

Provincial Councils.

		Duty.					Duty.		
		£	s.	d.			£	s.	d.
T.					Wood—continued.				
Tapioca, per cwt.	...	0	4	0	Cedar, per 100 feet	...	0	2	0
Tar	...	Free.			Casks (empty)	...	Free.		
Tea, per lb.	...	0	0	2	Handspikes, Masts, Yards, Bowsprits, Oars, Treenails or Trunnels	...	Free.		
Tin—					Shingles and Laths, per 1,000	...	0	1	0
Plates, per cwt.	...	0	3	0	Palings, per 1,000	...	0	10	0
Block, per lb.	...	0	0	1	Wooden Ware, for every £100 value...	10	0	0	
Ware, for every £100 value	...	10	0	0	Wool, Unmanufactured	...	Free.		
Tobacco—					Woollen Manufactures—				
Cigars and Snuffs, per lb.	...	0	2	0	Cloths, Broad, per yard	...	0	1	3
Manufactured, per lb.	...	0	1	0	Kerseymer, per yard	...	0	0	8
Unmanufactured, per lb.	...	0	0	9	Baizes of all sorts, per yard	...	0	0	3
Stems	...	0	0	9	Pilot and Flushing, per yard	...	0	0	4
For Sheep Wash*	...	Free.			Flannel, per yard	...	0	0	1
Tobacco Pipes—					Tweeds, per yard	...	0	0	3
Common Clay, per gross	...	0	0	4	Blankets, per pair	...	0	2	0
Other Sorts, not described, for every £100 value	...	10	0	0	Blanketing, per yard	...	0	0	9
Tongues, per barrel	...	0	5	0	Carpets and Carpeting, per yard	...	0	0	3
Toys, for every £100 value	...	10	0	0	Rugs or Coverlets for Beds, each	...	0	0	4
Treacle (see Molasses).					Stuffs, Woollen or Worsted, for every £100 value	...	10	0	0
Turpentine (see Oil or Spirits of).					Hosiery, viz., Stockings, per dozen pair	...	0	1	0
Twine (except sewing Twine), per lb.	...	0	0	1	Ditto, all other sorts, for every £100 value	...	10	0	0
V.					Tapes and Small Wares, for every £100 value	...	10	0	0
Varnish, for every £100 value	...	10	0	0	Woollen or Worsted Yarn, per lb.	...	0	0	0½
Vinegar, per gallon	...	0	0	2	Woolpacks, each	...	0	0	6
W.					Z.				
Watches (see Clocks and Watches).					Zinc, per cwt.	...	0	3	6
Wines, in cask, per gallon	...	0	1	6	All Goods, Wares, and Merchandise not otherwise enumerated, for every £100 value	...	10	0	0
Ditto, bottled, per dozen of two gallons	...	0	5	0					
Wood—									
Board, Plank, and Scantling, per 100 feet	...	0	1	0					

No. VI.

AN ORDINANCE to provide for the establishment of Provincial Legislative Councils, and for the Election, &c., of Members to serve therein.

PROVINCIAL
COUNCILS.

[9th July, 1851.]

WHEREAS in pursuance of the provisions of an Act made and enacted in the Parliament holden in the ninth and tenth years of the reign of Her Majesty Queen Victoria, intituled "*An Act to make further provision for the Government of the New Zealand Islands*," Her Majesty by certain Letters Patent under the Great Seal of the United Kingdom, bearing date on the twenty-third day of December, one thousand eight hundred and forty-six, did ordain and appoint that the said Islands of New Zealand should be divided into two separate Provinces, to be called respectively the "Province of New Ulster and the Province of New Munster:" And whereas by an Act made and enacted in the Parliament holden in the eleventh year of the reign of Her Majesty, intituled "*An Act to suspend for Five Years the operation of certain parts of an Act of the tenth year of Her present Majesty for making further provision for the Government of the New Zealand Islands, and to make other provisions in lieu thereof*," it is amongst other things enacted that it shall be lawful for the Governor-in-Chief of New Zealand, by and with the advice and consent

Preamble reciting
division of Colony
into Provinces.

And 11 Vict., c. 5.

* Subject to its being rendered unfit for human consumption, and to be only admitted free under such regulations and restrictions as may from time to time be made in that behalf by His Excellency the Governor.

