

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.

XXIII. 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.

XXIV. 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.

XXV. 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 Islands 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 twenty-third day of December, in the tenth year of our reign.

By Writ of Privy Seal,  
*Edmunds.*

*The Queen's Instructions under the Royal Sign Manual and Signet, accompanying the New Zealand Charter.*

WHEREAS by an Act made and enacted in the Parliament holden in the 9th and 10th years of our reign, intituled "An Act to make further provision for the Government of the New Zealand Islands," it is, amongst other things, enacted, that it shall be lawful for us, in and by any letters patent thereafter to be issued under the Great Seal of the United Kingdom of Great Britain and Ireland, 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 in the said recited Act mentioned. And it is thereby further enacted, that it shall be lawful for us, in and by any letters patent thereafter to be issued under the Great Seal of

the United Kingdom aforesaid, from time to time to divide the said islands into two or more separate provinces, and to constitute and establish within the same two or more separate assemblies. And it is thereby further enacted, that it shall be lawful for us, in and by any such letters patent as aforesaid, to constitute and establish Assemblies in and for the respective Provinces of New Zealand, and a General Assembly in and for the Islands of New Zealand. And it is thereby further enacted, that it shall be lawful for us, by any such letters patent as aforesaid, to make provision for the maintenance of certain of the laws, customs, and usages of the aboriginal inhabitants of New Zealand within particular districts of the said islands. And it is thereby 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, or 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 Houses of Representatives in the said Act mentioned, and how and by what authority the same shall be dissolved or prorogued; and for prescribing the oaths to be taken or the affirmations 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 assembly, 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 Islands of New Zealand, or the Governor for the time being of any other such, separate provinces as aforesaid, shall, in the name and on the behalf of us, 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 recited Act, as it may seem to us necessary to make and establish, for carrying into full effect the purposes and objects thereof.

And whereas it is by the said recited Act further provided, that it shall be lawful for us to execute any of the powers thereby vested in us, not by means of such letters patent as aforesaid, but by instructions under our signet and sign manual, approved in our Privy Council, and accompanying or referred to in such letters patent; and that it shall be lawful for us by any such letters patent or instructions,

to delegate to the Governor-in-chief of New Zealand, or to the respective Governors of the said respective provinces, the exercise of such of the powers aforesaid 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.

And whereas in pursuance of the said Act of Parliament we have, by certain letters patent under the Great Seal of the United Kingdom aforesaid, bearing date on the twenty-third day of December, 1846, and in the tenth year of our reign, executed certain of the powers in us by the said Act vested, and have in the said letters patent referred to these our instructions under our signet and sign manual, approved in our Privy Council, and accompanying the said letters patent. Now, therefore, in further pursuance of the said Act, and in exercise of the powers thereby in us vested, and in exercise of all and every other the powers in us in that behalf vested, we have, by these our instructions thought fit to execute, and do hereby in manner hereinafter mentioned, execute certain other of the powers by the said Act vested in us, and we have in further pursuance of the said Act thought fit to delegate, and do hereby in manner hereinafter mentioned, delegate to the Governor-in-chief of New Zealand the exercise of certain other of the powers by the said Act vested in us, and we do hereby prescribe that such delegated authority shall so be exercised by such Governor-in-chief, in the manner and form following, that is to say, by the publication by him, in pursuance of these our instructions, of proclamations to be by him issued in our name and on our behalf, in respect of all and every the matters and things, powers and authorities comprised in any such delegation; and we do hereby declare that such delegated authority shall so be exercised, subject to the conditions following: that is to say, that every such proclamation shall take effect within the said Islands of New Zealand, upon and from such day as shall for that purpose be limited and appointed, by a provision to be for that purpose made in the body of every such proclamation, and not before; and that a transcript of every such proclamation shall by such Governor-in-chief be transmitted to us as soon as may be practicable, through one of our principal Secretaries of State, for our confirmation or disallowance; and that in case that any such proclamation, or any part thereof, shall so be disallowed by us, the same or the particular part or parts thereof which may so be disallowed, shall cease to be of any force or authority within the said islands, upon and from the time of the receipt thereof by the Governor-in-chief thereof of any such order of disallowance.

And whereas with a view to the more methodical and perspicuous statement of the provisions we have so thought it fit to make for the better government of our said islands, we have reduced the same into successive chapters, and have divided each of such chapters into a series of successive sections.

And whereas with a view to the more distinct enunciation of the true sense and meaning of the

said provisions, we have deemed it convenient to avoid the repetition at the commencement of each successive section or chapter of any specific reference to the authority in virtue of which the same is by us so promulgated and established. Now therefore we do hereby declare that each and every of the provisions, orders, matters, and things comprised in the fourteen following chapters hereunto subjoined, are by us made, ordained, appointed, and done in pursuance of the said recited Act of Parliament, and in exercise of the powers thereby in us vested, and in exercise of all other powers and authorities to us in that behalf appertaining, and that each and every matter and thing which the Governor-in-chief of New Zealand, or any Governor or Lieutenant-Governor of any province of New Zealand, is thereby directed or authorized to do, is so committed to him, and shall so be done by him in pursuance and exercise of the authority which, in execution of the powers aforesaid, we have hereby so delegated to him as aforesaid; and that each and every order, provision, clause, matter, and thing, in the said several chapters comprised, shall be taken and understood, executed and enforced in such and the same manner as if each and every of them had been expressly preceded by and immediately connected with a reference to the authority in virtue of which the same are so by us made, ordained, appointed, and done.

#### CHAPTER ONE.

##### *On the Executive Government of the New Zealand Islands and of the respective Provinces thereof.*

1. The Islands of New Zealand collectively shall be placed under the government and civil administration of an officer, to be designated the "Governor-in-chief of New Zealand."

2. The Governor-in-chief shall in his own person conduct, in all necessary details, the administration of the government of the province within which at the time he may happen to be.

3. The administration of the government of the province from which at the time the Governor-in-chief may be absent, shall be conducted by a Governor, or, in the absence of any such Governor, by a Lieutenant-Governor.

4. In the administration of his office, the Governor-in-chief will correspond with and receive all necessary instructions for his guidance, from us, through one of our principal Secretaries of State.

5. In the administration of the duties of his office, the Governor, or Lieutenant-Governor, as the case may be, will correspond with and receive his instructions from the Governor-in-Chief of New Zealand.

