees on Crown Grants.

30. By the Local Ordinance, Session VII., No. XI., it is enacted that, before the delivery of any Crown Grant, the sum of Twenty Shillings shall be paid by the person duly authorized to receive such Grant; and no other fees for or in respect of the preparation of any such Grant shall be payable thereon.

Sec. X.—Commencement of Regulations.

31. These Regulations shall come into force, in relation to all Demesne Lands of the Crown in New Zealand which are not reserved to the Canterbury Association or Otago Association, in the several provinces, Fifteen Days after the receipt of a copy hereof in each Province by the Surveyor-General, Commissioner of Crown Lands, or Resident Magistrate; who shall by public notice make known to the inhabitants of the Province the day upon which he may receive such copy.

32. This Proclamation shall take effect from the day of the date hereof.

Given under my hand, and issued under the Public Seal of the Islands of New Zealand, at Government House, at Wellington, in the Province of Wellington, in the Islands aforesaid, this fourth day of March, in the year of our Lord one thousand eight hundred and fifty-three.

G. GREY,
GOVERNOR-IN-CHIEF.

By His Excellency’s Command,

ALFRED DOMETT,
Civil Secretary.

GOD SAVE THE QUEEN!