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| <p>36. And minutes to be kept.</p> <p>37. Laws to be styled " Ordinances."</p> <p>38. Ordinances, when to take effect.</p> <p>39. Fines, penalties, &c., to be reserved to Her Majesty.</p> <p>40. Governor may propose laws.</p> <p>41. Ordinance to be presented to Governor.</p> <p>42. Power to Governor to assent to, disallow, or reserve Ordinances.</p> <p>43. When assented to, to be sent to Governor-in-Chief.</p> <p>44. Power to Governor-in-Chief, on behalf of Crown, to disallow Ordinances.</p> <p>45. "Reserved" Ordinances.</p> | <p>46. Assent of Governor-in-Chief to be entered on Journals.</p> <p>47. Assent to reserved Ordinances to be given within one year.</p> <p>48. Also, if to take effect, from time to be fixed by Governor-in-Chief.</p> <p>49. Reserved Ordinances, when deemed to be disallowed.</p> <p>50. Effect of disallowance.</p> <p>51. Construction of Ordinances to be passed by Provincial Council.</p> <p>52. Construction of this Ordinance.</p> <p>53. Commencement of Ordinance.</p> |
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AN ORDINANCE to provide for the Establishment of Provincial Legislative Councils, and for the Election, &c., of Members to serve therein.

[Passed the day of .]

WHEREAS, in pursuance of the provisions of an Act made and enacted in the Parliament holden in the ninth and tenth years of the reign of Her Majesty Queen Victoria, intituled, "An Act to make further provision for the Government of the New Zealand Islands," Her Majesty, by certain Letters Patent under the Great Seal of the United Kingdom, bearing date on the twenty-third day of December, one thousand eight hundred and forty-six, did ordain and appoint that the said Islands of New Zealand should be divided into two different provinces, to be called respectively the Province of New Ulster and the Province of New Munster: And whereas by an Act made and enacted in the Parliament holden in the eleventh year of the reign of Her Majesty, intituled, "An Act to suspend for five years the operation of certain parts of an Act of the tenth year of Her present Majesty for making further provision for the Government of the New Zealand Islands, and to make other provisions in lieu thereof," it is, amongst other things, enacted that it shall be lawful for the Governor-in-Chief of New Zealand, by and with the advice and consent of the Legislative Council thereof, by Ordinance to constitute, within and for any of the provinces into which the Islands of New Zealand were then or might thereafter be divided, a Provincial Legislative Council, to be appointed or elected, or appointed and elected, in such manner by such person or persons as by such Ordinance shall be provided in that behalf, and that the Provincial Legislative Council or Councils so constituted shall have all such rights, provision, jurisdiction, and authority as shall be granted in that behalf to the said Provincial Legislative Council or Councils, or either of them, by such Ordinance, and none other: And whereas by an Ordinance enacted by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof (9th September, 1848, No. 1), intituled "An Ordinance to provide for the Establishment of Provincial Legislative Councils in the Colony of New Zealand," it is, amongst other things, enacted that, for each of the provinces into which the Islands of New Zealand then were or might thereafter be divided, there shall be a Legislative Council of not less than nine members, to consist of the members of the Executive Council of the province, and of such other persons as the Governor or Lieutenant-Governor might summon and appoint to be members of such Legislative Council: And whereas it is expedient that in the Province of New Ulster and in the Province of New Munster a portion of the members of the said Council be elected by the inhabitants of the said provinces respectively; and in any province which may hereafter be constituted, that a portion of the members of such Council should also be elected so soon as electoral districts can be defined therein for the purposes of such election and other necessary provisions can conveniently be made in that behalf: Now therefore be it enacted by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, that the said recited Ordinance, so far as relates to the Provinces of New Ulster and New Munster, be repealed on the passing hereof; and so far as relates to any new province as aforesaid, that the said recited Ordinance shall be repealed at such time as the Governor-in-Chief, by Proclamation in the New Zealand Government *Gazette*, shall for that purpose direct and appoint.

I. *Constitution of the Council, and the election, &c., of members.*

1. For each of the provinces into which the Islands of New Zealand now are or may hereafter be divided there shall be a Legislative Council, to consist of such number of members—not less than nine—as the Governor-in-Chief shall by Proclamation in that behalf from time to time direct and appoint. And every such Legislative Council shall have such power and authority, and be subject to such limitations and restrictions, as are hereinafter provided.

2. One-third of the members of every such Council shall be appointed by the Governor of the province, and two-thirds of the members of every such Council shall be elected by the inhabitants of the province, as hereinafter provided.

3. It shall be lawful for the Governor-in-Chief, until provision be made by law in that behalf, by Proclamation to be published in the New Zealand Government *Gazette*, to constitute within every such province convenient electoral districts, and to appoint and declare the number of members to be elected for each such district, and to make provision for the registration and division of lists of all persons qualified to vote at the elections to be holden within such districts, and for the appointing of Returning Officers, and for the 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: Provided always that the mode of election be by open voting, and that the voting shall finally close at four of the clock in the afternoon of the day on which the election shall commence: And provided also that, in determining the number and extent of such electoral districts, regard shall be had to the population and wealth of the same; and that, in determining the number of members to be elected for each district, regard 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 elective members of the said Council 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.