6. The Governor-in-chief will, in manner aforesaid, prescribe all such rules as it may to him appear conducive to the good government of New

Zealand so to prescribe, for the conduct of the correspondence between himself and the Governor or Lieutenant-Governor, and for deciding in what cases, and to what extent it shall be the duty of the Governor or Lieutenant-Governor to await his instructions before carrying into effect the powers by law vested in him.

7. The Governor-in-chief of New Zealand shall, in his discretion, from time to time, resort in person to either of the said provinces, and there continue so long as to him shall seem meet for carrying on in person the administration of the government thereof.

8. It shall be the duty of the Governor or Lieutenant-Governor of either of the said provinces, (in obedience to any instructions to him for that purpose addressed by the Governor-in-chief of New Zealand,) to resort in person to either of the provinces aforesaid (to the Governor or Lieutenant-Governor of which he may have been commissioned by us), there to assume the administration of the government thereof during the absence of the Governor-in-chief in the other province.

9. Neither the Colonial Secretary of either of the said provinces, nor any other of the public officers thereof, shall change the place of their official residence in attendance on the Governor-in-chief, or Governor, or the Lieutenant-Governor, when so passing as aforesaid from one of the said provinces to the other, all such subordinate officers being considered as attached to the respective provinces for and in which they may be respectively appointed to act.

## CHAPTER TWO.

### *On the Executive Councils of the respective Governments in New Zealand.*

1. In each of the provinces of New Zealand, an Executive Council shall be established, for aiding with their advice the officer administering the government thereof.

2. The said Executive Council shall, in each province, consist of the Colonial Secretary, the Attorney-General, the Colonial Treasurer, and the principal officer in command of our military forces within the province, being a Field Officer, and if necessary of such other persons as are after mentioned.

3. In the event of the absence from any such province of any of the officers aforesaid, the place in the Executive Council of the officer or officers so absent shall be occupied by the person or persons provisionally charged with the duties of any such office or offices.

4. It shall be the duty of the said Executive Councils to advise the Governors or Lieutenant-Governors of the respective provinces for which they may be respectively appointed, on all questions which may by any such Governors or Lieutenant-Governors be referred to them, relating to their administration and discharge of the duties of such their offices.

5. It shall be competent to any member of any such Executive Council to propose for discussion there any question connected with the administration of the Executive Government thereof, and to record on the minutes of such Council his opinion and advice on any such question.

6. It shall be competent to the Governor-in-chief of New Zealand, if he shall see fit, but not otherwise, to summon to the Executive Council of either of the said provinces, any number of persons not holding any public office therein, provided that such number of unofficial members shall not on the whole exceed the number of the official members thereof.

7. Every person so summoned to either of the said Councils, shall in virtue of such summons be a member thereof, subject nevertheless to our confirmation or disallowance of any such appointment, on the same being reported to us by the Governor-in-chief of New Zealand.

8. The said Governor-in-chief shall prescribe all such rules as it may to him appear necessary to establish for the holding of meetings of the said Councils; for giving notice of such meetings; for the due and orderly conduct of the deliberation and proceedings thereof; for taking the votes of the said councillors; for determining under the presidency of whom any such meetings shall be held during the absence of the Governor or Lieutenant-Governor from the same; for recording the various acts and decisions of the said Councils; for the adjournment or prorogation of the same; and otherwise for promoting the effective dispatch of business thereat.

9. The Governor-in-chief shall, half-yearly, transmit to us, through one of our principal Secretaries of State, a copy of the journals of each of the said Councils for the last preceding half-year.

10. In the execution of the powers by us vested in the said Governors or Lieutenant-Governors of the said respective provinces, it shall not be obligatory on them to consult with the said Executive Councils in any case in which they shall deem it inexpedient so to do; neither shall it be obligatory on them to adopt the advice of the Executive Councils in any such case, if they shall deem it inexpedient to adopt the same. But the Governor-in-chief shall make a special report and explanation to us of the motives which may have induced any such Governor or Lieutenant-Governor to decline either to adopt any such advice, or to consult with the said Council on any question of importance.

## CHAPTER THREE.

### *On the Appointment and Removal of Public Officers.*

1. Neither the Governor-in-chief, nor the Governor, nor the Lieutenant-Governor of any such province as aforesaid shall create, or assent to any law for the creation of, any new office, without our consent first had for the same, save only in cases where the creation of such new offices, without the

delay of such a reference, may be evidently indispensable to the due dispatch of the public business of the said provinces, or either of them.

2. The Governor-in-chief shall provisionally fill up every public office in our service, which may become vacant in New Zealand, by the death, absence, resignation, suspension, or physical or mental incapacity of the holder of it.

3. No such provisional appointment shall be final and conclusive, unless the same shall be confirmed, nor until the same shall be confirmed, by us.

4. On reporting every such nomination, the Governor-in-chief shall also report what is the nature of the duties, and what the amount of the emoluments of every such office.

5. The Governor-in-chief may suspend from the execution of his office, until our pleasure shall be known, any officer in New Zealand holding such his office during our pleasure.

6. The before-mentioned power of suspension shall not in any case be exercised by the Governor-in-chief until he shall first have received and considered the report and advice thereon of the Executive Council of the province to which such officer may belong.

7. No public officer may be so suspended from office until a statement in writing of the grounds of such intended proceeding shall first have been communicated to him, nor until an opportunity shall have been offered to him of being heard in his own defence in person, before the Executive Council of the province to which he belongs.

8. Every suspension of every public officer shall, by the Governor-in-chief, be reported to us through one of our principal Secretaries of State, for our confirmation or disallowance, and no such public officer shall be considered as being finally dismissed from such his office, until such suspension shall so have been confirmed.

#### CHAPTER FOUR.

##### *On the Division of New Zealand into Provinces.*

1. For the present, and until further order be made in that behalf, the Islands of New Zealand shall be divided into two provinces, to be known respectively by the designations of the "Province of New Ulster," and the "Province of New Munster."

2. The Province of New Ulster shall comprise the whole of the island hitherto called the Island of New Ulster, with the exception of those parts of the said island adjacent to Cook's Straits, which the Governor-in-chief of New Zealand may, by any such proclamation as aforesaid, except and exclude from the Province of New Ulster. The parts of the Island of New Ulster which may be so excepted and excluded, with all the remaining parts of the New Zealand Islands, shall constitute the Province of New Munster. The dependencies of New Zealand shall respectively constitute a part of, and be

considered as attached and belonging to, the respective provinces to which they are severally most contiguous.

