

## CHARTER OF 1846.

VICTORIA, BY THE GRACE OF GOD, OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, QUEEN, DEFENDER OF THE FAITH. TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS, by an Act made and passed in the Parliament holden in the Ninth and Tenth Years of our Reign, intituled "*An Act to make further provision for the Government of the New Zealand Islands,*" it is among other things enacted, that it shall be lawful for us, in and by any Letters Patent to be issued, after the passing of the said Act, under the Great Seal of the United Kingdom, from time to time to constitute and establish within any District or Districts of the Islands of New Zealand, one or more Municipal Corporation or Corporations, and to grant to any such Corporations all or any of the Powers which (in pursuance of the Statutes in that behalf made and provided) it is competent to us 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 restrict the exercise of any such Powers in of the Members of the Governing Bodies thereof, shall take place and be regulated according to the Rules and in the manner and form prescribed and provided for in and

such and the same manner as by the Statutes last aforesaid, or any of them, we may qualify or restrict the exercise of any such Powers in England; and it is by the said Act further enacted, that it shall be lawful for us, by any such Letters Patent as aforesaid, to make and prescribe all such Rules as to us shall seem fit, for determining the extent and boundaries of the Districts to be comprised within any such Municipal Corporations as aforesaid, and for regulating the choice and election of the various officers of any such Corporations, and of the Members of the Governing Bodies thereof, and for ascertaining the qualifications of the Members of any such Municipal Corporations; and it is by the said Act further enacted, that it shall be lawful for us to execute any of the Powers thereby vested in us, by Instructions under our Signet and Sign Manual, approved in our Privy Council, and accompanying or referred to in Letters Patent to be issued as aforesaid, and that it shall be lawful for us by any such Letters Patent or Instructions to delegate to the Governor-in-Chief for the time being of the Islands of New Zealand, or to the respective Governors for the time being of the respective Provinces into which the said Islands may be divided, the exercise of such of the Powers by the said Act vested in us as it may seem meet to us so to delegate, and to prescribe the manner and form in which, and the conditions subject to which, such delegated authority shall so be exercised.

NOW KNOW YE That, in pursuance of the said recited Act, and in exercise of the Powers thereby in us vested, and also in exercise of all and every other the Powers to us in that behalf in anywise belonging, we, of our special grace, mere motion, and certain knowledge, have constituted and established, and do hereby constitute and establish within the said Islands of New Zealand such Municipal Corporations with such Powers, qualifications, and restrictions, as are mentioned and directed in certain Instructions by us given under our Signet and Sign Manual, approved in our Privy Council, and bearing even date with and accompanying these presents.

2. And in further pursuance and exercise of the Powers aforesaid, we do hereby grant, appoint, and ordain, that the Districts to be comprised within such Municipal Corporations respectively shall be of such extent, and shall have such boundaries as are prescribed and provided for in and by the said Instructions, and that the choice and election of the various officers of the said Corporations respectively, and by the said Instructions, and that the qualifications of the Members of the said Municipal Corporations shall in like manner be ascertained according to the Rules and in the

manner and form prescribed and provided for in and by the said instructions.\*

3. AND WHEREAS it is by the said recited Act further enacted that it shall be lawful for us, in and by any letters Patent to be issued as aforesaid, from time to time, to divide the said Islands of New Zealand into two or more separate Provinces, and to constitute and establish within the same two or more separate Assemblies, that is to say, one such Assembly in and for each of such separate Provinces, and that each of the said Assemblies shall consist of and be holden by a Governor, a Legislative Council, and a House of Representatives: NOW THEREFORE, in further pursuance of the said recited Act, and in exercise of the powers thereby in us vested, we do hereby grant, ordain, and appoint, that the said Islands of New Zealand shall be divided into two separate Provinces, to be called respectively the "Province of New Ulster," and the "Province of New Munster;" and we do hereby divide the said Islands accordingly; and we do hereby constitute and establish a separate Assembly within each of the said two Provinces, to consist of and be holden by a Governor, Legislative Council, and a House of Representatives; and we do hereby declare, ordain, and appoint, that the limits of the said Provinces respectively, and the time at which in each of the said Provinces respectively, the said Assemblies shall be convened or holden, shall be determined in the manner and form prescribed and provided for in and by the said Instructions hereinbefore mentioned.