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And Ordinance No. 1, Session IX.

consent of the Legislative Council thereof, by Ordinance to constitute within and for any of the Provinces into which the Islands of New Zealand were then or might thereafter be divided, a Provincial Legislative Council to be appointed or elected, or appointed and elected in such manner by such person or persons as by such Ordinance shall be provided in that behalf, and that the Provincial Legislative Council or Councils so constituted shall have all such rights powers jurisdiction and authority as shall be granted in that behalf to the said Provincial Legislative Council or Councils or either of them by such Ordinance and none other: And whereas by an Ordinance enacted by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, (Session IX., No. 1,) intituled "*An Ordinance to provide for the establishment of Provincial Legislative Councils in the Colony of New Zealand,*" it is amongst other things enacted that for each of the Provinces into which the Islands of New Zealand then were or might thereafter be divided there shall be a Legislative Council of not less than nine Members, to consist of the Members of the Executive Council of the Province and of such other persons as the Governor or Lieutenant-Governor might summon and appoint to be Members of such Legislative Council: And whereas it is expedient that in the Province of New Ulster and in the Province of New Munster a portion of the Members of the said Council be elected by the inhabitants of the said Provinces respectively; and in any Province which may hereafter be constituted, that a portion of the Members of such Council should also be elected so soon as electoral districts can be defined therein for the purposes of such election, and other necessary provisions can conveniently be made in that behalf:

Ordinance No. 1, Session IX., repealed.

NOW THEREFORE BE IT ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, that the said recited Ordinance so far as relates to the Provinces of New Ulster and New Munster be repealed on the passing hereof, and, so far as relates to any new Province as aforesaid, that the said recited Ordinance shall be repealed at such time as the Governor-in-Chief by Proclamation in the New Zealand Government *Gazette* shall for that purpose direct and appoint.

I.—CONSTITUTION OF THE COUNCIL AND THE ELECTION ETC. OF MEMBERS.

A Legislative Council to be established in every Province.

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

One-third of the Members to be appointed and two-thirds to be elected.

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

Electoral districts and time place and mode of election.

3. It shall be lawful for the Governor-in-Chief, until provision be made by law in that behalf, by Proclamation to be published in the New Zealand Government *Gazette*, to constitute within every such Province convenient electoral districts, and to appoint and declare the number of Members to be elected for each such district, and to make provision for the registration and division of lists of all persons qualified to vote at the elections to be holden within such districts, and for the appointing of Returning Officers, and for the issuing executing and returning the necessary writs for such elections, and for taking the

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the poll thereat, and for determining the validity of all disputed returns, and otherwise for insuring the orderly effective and impartial conduct of such elections: Provided always that the mode of election be by open voting, and that the voting shall finally close at (four) of the clock in the afternoon of the day on which the election shall commence: And provided also that in determining the number and extent of such electoral districts, regard shall be had to the population and wealth of the same, and that in determining the number of Members to be elected for each district regard be had to the number of electors within the same, so that the number of Members to be assigned to any one district may bear to the whole number of the elective Members of the said Council, the same proportion as the number of electors within such district shall bear to the whole number of electors within the limits of the Province.

4. Every person within the Province who shall be legally qualified as an elector and duly registered as such shall be qualified to be elected a Member of the said Legislative Council: Provided always that it shall not be necessary that he reside or possess the qualification in the particular district for which he may be elected to serve as a Member.

Qualification of Members.

5. The elective Members of every such Council shall be chosen by the votes of the inhabitants of the Province who may be qualified as hereinafter mentioned, that is to say,—Every man of the age of twenty-one years or (except as hereinafter mentioned) upwards, and having a freehold estate in possession situate within the district for which the vote is to be given of the clear value of fifty pounds above all charges and incumbrances, and of or to which he has been seized or entitled either at law or in equity for at least six calendar months next before the last registration of electors, or being a householder within such district occupying a tenement within the limits of a town (to be proclaimed as such by the Governor-in-Chief for the purposes of this Ordinance) of the clear annual value of ten pounds, or without the limits of a town of the clear annual value of five pounds, and having resided therein six calendar months next before such registration as aforesaid, or having a leasehold estate in possession situate within the district for which the vote is to be given of the value of ten pounds per annum held upon a lease which at the date of such registration shall have not less than three years to run, or having a leasehold estate situated and of the value as aforesaid of which at the date of such registration he shall have been in possession for three years or upwards previous to the date of such registration, shall, if duly registered, be entitled to vote at the election of a Member or Members for the district.

Qualification of electors.

6. Provided always that no person shall be entitled to vote at any such election who is an alien, or who at any time theretofore shall have been attainted or convicted of any treason felony or infamous offence within any part of Her Majesty's dominions.