3. In determining the metes and bounds of the several boroughs after mentioned, the Governor-in-chief shall take care that the limits of the whole of each such borough shall fall exclusively within the same province, and shall never extend to more provinces than one.

4. The Governor-in-chief shall, in manner aforesaid, determine which town within each of the said provinces shall be the capital town thereof, that is to say, the ordinary seat of the legislature and of the superior courts of civil and criminal justice of the province.

#### CHAPTER FIVE.

##### *On Municipal Corporations.*

1. Such parts of the Islands of New Zealand as are or as shall be owned or lawfully occupied by persons of European birth or origin, shall be divided into municipal districts, each of which district shall be called a borough.

2. The Governor-in-chief shall by proclamations define the metes and bounds of every such borough, and shall assign to each an appropriate designation.

3. If in any such proclamation any such metes and bounds should be described erroneously, indistinctly, or imperfectly, or if in any other respect the proclamation should fail to express with the requisite clearness, the meaning with which it was promulgated, any such error may be corrected by a subsequent proclamation to be issued by the Governor-in-chief for that purpose.

4. But if it should be thought fit to alter the metes and bounds originally contemplated by the Governor-in-chief in any such proclamation, or otherwise to change the design with which any such proclamation was originally issued, that change may not be effected by a subsequent proclamation, but only by an ordinance to be enacted for that purpose by the Legislature of the province within which the borough may be situate.

5. In every such municipality or borough there shall be a town to be indicated as the capital thereof by the proclamation establishing or defining the borough.

6. In determining the number and the extent of the said boroughs, and in defining the metes and bounds thereof, the Governor-in-chief shall be guided by a consideration, first, of the populousness and wealth of the different municipal districts into which such parts as aforesaid of the said islands may be divisible; secondly, by a consideration of the general community of local interests which may subsist between the inhabitants of particular districts; and thirdly, by a consideration of the facility of access from the different parts of any such district to the capital town thereof; all which considerations shall be balanced, combined, and adjusted by the Governor-in-chief to the best of his judgment, and as far as it may appear to him practicable in the case of every such district.

7. The Governor-in-chief shall by each such proclamation constitute the inhabitants of every such municipality or borough a body corporate, in name and in deed, with perpetual succession, and a common seal; by the style and title of "The mayor, aldermen, and burgesses of the borough of . . ." [adding the name so assigned to each borough respectively.]

8. Every such corporation shall consist of a mayor, of a court of aldermen, and of a common council for the government thereof, and of the burgesses possessing the elective franchise therein.

9. Every such corporation shall be capable in law, by the common council thereof, to do and to suffer all such acts, as can be lawfully done or suffered by any municipal corporation in England by the common council thereof.

10. Subject to the exceptions afterwards mentioned, every male person, who, on the first of January in each successive year, shall be in the occupation of any tenement within any such borough, of which he shall have been the occupier for six months at the least next immediately preceding that day, shall, during the next ensuing twelve calendar months, be a burgess of the borough in which the same may be situate.

11. But this franchise shall not belong to or be vested in any alien, nor in any person of unsound mind, nor in any person who may at any time theretofore have been convicted of any felony or other infamous crime, nor in any person who has during the last preceding six months been maintained wholly or in part by public alms, nor in any person who may be in arrear for more than six months in respect of any rates or assessments lawfully payable by him to the funds of any such borough in respect of any such tenement as aforesaid or otherwise, nor by any person not able to read and to write in the English language.

12. In order to ascertain what persons are qualified to vote and act as burgesses of any such borough, a registry of all such burgesses shall be made, corrected, preserved, and periodically revised in such manner and form, and with such securities for the accurate making, correcting, preservation, and revision thereof, as shall be prescribed by the Governor-in-chief by any such proclamation as aforesaid. And the Governor-in-chief shall in like manner prescribe by what means the expenses of and incident to the due performance of the services last aforesaid shall be defrayed, and what fines or penalties shall be payable in the event of the neglect or non-performance thereof.

13. The burgesses of every such borough shall annually elect the common councillors thereof to serve for the year then next ensuing; and the common councillors of each borough, when so elected, shall annually choose from their own number the aldermen and the mayor thereof, to serve for the year next ensuing such choice.

14. The Governor-in-chief shall in manner aforesaid, prescribe what shall be the number of the common councillors of every such borough, and when and in what manner all such elections shall be conducted, and how the result of every such

election shall be ascertained, and in what manner any erroneous return shall be corrected, and who shall act as returning officers for every such purpose, and at what places and within what periods of time all such elections shall be carried on, and how the expenses thereof shall be defrayed, together with whatever else may be necessary for the due and orderly conduct of such elections.

15. The Governor-in-chief shall in like manner prescribe in what manner and form any such corporate offices aforesaid may be vacated, and how in any such cases the vacancy shall be ascertained and supplied by new elections, with whatever may relate to the due and orderly conduct of any such new elections.

16. Any person duly qualified, who shall be elected to fill any such corporate office as aforesaid in any such borough, shall, in the event of his refusal or omission to discharge the duties thereof, be liable to the same fines and penalties to which any person is liable in England for the like offence, which fines or penalties shall be recovered and applied as nearly as may be in the same manner in which the like fines and penalties are recovered and applied in England.

17. The Governor-in-chief shall in manner aforesaid prescribe all necessary rules respecting the appointment of all other corporate officers in every such borough, respecting their number, their remuneration, their duties, the tenure of their offices, and their removal when necessary from office.

18. The common council of every such borough shall consist of the mayor, the aldermen, and the common councillors thereof, for the time being.

19. The mayor for the time being of every such borough shall, in virtue of such his office, and without any further appointment, be a justice of the peace of and for the borough during a period of two years next following on his election.

20. Every alderman of every such borough, in virtue of such his office, and without any further appointment, shall be a justice of the peace of and for the borough, so long as he shall continue in the discharge of such his office of alderman.

21. All bye-laws of every such borough shall be made, and all other corporate acts of every such corporation shall be done, by the common council thereof, by the authority, and in the presence of whom, and not otherwise, the common seal of the said borough shall be attached to any such acts.