*So much of Charter as relates to the establishment &c. of General and Provincial Assemblies, (viz. the latter part of Clause 3, and the whole of Clauses 4, 5, 6, 8 and 10) suspended by 11 Vict. c. 5, for 5 years from 7th March 1848, unless Her Majesty direct to the contrary.*

4. AND WHEREAS it is by the said recited Act further enacted, that each of the said Legislative Councils, when Constituted, shall consist of such persons as we shall for that purpose appoint; and that the elections of the members of the said Houses of Representatives shall take place in such manner and form, and under such regulations, as shall for that purpose be prescribed in any such Letters Patent as aforesaid: NOW THEREFORE, in pursuance and exercise of the powers aforesaid, we do hereby grant, appoint, and ordain, that the said Legislative Councils shall consist of such persons as are for that purpose appointed or designated by us in the said Instructions hereinbefore mentioned, and that the elections of members of the said Houses of Representatives respectively shall take place in the manner and form and under the regulations prescribed and provided for in and by the said Instructions hereinbefore mentioned.

5. AND WHEREAS it is by the said recited Act further enacted, that it shall be lawful for us, in and by any such Letters Patent to be issued as aforesaid, to constitute and establish a General Assembly in and for the said Islands of New Zealand, to be called the General Assembly of New Zealand, which said General Assembly shall consist of and be holden by the Governor-in-Chief of the said Islands, and a Legislative Council, and

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\*Power given to Governor-in-Chief by 11 Vict. c. 5, to depart from such Instructions as far as regards Municipal qualifications.

‘ a House of Representatives; and that such Legislative Council shall  
 ‘ consist of such persons as we shall for that purpose appoint; and that  
 ‘ such House of Representatives shall consist of members of the respective  
 ‘ Houses of Representatives of the several Provinces into which the said  
 ‘ Islands may be divided, which members so to serve in the said General  
 ‘ Assembly shall be elected, nominated, and appointed by such persons, in  
 ‘ such manner and form, and upon and subject to such rules and conditions  
 ‘ as we by any such Letters Patent as aforesaid shall direct; Now THERE-  
 ‘ FORE, in further pursuance of the said recited Act, and in exercise of the  
 ‘ powers thereby in us vested, we do hereby constitute and establish a  
 ‘ General Assembly in and for the Islands of New Zealand, to be called  
 ‘ the General Assembly of New Zealand, and to consist of and be holden  
 ‘ by the Governor-in-Chief of the said Islands, a Legislative Council, and  
 ‘ a House of Representatives; and we do hereby grant, appoint, and or-  
 ‘ dain that the Legislative Council of the said General Assembly of New  
 ‘ Zealand shall consist of such persons as are for that purpose appointed or  
 ‘ designated by us in the said Instructions hereinbefore mentioned; and  
 ‘ that the House of Representatives of the said General Assembly shall  
 ‘ consist of members of the respective Houses of Representatives of the  
 ‘ said Provinces, to be for that purpose elected, nominated and appointed  
 ‘ by the persons appointed or designated, and in the manner and form  
 ‘ prescribed and provided for in and by the said Instructions hereinbefore  
 ‘ mentioned.