Disqualification.

7. The non-elective Members of every such Council shall be appointed in manner hereinafter mentioned, that is to say,—It shall be lawful for the Governor of the Province, by Letters Patent under the Great Seal of the Province, from time to time to appoint such persons as he may think proper to be personally or by virtue of their office non-elective Members of any such Council: Provided always that no such appointment shall be made until the return of the writs for the election of the elective Members.

Appointment of non-elective Members.

8. Every non-elective Member of any such Council shall hold his seat therein for two years from the day of his appointment, or until the Council shall be sooner dissolved.

Duration of office.

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Resignation of
Councillors.

9. It shall be lawful for any Legislative Councillor—elective or non-elective—by writing under his hand addressed to the Governor of the Province, to resign his seat in the said Council, and upon such resignation the seat of such Legislative Councillor shall become vacant.

Seats in Council how
forfeited.

10. If any Legislative Councillor shall for two successive Sessions of the Legislature of the Province fail to give his attendance in the said Council, or shall become bankrupt, or take the benefit of any law relating to insolvent debtors, or become a public defaulter, or be attainted of treason, or be convicted of felony or any infamous offence, or shall become *non compos mentis*, his seat in such Council shall thereupon become vacant.

Councillor sitting
virtute officii, to
vacate his seat when
out of office.

11. If any person who shall have been designated as a non-elective Member of any such Council as the holder of a public office shall cease to hold such office his seat in the said Council shall thereupon become vacant.

Questions of vacancy
how to be decided.

12. Any question which shall arise respecting any vacancy in the said Council on occasion of any of the matters aforesaid shall be heard and determined by such Council, on such questions being referred to them for that purpose by the Governor of the Province, or by the Speaker of the said Council, and not otherwise.

Vacancies how to be
filled up.

13. Whenever it shall be established to the satisfaction of the Governor of the Province that the seat of any Legislative Councillor hath become vacant, such Governor shall forthwith issue a writ for the election of, or shall forthwith appoint a new Member (as the case may require) to serve in the place so vacated during the remainder of the term of the continuance of such Council and no longer.

New elections how to
be made.

14. Every such new appointment or election shall be made in manner hereinbefore provided.

Duration of Council.

15. Every such Legislative Council shall continue for the period of two years from the day of the return of the writs for choosing the same and no longer, subject nevertheless to be sooner prorogued or dissolved as hereinafter mentioned.

Council to meet at
least once a year.

16. There shall be a Session of every such Council once at least in every year, so that a greater period than twelve calendar months shall not intervene between the last sitting of the Council in one Session to the first sitting of the Council in the next Session.

First meeting of
Council.

17. The first writs for the election of Members of such Council for the Provinces of New Ulster and New Munster shall be issued at some period not later than twelve calendar months after the passing of this Ordinance; and the first writs for the election of Members of such Council for any such new Province as aforesaid shall be issued at some period not later than twelve calendar months after this Ordinance shall be proclaimed to come into operation within the same as hereinafter provided.

Time and place of
meeting.

18. It shall be lawful for the Governor of the Province for the time being, by Proclamation in the Government *Gazette*, to fix such place or places within the limits of the Province, and such times for holding the first and every other Session of the said Council as he may think fit, and from time to time in manner aforesaid to alter and vary the same as he may judge advisable and most consistent with general convenience.

Prorogation &c. of
Council.

19. It shall also be lawful for the Governor of the Province to prorogue the said Council from time to time, and by Proclamation or otherwise to dissolve the same whenever he shall deem it expedient so to do.

Expenses of Members.

20. Every Member of the said Council whose ordinary place of abode shall be more than ten miles from the place where any meeting of such

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such Council may be holden shall be entitled to receive, and there shall be paid over to him on the first day of each Session by the Clerk of the Council, the sum of fifty pounds for and towards defraying the travelling and other expenses incurred by such Member in attending the meeting of the Council, and all sums so paid shall be chargeable upon and payable out of the general revenue of the Province.

II.—JURISDICTION OF THE COUNCIL.

21. It shall be lawful for the Governor of the Province, with the advice and consent of the Legislative Council thereof, to make and ordain all such Laws and Ordinances as may be required for the peace order and good government of the Province, subject nevertheless to the exceptions limitations and restrictions hereinafter contained.

General jurisdiction.

22. All Laws and Ordinances to be made by the said Council shall be subject to the confirmation or disallowance of the Governor-in-Chief on behalf of Her Majesty, in such manner and according to such regulations as Her Majesty shall from time to time prescribe in that behalf.