22. The Governor-in-chief shall, in manner aforesaid, prescribe the manner in which, and the authority under which, meetings, either periodical or extraordinary, of any such common council, shall be holden, adjourned, or dissolved, and how the votes of the members present thereat shall be taken, and how the minutes of every such meeting shall be taken and preserved.

23. At every meeting of any such common council, the mayor, or, in his absence, some alderman selected for that purpose by the meeting, shall preside, and such presiding officer shall have both an original and a casting vote.

24. Every such common council as aforesaid shall have power, at any such meeting as aforesaid, to make and ordain bye-laws for the good order and government of the borough.

25. Such bye-laws may so be made for any of the several objects following, that is to say: 1st. For the making or the maintenance of any roads or other internal communications from any one part of the borough to any other part thereof. 2nd. For the erection and repair of public buildings for any corporate purposes. 3rd. For the purchase or sale of any property for any corporate purposes, and for the management of any such property. 4th. For the maintenance of the police within any such borough, and for the proper government and remuneration of any such police force. 5th. For the holding of quarter sessions or petty sessions of the peace of and for any such borough by the justices of the peace thereof. 6th. For the suppression of all nuisances within any such borough prejudicial to the health or comfort of the inhabitants thereof. 7th. For draining, paving, lighting, watching, repairing, cleansing, and maintaining, any streets, roads, and other thoroughfares, within any such borough. 8th. For establishing and maintaining schools, hospitals, and other eleemosynary institutions, within any such borough. 9th. For the imposition, collection, accounting for, and auditing, of all such tolls, rates, and assessments on property, real or personal, or both, within any such borough, or upon the owners and occupiers of any such property. 10th. For securing the application of the proceeds of all such tolls, rates, and assessments, to the discharge of all expenses of and incident to the execution of all or any of the objects aforesaid. 11th. For determining the amount of the salaries or other remunerations to be assigned to any officers of any such borough. 12th. For imposing fines for the breach or neglect of any such bye-laws as aforesaid.

26. If any such bye law shall be repugnant to any law or ordinance of the General Assembly of New Zealand, or of the Assembly of the province within which the borough may be situate, such bye-law shall be null and void.

27. No such bye-law shall take effect within any such borough, or shall have the force and authority of law therein, unless the same shall first have been approved by the Governor-in-chief of New Zealand, and the said Governor-in-chief shall in manner aforesaid prescribe how and by whom, and in what form, and within what time, every such bye-law shall be transmitted to him for his approbation, and how and to whom, and in what manner his approbation thereof shall be signified.

28. The Governor-in-chief of New Zealand shall, in manner aforesaid, make all other rules, not being repugnant to the said recited Act, which it may seem to him necessary to make and establish, for carrying into full effect the purposes and objects of the preceding instructions, so far as relates to the before-mentioned boroughs and bodies corporate; and it shall be competent to any such Governor-in-chief, by any such rules, to modify or alter or to suspend the operation of any of the

provisions aforesaid, which, by reason of any local or temporary causes, it may to such Governor-in-chief appear either impracticable or inexpedient to carry into immediate effect, and to substitute for any such provisions which may be so suspended as aforesaid, any other provisions better adapted to meet the exigencies and to promote the welfare of the inhabitants of any such boroughs as aforesaid, or of any one or more of such boroughs.

## CHAPTER SIX.

### *On the Election of the Houses of Representatives for each Province.*

1. The Governor-in-chief shall by such proclamations as aforesaid determine what shall be the total number of the first or original members of the House of Representatives of each of the said provinces.

2. To every such borough as aforesaid shall be assigned a number of representatives, bearing to the total number of the representatives for the provinces, the same proportion which, in the judgment of the Governor-in-chief, will probably be borne by the contributions of such borough to the public revenue, to the total amount of such contributions.

3. On the detection of any error in any such estimate, the Governor-in-chief is authorized by any subsequent proclamation to correct the apportionment of the total number of representatives among such several boroughs, so as to regulate such apportionment in respect of any future elections as nearly as may be according to the actual amount and proportions of such contributions.

4. The Governor-in-chief shall in manner aforesaid determine and prescribe how, and when, and within what periods, the mayor, aldermen, and common council of every such borough shall proceed to the election of the members for such borough to serve in the House of Representatives of the province in which the same is situate, and how, and in what form, and by whom the writ or precept for every such election shall be issued, and to whom it shall be addressed and executed as the returning officer, and how and to whom the returns to such writs or precepts shall be made, and how the poll shall be taken in case of contested elections, and what shall be the course of proceeding in the case of double returns, or of no returns being made, together with every other rule which may be necessary for the due and orderly election of the members of the said houses, and for lawfully convening and constituting such houses, until other and more effectual provision shall have been made in that behalf by law, by ordinances to be for those purposes enacted by the respective legislatures of the said respective provinces.

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

6. Every such House of Representatives shall, immediately on their first meeting, proceed to

the choice of one of their own members as their speaker, which choice, being confirmed by the Governor-in-chief, the Governor, or the Lieutenant-Governor of the province, shall be valid and effectual during the continuance of such assembly, except in the case of some intermediate vacancy of the office, by death, resignation, or otherwise, in which case the choice shall in like manner be repeated and confirmed.

7. Every such House of Representatives shall be elected to serve for four years from the date of the issuing of the writs for holding such elections.

8. Any vacancy occurring in any such House of Representatives by the death or resignation of any member thereof, or otherwise, shall be supplied by a new election, to be holden in such manner as aforesaid, in and for the borough represented by any such member.

#### CHAPTER SEVEN.

##### *On the Legislative Councils of the respective Provincial Assemblies.*

1. The members of the Legislative Council of each of the provinces of New Zealand shall be appointed by letters patent to be for that purpose issued to each member, under the public seal of the province for which he may be so appointed.

2. Such letters patent shall be issued in pursuance of warrants under our *signet and sign manual*, addressed to the Governor-in-chief of New Zealand, or to the Governor, or to the Lieutenant-Governor of such province.

3. But on the first constituting and convening of the said Legislative Councils, or either of them, the Governor or Lieutenant-Governor for the time being of the province for which the same shall be so constituted and convened, shall, without awaiting such warrants, issue such letters patent as aforesaid, to and in favour of such persons as he may think proper to nominate to the said Legislative Councils, or either of them.