‘ 6. AND WHEREAS it is by the said recited Act further enacted, that it  
 ‘ shall be lawful for us, by any such Letters Patent to be issued as first  
 ‘ aforesaid, to make and prescribe all such rules as to us shall seem fit, for  
 ‘ ascertaining the qualifications of the members of any such Assemblies  
 ‘ or General Assembly as aforesaid, and for determining the length of time  
 ‘ for which every such Assembly or General Assembly shall be holden from  
 ‘ the time of the election of the members of the said Houses of Represen-  
 ‘ tatives, and how and by what authority the same shall be dissolved or  
 ‘ prorogued, and for prescribing the oaths to be taken or the affirmation to  
 ‘ be made by the members of the said Corporations, Assemblies, or General  
 ‘ Assembly, or any of them, before entering on the discharge of the duties  
 ‘ of their respective offices, and for prescribing the course of proceeding to  
 ‘ be followed in the said respective Assemblies and in the said General As-  
 ‘ sembly, in regard to the enactment of Laws, Statutes, and Ordinances  
 ‘ therein, and for determining in what cases the Governor-in-Chief for the  
 ‘ time being of the said Islands of New Zealand, or the Governor for the  
 ‘ time being of any separate Province shall, in our name and on our  
 ‘ behalf, assent to any such Laws, Statutes, or Ordinances, or reserve the  
 ‘ signification of our pleasure thereon, together with all such rules as  
 ‘ shall be necessary for determining the effect of the disallowance by us  
 ‘ of any such Law, Statute, or Ordinance, although not so reserved as  
 ‘ aforesaid, together with all such other rules, not being repugnant to the  
 ‘ said Act, as it may seem to us necessary to make and establish for carry-  
 ‘ ing into full effect the purposes and objects thereof: Now THEREFORE,  
 ‘ in further pursuance of the said Act, and in exercise of the powers so  
 ‘ thereby vested in us as aforesaid, we do hereby declare our pleasure to be  
 ‘ that upon and in respect to all and each of the matters and things last  
 ‘ mentioned and referred to in the said recited Act, such rules shall be  
 ‘ observed and followed as are for those several purposes prescribed or re-  
 ‘ ferred to in the said Instructions hereinbefore mentioned.’

7. AND WHEREAS it is by the said recited Act further enacted, that it shall be lawful for us by any such Letters Patent as first aforesaid, to appropriate and set apart from and out of the revenues of any such separate Provinces as aforesaid, by way of Civil List, for the maintenance of the

administration of Justice, and the Principal Officers of the Civil Government, or of such separate Provinces as aforesaid, such sums of Money as shall not exceed £6,000 by the year, in any one of the said separate Governments: Now THEREFORE, in pursuance of the said Act, and in exercise of the powers thereby vested in us, we do hereby appropriate and set apart, from and out of the revenue of each of the said separate Provinces respectively, by way of Civil List, for the purposes last aforesaid, the sum of £6,000 in each of the said Governments respectively, which said several sums of £6,000 shall, in each of the said Governments respectively, be appropriated, and applied, and accounted for in the manner and form for that purpose appointed and prescribed in and by the said Instructions hereinbefore mentioned.

' 8. AND WHEREAS it is by the said recited Act, among other things enacted, that it shall be lawful for us, by such Letters Patent as first aforesaid, to prohibit the grant or appropriation of any public money by either of the said Assemblies, or by the said General Assembly, in any case in which such grant or appropriation shall not first have been recommended by us, or on our behalf, with a view to, or in aid of, some specific public service to be performed within the said Provinces respectively, or within the said Islands of New Zealand Collectively: Now THEREFORE, in further pursuance of the said recited Act, and in exercise of the powers thereby in us vested as aforesaid, we do hereby prohibit the grant or appropriation of any public money by either of the said Assemblies, or by the said General Assembly, in any case in which such grant or appropriation shall not first have been recommended by us, or on our behalf, with a view to, or in aid of, some specific public service to be performed within the said Provinces respectively, or within the said Islands of New Zealand collectively.'

9. AND WHEREAS by the said Letters Patent of the 16th day of November, in the Fourth Year of our Reign, we did reserve to us, our Heirs, and Successors, full power and authority from time to time to revoke, alter, or amend the same as to us or them shall seem meet: Now THEREFORE, in exercise and in pursuance of the powers so reserved to us, we do hereby revoke the said last mentioned Letters Patent; *provided always*, that all Laws and Ordinances made and all Acts done under and in pursuance of the said last mentioned Letters Patent, in so far as such Laws, Ordinances, and Acts are not repugnant to these presents, and do not interfere with or prevent the operation thereof, shall be as valid and effectual as though these presents had not been made.