Laws to be subject to disallowance of Her Majesty by the Governor-in-Chief.

23. In the making of such Laws and Ordinances the said Council shall conform to and observe all such instructions as Her Majesty shall from time to time make for their guidance therein.

Council to conform to Her Majesty's instructions.

24. No such Law or Ordinance shall be repugnant to the law of England or to any Ordinance to be made and enacted by the Governor-in-Chief, with the advice and consent of the Legislative Council of New Zealand, or by any General Assembly thereof.

Laws not to be repugnant to law of England.

25. All duties taxes rates tolls and assessments imposed and made payable by virtue of any Ordinance now in force, or which may hereafter be imposed or made payable by virtue of any Ordinance to be made by the Governor-in-Chief, with the advice and consent of the Legislative Council of New Zealand, or by any General Assembly of the Colony, 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 excepted.

Appropriation of revenue.

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

Cost of collection.

27. Subject to such deduction as aforesaid, and to any charge which by any Law or Ordinance now in force may have been made on the general revenue of New Zealand, or of the Provinces into which the Colony may be divided, the proceeds of all such duties taxes rates tolls and assessments shall be paid over to the respective Treasurers of the said Provinces for the public uses thereof, and be subject to the appropriation of the respective Legislative Councils of the said Province respectively.

Subject thereto, surplus to be appropriated by Council.

28. In the apportionment of any such ultimate surplus between the said 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 or assessment.

Apportionment between the several Provinces.

29. It shall not be competent for the said Council to make or enact any Law or Ordinance for any of the purposes hereinafter mentioned, that is to say,—

Subjects on which Council prohibited from Legislating.

(1.) For the regulation of duties of Customs to be imposed on the importation or exportation of any goods at any port or place in the said Islands of New Zealand.

(2.) For the establishment of a General Supreme Court, to be a Court of original Jurisdiction or of Appeal from any of the

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the Superior Courts of any such separate Province as aforesaid.

- (3.) For determining the extent of the jurisdiction or the course or manner of proceeding of such General Supreme Court or of the said Superior Courts.
- (4.) For regulating the current coin of the said Islands, or any part thereof, or the issue therein of any bills notes or other paper currency.
- (5.) For determining the weights and measures to be used in the said Islands or in any part thereof.
- (6.) For regulating the Post Offices within and the carriage of letters within the said Islands.
- (7.) For establishing laws relating to bankruptcy and insolvency.
- (8.) For the erection and maintenance of beacons and light-houses on the coasts of the said Islands.
- (9.) For the imposition of any duty or other charges on shipping at any port or harbour within the same.
- (10.) For regulating marriages within the same, or any part thereof.
- (11.) For affecting Crown lands or lands belonging to the aboriginal native owners.
- (12.) For inflicting any disabilities or restrictions on persons of the Native race, to which persons of European birth or descent would not also be subjected.
- (13.) For inflicting the punishment of death or transportation for any crime or offence.
- (14.) For regulating the course of inheritance of real or personal property, or for affecting the law relating to wills.

Any Ordinance on any such subject to be void.

30. And any Ordinance or pretended Ordinance which may be made by the said Council for any of the purposes hereinbefore set forth, shall be absolutely null and void to all intents and purposes.

III.—PROCEEDINGS ETC. OF THE COUNCIL.

Speaker to be elected.

31. Every such Legislative Council shall, immediately on their first meeting and before proceeding to the despatch of any other business, elect one of their Members to be the Speaker thereof, which election being confirmed by the Governor of the Province shall be valid and effectual during the continuance of such Council, except in case of vacancy in the said office by death resignation or otherwise, in which case the election shall be repeated and confirmed as hereinbefore provided.

Speaker to preside.

32. The Speaker so to be elected as aforesaid shall preside at the meetings of the said Council, but in his absence some Member elected by the Council shall preside.

Majority of Council a quorum.

33. The said Council shall not be competent to the despatch of any business unless a majority of the whole number of Members be present.

Majority present to decide.

34. All questions which shall arise in the said Council shall be decided by the majority of votes of those Members of the Council who shall be present other than the Speaker or presiding Member, but in all cases wherein the votes shall be equal the Speaker or presiding Member shall have a casting vote.

Standing Rules to be made.

35. The said Council at their first meeting, and from time to time afterwards, as occasion may require, shall prepare and adopt such Standing Rules and Orders as may be best adapted for the orderly conduct of the business of such Council, which Rules and Orders shall

be

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be laid before the Governor of the Province, and shall then become binding and in force.