4. As often as any member of any such Legislative Council shall die, or resign his seat therein, or be suspended therefrom, or be absent from the province for which the same is appointed, or become incapable, by mental or bodily disease, of the right discharge of his duties therein, the Governor or Lieutenant-Governor for the time being of the province shall, in like manner, without awaiting our warrant, appoint a person to occupy the place, in the Legislative Council, of the member by whom any vacancy therein may, in manner aforesaid, have been created.

5. All appointments made to the said Legislative Council without our previous warrant shall be provisional only, and subject to our confirmation or disallowance, but shall nevertheless be valid to all intents and purposes, until our pleasure respecting the same shall have been signified.

6. Every provisional appointment so made to the Legislative Council, on a vacancy created by the absence of any member with leave of the

Governor or Lieutenant-Governor of the province first obtained, shall continue in force only so long as such member shall so continue absent on leave, and on the return of such member to the province, within the time prescribed in his leave of absence, he shall resume his place in the said Legislative Council.

7. Any member of either of the said Legislative Councils who shall become bankrupt or insolvent, according to any law in force in the said provinces, or who shall be convicted of any felony or other infamous offence, shall thereupon forfeit his place in the Legislative Council to which he may belong, which place shall be considered vacant, and immediately filled up provisionally in manner aforesaid.

8. The members of the said Legislative Councils shall hold their places therein during our pleasure.

9. Every such Legislative Council shall be presided over by a speaker to be appointed by letters patent, to be issued in our name by the Governor or Lieutenant-Governor of the province to and in favour of such member of the said Legislative Council as he shall see fit to appoint for that purpose.

10. No such Legislative Council shall be competent to proceed to the dispatch of any business, unless a majority of the whole number of members be present.

11. Every question to be decided by any such Legislative Council shall be proposed for discussion by the speaker thereof, and shall be decided by the majority of votes, the speaker having no original vote, but having a casting vote, to be given in the event of the numbers being equally divided on any such question.

#### CHAPTER EIGHT.

##### *On the General Assembly of the New Zealand Islands.*

1. The General Assembly of New Zealand shall be holden at any place and time within the Islands of New Zealand which the Governor-in-chief shall from time to time by proclamation for that purpose appoint.

2. The Governor-in-chief may prorogue or dissolve at his pleasure any such General Assembly.

3. The Governor or Lieutenant-Governor of either of the said provinces may at his pleasure prorogue or dissolve the assembly of such province.

4. During the dissolution of the assembly of either province no session may be holden of the General Assembly of New Zealand.

5. The Legislative Council of the General Assembly shall for the present, and until further provisions be made in that behalf, be composed of one-third of the members of each of the Legislative Councils respectively of the said respective provinces.

6. The Governor-in-chief shall for the present determine which of the members of each of the

said Provincial Legislative Councillors, shall be members of the said Legislative Council of the General Assembly.

7. All the rules hereinbefore made respecting the Legislative Councils of the said respective provinces, shall, as far as may be practicable, be applied to the said Legislative Council of the General Assembly.

8. The House of Representatives of the said General Assembly shall, for the present, and until further provision be made in that behalf, be composed of members to be elected for that purpose by the members of the said Provincial Assemblies respectively, from and out of their own houses respectively.

9. The Governor-in-chief of New Zealand shall, for the present, determine in what manner, and form and according to what rules, such elections shall be made by the respective Houses of Representatives of the members by whom they are to be represented in the said House of Representatives of the General Assembly.

10. But no such House of Representatives shall so be represented by more than one-third of the total number of the members thereof.

11. All the rules hereinbefore contained respecting the election of speakers in the said Houses of Representatives of the Provincial Assemblies, and respecting the number of members necessary to form a quorum of each of the said houses, and respecting the casting vote of the speaker thereof, shall be applied to the case of the House of Representatives of the General Assembly.

12. The dissolution of either of the said Provincial Assemblies shall be considered as, and shall have the effect of, a dissolution of the said General Assembly; and with the expiration of the time for which any such Provincial Assembly shall have been elected, shall also expire the time for which any such General Assembly shall be competent to sit and act until such General Assembly be re-elected.

13. The Governor-in-chief of New Zealand shall, by his proclamations, convene every such General Assembly, and shall himself assent to or reserve for the signification of our pleasure, or decline so to assent to or reserve, such ordinances as may be passed by the Legislative Council and the House of Representatives thereof.

#### CHAPTER NINE.

##### *On the Qualifications of Members of Assembly, and on the Oaths to be taken by them and other Public Officers.*

1. No person shall be qualified to be a member of either of the said Houses of Assembly or General Assembly, who is an alien, or who has been convicted of any felony or other infamous offence, or who is of unsound mind, or a minor, or an uncertificated bankrupt or insolvent.

2. No person shall be so qualified unless he shall be in actual possession in his own right, of freehold lands or tenements in New Zealand, of the

annual value of twenty pounds, or of leasehold lands and tenements therein of the annual value of thirty pounds, or unless he shall be a contributor to the extent of ten pounds by the year at least, either to the general revenue of one of the said provinces, or to the local rates and assessments of some one of the said bodies corporate within the same.

3. The Governor-in-chief shall from time to time in manner aforesaid, determine how the possession by any such person as aforesaid of such proprietary qualifications as aforesaid shall be ascertained and determined.

4. Every mayor, alderman, and common councillor of each of the said corporations, and every member of the said Houses of Assembly or of General Assembly, and every other public officer within the said islands, shall, before entering on the discharge of such his trust or office, take and subscribe the oath of allegiance, which oath, and none other, shall be administered to every such officer by such persons as the Governor-in-chief shall for that purpose appoint.

5. The said Governor-in-chief and the said respective Governors and Lieutenant-Governors of the said provinces shall, before entering on the discharge of the duties of their respective offices, take the oaths appointed to be taken by the statutes in that behalf made in the reigns of King George the First and of King George the Third, as amended by the Act passed in the tenth year of the reign of King George the Fourth, intituled "An Act for the Relief of His Majesty's Roman Catholic Subjects," according as the former Acts or the last-mentioned Act shall be applicable to their cases respectively.

#### CHAPTER TEN.

##### *On the Forms, the Transmission, and the Disallowance of Laws.*

1. All laws to be enacted by the said Provincial Assemblies shall be styled, "Ordinances enacted by the Governor or Lieutenant-Governor of the Province of \_\_\_\_\_ with the advice and consent of the Assembly thereof;" and all laws to be enacted by the said General Assembly shall be styled, "Ordinances enacted by the Governor-in-chief of New Zealand, with the advice and consent of the General Assembly thereof."