' 10. And we do hereby require and enjoin, that the said General Assembly of New Zealand, and that the said respective Assemblies of the said respective Provinces, shall, in pursuance of the said recited Act, make and enact all such Laws, Statutes, and Ordinances as, by the said recited Act they are severally authorized and empowered to make and enact, and that the course of proceeding to be followed in the said General Assembly, and in the said Assemblies of the said respective Provin-

'ces, in regard to the making and enactment of such Laws, Statutes, and Ordinances, shall be according to such rules as are in that behalf prescribed and provided for in the said instructions hereinbefore mentioned.'

11. And we do further authorize and require the Governor of each of the said Provinces to summon as an Executive Council for each of the said Provinces respectively such and so many persons as are for that purpose appointed or designated by us in the said Instructions hereinbefore mentioned, or as shall at any time hereafter be by us appointed or designated in any other Instructions under our Signet and Sign Manual addressed to him in that behalf.

12. And we do hereby authorize, empower, and require the Governor-in-Chief of New Zealand, and the respective Governors of each of the said Provinces, respectively, to keep and use a Public Seal for the sealing of all things whatsoever that shall pass the Seal of the said General Government or the Seal of either of the said Provinces respectively.

13. And we do hereby grant to the respective Governors of the said Provinces respectively full power and authority, with the advice and consent of the Executive Council of the said respective Provinces, from time to time to issue a Proclamation or Proclamations dividing the same into Counties, Hundreds, Towns, Townships, and Parishes, and to appoint the limits thereof respectively.

14. And we do hereby give and grant to the respective Governors of the said Provinces respectively full power and authority to make and execute in our name and on our behalf, under the Public Seal of the said respective Provinces, Grants of Waste Land to us belonging within the same, either to Private Persons for their own use and benefit, or to any Persons, Bodies Politic or Corporate, in trust, for the public uses of our subjects there resident or any of them.

15. *Provided always*, that in the exercise of the powers last aforesaid, the respective Governors of the said Provinces respectively shall strictly conform to and observe the rules for their guidance prescribed in and by the said Instructions hereinbefore mentioned.\*

16. And we do hereby authorize, empower, and require the respective Governors of the said Provinces respectively, from time to time, in our name and on our behalf,

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\*Rules respecting grants of waste land contained in Instructions accompanying this Charter, suspended within the Province of New Munster until the 5th of July, 1850, by 10 and 11 Vict. c. 112, (Act to promote Colonization, &c.)

to constitute and appoint Judges, and in cases requisite, Commissioners of Oyer and Terminer, Justices of Peace, and other necessary officers for the administration of Justice within the said respective Provinces, and for the putting in force therein all Laws made or to be made for the Government thereof, and all such officers as may be requisite for the due administration of the Civil Government therein. And we do further authorize the same Governors, as occasion shall require, to suspend from the exercise of his office or employment, until our pleasure shall be known, any Person or Persons within their respective Provinces holding any public office or employment therein at our pleasure.

17. *Provided always*, that in the exercise of such power of appointment and suspension of Public Officers, the same Governors shall observe the rules in that behalf prescribed for their guidance in and by the said Instructions hereinbefore mentioned.

18. And we do hereby authorize, empower, and require the respective Governors of the said Provinces respectively, to administer, or to cause to be administered, to all our officers, Civil and Military, and to all other persons within the said Provinces respectively, such oaths for the due execution of their respective offices and employments as are usually taken by such officers, and the oath of allegiance.

19. And we do hereby give and grant unto the respective Governors of the said Provinces respectively full power and authority, in our name and on our behalf, to grant to any offender convicted of any crime, or sentenced to the payment to us of any fine, penalty, or forfeiture, by any court or by or before any Judge, Justice, or Magistrate, within the said Provinces respectively, a free and unconditional pardon, or a pardon subject to such conditions as by any Law then in force may be thereunto annexed, or any respite of the execution of the sentence of any such offender for such period as to such Governor may seem meet, or a remission, either total or partial, absolute or conditional, of any such Fine, Penalty, or Forfeiture.

