

Provincial Councils Powers.

No. XXXIV.

AN ACT to extend the Powers in certain cases of Superintendents and Provincial Councils.

THE PROVINCIAL
COUNCILS POWERS.

[16th August, 1856.]

[Reserved for Her Majesty's assent. Assented to, *Gazette*, 5th August, 1857.]

WHEREAS by an Act of the Imperial Parliament passed in the Session held in the fifteenth and sixteenth years of the reign of Her present Majesty, intituled "*An Act to grant a Representative Constitution to the Colony of New Zealand*," it is amongst other things enacted that it shall be lawful for the Superintendent of each Province established by the said Act, with the advice and consent of the Provincial Council thereof, to make and ordain all such Laws and Ordinances (subject and except as hereinafter mentioned) 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: And it is further enacted that it shall not be lawful for any such Superintendent and Provincial Council to make or ordain any Law or Ordinance for 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 for altering the constitution jurisdiction or practice of any such Court except as aforesaid: And it is further enacted that it shall not be lawful for any such Superintendent and Provincial Council to make or ordain any Law or Ordinance for 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: And it is further enacted that it shall be lawful for the General Assembly to alter the provisions of the said Act respecting the powers of such Provincial Councils as aforesaid, provided always that any Bill for such purpose shall be reserved for the signification of Her Majesty's pleasure thereon: And whereas for the purpose of enforcing obedience to such Laws and Ordinances as may be passed by any Superintendent and Provincial Council, under and by virtue of the authority of the said recited Act of the Imperial Parliament, it is expedient that any such Superintendent and Provincial Council should have power to alter the jurisdiction of certain Courts of Judicature of civil jurisdiction, and also in certain cases to alter the criminal law of New Zealand, and to declare certain acts to be offences, and to provide for the trial and punishment of such offences, notwithstanding that such offences by the criminal law of New Zealand may not be punishable in a summary way:

Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand as follows:—

1. It shall be lawful for the Superintendent and Provincial Council of any Province in New Zealand to make or ordain Laws or Ordinances for altering the civil jurisdiction of any Court of Summary Procedure having jurisdiction in such Province in all suits or proceedings where the debt or damage claimed shall not exceed twenty pounds.

Power to Superintendents and Provincial Councils to enact laws altering the civil jurisdiction of Courts having jurisdiction in cases when not more than £20 claimed.

2. The Superintendent and Provincial Council of any Province in New Zealand shall have power by any Acts or Ordinances to enact that certain acts or omissions contrary to the provisions of such Acts or Ordinances shall be offences within the Province to which such Act or Ordinances shall relate, punishable summarily or otherwise, as may

Power to Superintendents and Provincial Councils to enact laws imposing a penalty not exceeding £100 or six months imprisonment.

Provincial Laws.

thereby be directed : Provided always that no felony shall be thereby created nor any punishment or penalty attached to any such act or omission which shall exceed six months imprisonment with hard labour or one hundred pounds sterling in amount for any one offence.

Short Title.

3. This Act may be cited for all purposes as “*The Provincial Councils Powers Act, 1856.*”