2. No such ordinance of any such Provincial Assembly shall be assented to by any such Governor or Lieutenant-Governor without the previous sanction of the Governor-in-chief.

3. A transcript of every such ordinance shall be transmitted to us with the least possible delay, through one of our principal Secretaries of State, duly authenticated under the public seal of the province, and by the signature of the Governor-in-chief, or Governor or Lieutenant-Governor, enacting the same.

4. Every such ordinance shall take effect from a time to be therein for that purpose appointed.



5. If any such ordinance be made to take effect from the time of the signification of our pleasure therein, then, unless our confirmation thereof shall have been signified within the colony or province within three years next after the date thereof, every such ordinance shall, from and after the expiration of that time, be considered as being disallowed.

6. If any such ordinance shall be reserved by the Governor-in-chief, or Governor or Lieutenant-Governor, for the signification of our pleasure, then, in like manner, the same shall be considered to be disallowed, unless our confirmation thereof shall have been signified within the colony or province within three years next after the date thereof.

7. If any such ordinance shall be disallowed by us, either in the manner aforesaid, or by a distinct order for that purpose, the said ordinance shall cease to have any operation or effect, either upon, and from such lapse of time, or upon, and from the signification of such disallowance within the said colony or province; but such disallowance shall not have any retrospective operation, and shall not render invalid or void any act done under the authority or in pursuance of any such ordinance before such lapse of time, or direct signification of the disallowance thereof, as the case may be.

8. All ordinances made for levying money, or for imposing fines, penalties, or forfeitures, shall grant or reserve the same to us for the public uses, as the case may be, of the whole colony, or of the particular province, and the support of the government thereof, in such manner as by the said ordinance shall be directed; and no such money shall, by any such ordinance, be made issuable, save only by warrants to be granted in pursuance thereof by the Governor-in-chief or by the Governor or Lieutenant-Governor of the province, as the case may be.

#### CHAPTER ELEVEN.

##### *Of the Civil List.*

1. The civil list fund appropriated for the maintenance of the said respective Governments in pursuance of the said Act of Parliament, shall be applied and appropriated to such specific purposes as the Lords Commissioners of the Treasury for the time being, or any three of them, may from time to time direct and appoint.

2. The due application of the said civil list fund shall be accounted for to the said Lords Commissioners, or in such manner as they shall appoint.

3. Copies of all the accounts of the application of the said civil list fund shall be laid before the said General Assembly and the said Provincial Assemblies respectively, for their information.

#### CHAPTER TWELVE.

##### *On the Appropriation of the Revenue arising from Laws of the General Assembly.*

1. All duties, taxes, rates, tolls, and assessments, imposed or made payable, in virtue of any ordinance of the General Assembly of New Zealand, shall be appropriated to such specific purposes as by any such ordinance shall be prescribed in that behalf, and to no other, save as hereinafter is excepted.

2. The first application of any such duties, taxes, rates, tolls, and assessments, shall be towards defraying all the expenses of collecting, receiving, managing, and auditing the same.

3. Subject to the preceding deduction, any surplus which may remain of the proceeds of any such duties, taxes, rates, tolls, and assessments, shall be applied to the specific purpose prescribed in the ordinance imposing the same.

4. Subject to all the preceding deductions, the proceeds of any such duties, taxes, rates, tolls, and assessments, shall be paid over to the respective treasuries of the said respective provinces for the public uses thereof, and subject to the appropriation of the respective Assemblies of the said provinces respectively.

5. In the apportionment of any such ultimate surplus as aforesaid between the said respective provinces, the part of the surplus to be assigned to each shall bear to the whole of such surplus the same proportion which the part of the gross proceeds raised and collected within such province may have borne to the total amount of the gross proceeds of any such duty, tax, rate, toll, or assessment.

#### CHAPTER THIRTEEN.

##### *On the Settlement of the Waste Lands of the Crown.*

1. Charts of the New Zealand Islands shall be prepared with all practicable expedition and accuracy, and especially charts of all those parts of the said islands over which either the aboriginal natives or the settlers of European birth and origin have established any valid titles, whether of property or of occupancy.

2. In every district into which the said islands shall be divided in pursuance of these our instructions, shall be kept a registry of the lands therein situate, distinguishing, with reference to such charts as aforesaid, the settled lands in such district from the unsettled lands therein.

3. At the capital town of each of the provinces of New Zealand shall also be kept a general registry of the settled and of the unsettled lands in that province, with reference to such charts aforesaid.

4. It shall be the duty of every person and of every body politic and corporate, (other than the aboriginal inhabitants of New Zealand,) to transmit to the registrar of lands for the district in which his or their lands may be situate, a state-

ment of the extent, locality, and metes and bounds thereof, and of the title under which he or they claim the same, all which statements shall be provisionally registered, immediately on the receipt thereof at the office of registry.

5. The Protector of the Aborigines, or any officer appointed to act in that capacity by the Governor or Lieutenant-Governor of the province, shall in like manner transmit to the registrar of the district, a statement of the extent (as nearly as it can be ascertained) and of the locality of all the lands situate within the same, to which any such natives, either as tribes or as individuals, claim either a proprietary or a possessory title, which claims shall also be forthwith provisionally registered.

6. All lands not so claimed or provisionally registered by the time so to be limited as aforesaid, shall thenceforward be and be considered as vested in us, and as constituting the demesne lands of us in right of our Crown within the New Zealand Islands.

7. Within a time to be for that purpose appointed after such provisional registration as aforesaid of the lands in the said several districts, a land court shall be holden in each, for investigating and deciding on the accuracy and validity of such registrations, which court shall be competent to decide on the accuracy and validity thereof, both as between the claimant on the one hand and us in the right of our Crown on the other hand, and as between different claimants asserting opposite and incompatible titles to the same lands. It shall not, however, be competent to any such land court to decide upon or to investigate any titles to land, which at any previous time may have been adjudged to any body corporate, or person or persons, by the sentence of any court of competent jurisdiction, or which may at any previous time have been granted or assigned by us, or by any Governor-in-chief, Governor, or Lieutenant-Governor, of New Zealand, in our name or in our behalf, to any such body corporate, or person or persons.