20. And in the event of the death of the Governor-in-Chief of New Zealand for the time being, or of his absence from the New Zealand Islands, or of his bodily or mental incapacity for the discharge of the duties of his office, any person being within the said Islands, and holding a Commission from us to be Governor of the Province of New Ulster, shall, upon the occurrence of such death, absence, or incapacity, enter upon, and during such vacancy by death, or during the continuance of such absence or

incapacity, or until our pleasure be known, discharge all the powers, authorities, privileges, and duties of such Governor-in-Chief as fully as if a Commission for the exercise of that office during that period had by us been addressed to him. But if there should not happen to be within the said Islands on the occurrence of any such vacancy by death, or during the continuance of any such absence or incapacity, any person holding our Commission as Governor of the Province of New Ulster, then upon the occurrence, and during the continuance of such vacancy by death, or during the continuance of such absence or incapacity, or until our pleasure be known, the exercise of the said office of Governor-in-Chief shall be assumed by any person being within the said Islands and holding a Commission from us to be Governor of the Province of New Munster; and failing any such Governor of New Munster, then and in such case by the Chief officer in command of our Military forces within the said Islands for the time being.

21. And we do further declare our pleasure to be, that Lieutenant-Governors of the said respective Provinces shall by us from time to time be appointed by Commissions under our Signet and Sign Manual; but that in the event of the death, absence, resignation, bodily or mental incapacity, or suspension from office by the said Governor-in-Chief of any such Lieutenant-Governor, it shall be competent to the said Governor-in-Chief, and he is hereby authorized and empowered, upon the occurrence and during the continuance of such last-mentioned vacancy, by a Commission under the Public Seal of the General Government of New Zealand, in our name and on our behalf, to constitute and appoint any proper person to be the Lieutenant-Governor of such Province until our pleasure be known.

22. And we do hereby declare our pleasure to be, that the Lieutenant-Governor for the time being of each of the said Provinces, (whether so appointed by such a direct Commission from us as aforesaid, or by such a Commission as aforesaid from the Governor-in-Chief of New Zealand,) shall have, exercise, and enjoy all powers, privileges, and authorities hereby or by the said Instructions hereinbefore mentioned, or otherwise howsoever vested in the Governor for the time being of any such Province, save only that the temporary and provisional administration of the office of Governor-in-Chief of New Zealand, on any such vacancy by death, absence, or incapacity as aforesaid, shall pass to and become vested in the Governor of the Province of New Munster in preference to the Lieutenant-Governor of the Province of New Ulster, and in the Lieutenant-



Governor of the Province of New Ulster in preference to the Lieutenant-Governor of the Province of New Munster; and that such provisional administration of the said office of Governor-in-Chief of New Zealand, shall, on any such vacancy by death, absence, or incapacity, as aforesaid, pass to and become vested in such chief Military officer as aforesaid, in preference to any Lieutenant-Governor, who may hold the office of Lieutenant-Governor, not in virtue of a Commission issued directly by us, but in virtue of a Commission so issued as aforesaid, in our name and behalf, by any such Governor-in-Chief.

23. And we do further reserve to ourselves full power and authority, in our discretion, to appoint one and the same person to occupy at the same time the said several offices of Governor-in-Chief and of Governor of each of the said respective Provinces, or any two of those offices, and in our discretion to appoint one and the same person to occupy at the same time both of the said offices of Lieutenant-Governor of the said respective Provinces.

24. AND WHEREAS it is by the said recited Act further provided, that it shall be lawful for us from time to time to amend, and for that purpose to add to, or if necessary to repeal, any such Letters Patent or Instructions as therein mentioned: now we do hereby reserve to ourselves, our Heirs and Successors, full power and authority from time to time to amend, and for that purpose to add to, or if necessary to repeal, these presents and the said Instructions hereinbefore mentioned.

25. And we do hereby further declare our will and pleasure to be, that these presents shall not take effect or come into operation in the said Island of New Zealand, until the same shall have been published and made known to the inhabitants of the said Islands, by a Proclamation to be for that purpose issued by the Person Commissioned by us to be Governor-in-Chief for the time being of the said Islands.

In witness whereof, we have caused these our Letters to be made Patent.

Witness ourself, at Westminster, the 23rd day of December, in the Tenth Year of our Reign.

By writ of Privy Seal,

EDMUNDS.