8. The several land registries of the said several districts being revised and corrected by the adjudications of the said land courts, an appeal shall lie from any such adjudication to the supreme court of civil justice for the province in which the lands may be situate. The registries of the several districts, when so revised and corrected by the adjudications of such land courts, or by the adjudication on appeal of such superior courts, shall constitute and be received as final and conclusive evidence of the title to any lands comprised in such registries, and as final and conclusive evidence of our title in right of our Crown to all lands not comprised therein.

9. No claim shall be admitted in the said land courts on behalf of the aboriginal inhabitants of New Zealand to any lands situate within the said islands, unless it shall be established, to the satisfaction of such court, that either by some act of the Executive Government of New Zealand, as hitherto constituted, or by the adjudication of some court of competent jurisdiction within New Zealand, the right of such aboriginal inhabitants to such lands

has been acknowledged and ascertained, or that the claimants or their progenitors, or those from whom they derived title, have actually had the occupation of the lands so claimed, and have been accustomed to use and enjoy the same, either as places of abode, or for tillage, or for the growth of crops, or for the depasturing of cattle, or otherwise for the convenience and sustentation of life, by means of labour expended thereupon.

10. For ensuring the observance of the preceding rules respecting the preparation of the charts and the keeping of the registries aforesaid, and for determining the methods to be followed in drawing up and transmitting such claims as aforesaid, and in the provisional registration of them, and for ascertaining and regulating the constitution and proceedings of the said land courts, and the mode of proceeding upon appeals to be thence brought to the said supreme courts, and otherwise for carrying into full effect these our instructions respecting the several matters aforesaid, the Governor-in-chief of New Zealand shall, by proclamations to be by him for that purpose issued, make and establish all such rules as, in pursuance of the powers in him in that behalf vested by the said recited Act of Parliament and Charter, and by these our instructions, it may be competent to him so to make and establish, and, so far as it may not be competent to such Governor-in-chief to establish such rules, it shall be his duty to propose to the respective legislatures of the said respective provinces, the enactment of all such laws as may be necessary for that purpose, that so the extent and limits of the demesne lands of us in right of our Crown within the said islands, available for future settlement, and the extent and limits of the lands of the aboriginal inhabitants, and the extent and limits of the lands of the inhabitants of European origin, may severally be distinctly ascertained.

11. No conveyance, or agreement for the conveyance, of any of the lands of, or belonging to, any of the aboriginal natives, in common as tribes or as communities, whether in perpetuity or for any definite period, whether absolutely or conditionally, whether in property or by way of lease or occupancy, which may be henceforth made, shall be of any validity or effect, unless the same be so made to or entered into with us, our heirs and successors. And for the enforcement and due observance of this rule according to the full and true intent and meaning thereof, the Governor-in-chief shall recommend to the said respective Legislatures the enactment of all such laws as may be necessary in aid of the powers by the said Act of Parliament, or by us so vested in him as aforesaid. Provided that nothing herein contained shall apply to any such conveyance or agreement, if made or entered into by any such aboriginal native or natives of New Zealand, in respect of any lands by him, her, or them holden in severalty, or so holden under any title or tenure in use in and known to the law of England.

12. All the lands so ascertained as aforesaid to constitute the demesne of our Crown in New Zealand, are and shall be holden by us, our heirs and

successors, in trust for the benefit of our subjects, and especially for the benefit of such of them as have settled, or as shall hereafter settle within the said islands.

13. The said demesne lands shall by proclamations to be issued by the respective Governors of the said provinces, be divided into counties, hundreds, townships, and parishes, each of which shall be exactly defined in such proclamations with reference to such charts as aforesaid of the said islands.

14. No land of and belonging to us in New Zealand, shall, by us, our heirs or successors, or by any such Governor-in-chief or other person on our behalf and on our authority, be alienated, either in perpetuity, or for any definite time, either by way of grant, lease, licence of occupation, or otherwise, gratuitously, nor except upon, under, and subject to the regulations hereinafter prescribed.

15. No part of the before-mentioned demesne lands of us, in right of our Crown in New Zealand, shall be alienated to any person or body corporate, unless the same shall be included within the terms of some proclamation issued by the Governor or Lieutenant-governor of the province within which the same shall be situate, declaring for three calendar months at the least next before any such alienation, that such lands are thenceforward to be within the limits of settlement.

16. No such lands shall be so alienated unless the same shall have been previously surveyed, and distinguished by an appropriate numerical mark in the chart of the county, hundred, township, and parish within which the same may be situate.

17. The Governor or Lieutenant-Governor of any such province, with the advice of the Executive Council thereof, shall, in such charts as aforesaid, cause to be marked out and distinguished all such lands situate within and forming part of the demesne of the Crown as may appear best adapted for the site of future towns, and especially seaport towns, within the said islands—or as the lines of internal communication, whether by roads, canals, railways, or otherwise—or as places fit to be reserved as quays, landing-places, or otherwise, for the general convenience of trade and navigation—or as places of military or naval defence—or as the sites of churches, court-houses, markets, hospitals, prisons, or other public edifices—or as cemeteries, or as places fit to be reserved for the embellishment or health of towns, or for the recreation of the inhabitants thereof, or otherwise for any purposes of public utility, convenience, or enjoyment, in which either the whole population of the province, or any large number of the inhabitants thereof may have a common interest; all which lands shall be called and be known by the name of Reserved Lands.

18. All such reserved lands, with the exception of such as shall be reserved as the future sites of towns, may, by the Governor or Lieutenant-Governor of the province in which they are situate, be conveyed to any body politic or corporate, gratuitously to be holden by them in trust for the

public uses for which the same were so reserved; and for none other.

19. The lands reserved as the sites of towns shall be divided into two classes, of which the one shall be called "town allotments," and the other "suburban allotments," the town allotments being such as will probably become the future site of buildings, the suburban allotments being such as will probably acquire a greatly-enhanced value from the close vicinity to such buildings.

20. All the demesne lands of us, in right of our Crown, brought by any such proclamation as aforesaid within the limits of settlement, shall be alienated in manner hereinafter mentioned, and not otherwise, the same being, with a view to such alienation, divided into three classes, of which the first class shall consist of such town allotments, and the second class of such suburban allotments, as aforesaid, and the third class of rural allotments.

21. In reference to each town, and to the suburbs of each, the Governor or Lieutenant-Governor of the province shall by proclamation determine what shall be the number and the extent of the allotments therein, care being taken that in all such towns allotments be so made in reference to some convenient plan previously fixed for the erection of such town, and that no town allotments shall be greater in extent than will probably be required as and for the site of a single edifice, with such adjacent land as may probably be necessary for the use and enjoyment of the future occupants of such edifice.

22. No rural allotment within the said demesne shall exceed in extent one square mile; but it shall be competent to any such Governor or Lieutenant-Governor to divide any such allotment for the purpose of such alienation as aforesaid into allotments of one-half or of one-quarter of a square mile.

23. Rural allotments shall, by such proclamations as aforesaid, be divided into such as are supposed and such as are not supposed to contain valuable minerals.

24. No part of the demesne of us in right of our Crown in New Zealand shall be alienated, either in perpetuity or otherwise, either absolutely or conditionally, until after the same shall first have been put up to sale at a public auction, of which auction three calendar months' notice shall first have been given by such a proclamation as aforesaid.

25. At every such public auction such lands shall be put up to sale in such lots as aforesaid, at a minimum upset price.

26. No rural allotment shall for the present be so put up for sale at any minimum price less than twenty shillings for each acre of land in such allotment contained.

27. The respective minimum upset prices of rural lands supposed to contain such minerals, of suburban lands, and of town lands respectively, shall always be the same in respect of each separate allotment of the same extent comprised in any one of those several classes respectively. Such upset price shall always exceed the before-mentioned

upset price of twenty shillings an acre, the amount of such excess being from time to time determined by such proclamations as aforesaid, in respect of the allotments contained in each of the said several classes of land.

28. It shall be competent to any person within three calendar months next after any such auction, to become without any further auction, the purchaser of any lands so put up to sale as aforesaid, and not then sold, by offering and paying for the same the upset price at which the same may have been so put up to sale.

29. Immediate payment in cash shall be the indispensable condition of every such sale as aforesaid, whether effected at any such auction, or upon any such subsequent purchase as aforesaid.

30. It shall be competent to the Governor or Lieutenant-Governor of any such province as aforesaid to demise for any term of years (not exceeding twenty-one), any such rural allotments as aforesaid supposed to contain any valuable minerals, reserving to us, our heirs and successors, a royalty of not less than fifteen per centum on the minerals to be raised upon and from any such lands, and to introduce into any such lease all covenants necessary for the faithful discharge on the part of the lessee, or those claiming under him, of all the terms and conditions thereof.

31. A separate account shall be kept by the treasurer of each of the said provinces, of the gross proceeds of the said land-sales, rents, and royalties, and of all the costs, charges, and expenses of and incident in any way to the sale, survey, administration, and management of the said demesne of us, in right of our Crown; and after deducting from such gross proceeds all such costs, charges, and expenses, the net balance shall be by us held in trust for defraying the cost of introducing into the said respective provinces emigrants from the United Kingdom, or in trust for defraying the costs of such other public services therein as by us shall from time to time be prescribed by instructions to be issued in pursuance of the said Act of Parliament under our signet and sign manual, with the advice of our Privy Council.

32. Provided always, that nothing herein contained shall interfere with the promulgation by us, as we may hereafter be advised, of any other and further instructions respecting the occupation of lands forming part of the demesne of us, in right of our Crown in New Zealand, by way of lease or licence, for any term of years, or for any shorter time, but that such occupation leases and licences shall be regulated by such further instructions as we shall hereafter for that purpose issue in pursuance of the said recited statute.

33. Provided also, that nothing herein contained shall extend, or be considered as extending, to the temporary occupation of any lands forming part of the demesne of us, in right of our Crown in New Zealand, by any person or persons so occu-

pying the same for the purpose of depasturing sheep or any other description of cattle thereon, under any lease or licence to be to any such person for that purpose granted; but that whatever relates to any such occupation of any such lands, for any such purposes as aforesaid, shall be regulated by such further instructions as we shall for that purpose issue, and in the meantime by such orders as shall in that behalf be made by the Governor-in-chief of New Zealand.

#### CHAPTER FOURTEEN.

##### *Respecting the Aborigines of New Zealand.*

1. The Governor-in-chief shall, by proclamation, to be for that purpose issued, set apart, as he shall see occasion, particular districts of New Zealand, under the designation of "Aboriginal Districts."

2. Within such districts the laws, customs, and usages of the aboriginal inhabitants, so far as they are not repugnant to the general principles of humanity, shall for the present be maintained.

3. Within such districts such native chiefs or others as shall be appointed or approved by the Governor-in-chief for that purpose, shall interpret and carry into execution such laws, customs, and usages as aforesaid, in all cases in which the aboriginal inhabitants themselves are exclusively concerned.

4. Any person, not being any aboriginal native, and being within any such district, shall during such his continuance therein, respect and observe such native laws, customs, and usages as aforesaid on pain of such penalties for the violation or breach thereof as may be inflicted on him by the sentence of any court or magistrate in any other part of the province within which such aboriginal district may be situate.

5. The jurisdiction of the courts and magistrates of the entire province shall extend over the said aboriginal districts, subject only to the duty so incumbent on them of taking notice of and giving effect to the laws, customs, and usages of such aboriginal inhabitants as aforesaid, in respect of all such cases as aforesaid.

6. In cases arising between the aboriginal inhabitants of New Zealand alone, beyond the limits of the said aboriginal districts, and in whatever relates to the relations to and the dealings of such aboriginal inhabitants with each other beyond the same limits, the courts and magistrates of the entire province, or of the district in which such cases may arise, shall enforce such native laws, customs, and usages as aforesaid.

7. The Governor-in-chief may from time to time contract or enlarge the limits of any such aboriginal districts, but no such district shall ever comprize any lands which the Governor-in-chief may by proclamation have declared to be within the limits of settlement.

*Downing-Street, December 28, 1846.*

The Queen has been pleased to appoint George Grey, Esq. to be Governor in Chief of and over the islands of New Zealand, and Governor and Commander in Chief in and over each of the two separate provinces of New Ulster and New Munster.

Her Majesty has further been pleased to appoint Edward John Eyre, Esq. to be Lieutenant Governor of each of the two said separate provinces of New Ulster and New Munster.

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