36. "Minutes" shall be kept of all the proceedings of the said Council by the Clerk thereof, and such Council shall not proceed to the despatch of business until the "Minutes" of the last meeting have been read over and confirmed or corrected as necessary.

And minutes to be kept.

37. All laws to be enacted by the said Council shall be styled "Ordinances" enacted by the Governor (or the Lieutenant-Governor, as the case may be) of the Province of _____, with the advice and consent of the Legislative Council thereof.

Laws to be styled "Ordinances."

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

Ordinances when to take effect.

39. All Ordinances made for levying moneys and for imposing fines penalties or forfeitures shall grant or reserve the same to Her Majesty, her heirs and successors, for the public uses of the Province and the support of the Government thereof, in such manner as by such Ordinances may be directed; and no such money shall by any such Ordinances be made issuable save only by warrants to be granted in pursuance thereof by the Governor of the Province.

Fines penalties &c. to be reserved to Her Majesty.

40. It shall be lawful for the Governor of the Province to transmit to the said Council for their consideration the draft of any such Law as it may appear to such Governor desirable to introduce, and any amendments which he shall desire to be made in any Bill presented to him for the assent of the Governor-in-Chief, and such proposed Law shall thereupon be considered by the Council in like manner as if the same were a Bill which had originated therein. And it shall be lawful for the Council to return any Bill to which the Governor shall have so made any amendments, with a message signifying to which of the amendments the Council agree, and those to which they disagree, and thereupon the Governor of the Province shall give or withhold his assent to, or reserve such Bill at his discretion as hereinafter provided.

Governor may propose laws.

41. Every Ordinance which may have been passed by the said Council, and also every Law proposed by the Governor of the Province, which shall have been passed by the said Council, whether with or without amendments, shall be presented to the Governor of the Province for the assent of the Governor-in-Chief.

Ordinances to be presented to Governor.

42. It shall be lawful for the Governor of the Province at his discretion to declare that he assents to such Bills on behalf of the Governor-in-Chief, or that he withholds the assent of the Governor-in-Chief, or that he reserves such Bill for the signification of the Governor-in-Chief's pleasure thereon: Provided that all Bills altering and affecting the divisions and extent of the several districts and towns which shall be represented in the said Council, or establishing new or other divisions of the same, or altering the number of the Members of the Council to be chosen by the said districts and towns respectively, or altering the number of the Members of such Council, shall in every such case be so reserved as aforesaid.

Power to Governor to assent to, disallow, or reserve Ordinances.

43. Whenever any Ordinance which shall have been presented to the Governor of the Province for the assent of the Governor-in-Chief shall by such Governor have been assented to on behalf of the Governor-in-Chief, the Governor of the Province shall by the first convenient opportunity transmit to the Governor-in-Chief an authentic copy of such Ordinance so assented to.

When assented to by Governor, to be sent to Governor-in-Chief.

44. It shall be lawful for the Governor-in-Chief, at any time within six calendar months after any such Ordinance shall have been received by him, by Proclamation in the Government Gazette, to declare his disallowance of such Ordinance, and such disallowance shall

Power to Governor-in-Chief on behalf of Crown to disallow Ordinances.

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shall make void and annul the same from and after a day to be named in such Proclamation as aforesaid.

Reserved Ordinances.

45. The Ordinances which shall be reserved for the signification of the assent of the Governor-in-Chief thereon shall not have any force or authority within the Province, until the Governor of the Province shall signify, either by speech or message to the said Council or by Proclamation as aforesaid, that such Ordinances have been laid before the Governor-in-Chief and that the Governor-in-Chief has assented to the same.

Assent of Governor-in-Chief to be entered on Journal.

46. An entry shall be made in the Journals of the said Council of every such speech message or Proclamation as aforesaid, and a duplicate thereof, duly attested, shall be delivered to the Registrar of the Supreme Court, or other proper officer, to be kept among the records of the Province.

Assent to reserved Ordinances to be given within six months.

47. The Ordinance which shall be so reserved as aforesaid, shall not have any force or authority in the Province unless the assent of the Governor-in-Chief thereto shall have been so signified as aforesaid, within the space of six calendar months from the day on which such Bill shall have been presented to the Governor of the Province for the assent of the Governor-in-Chief as hereinbefore provided.

Also if to take effect from the time to be fixed by Governor-in-Chief.

48. If any such Ordinance shall be made to take effect from the time of the signification of the pleasure of the Governor-in-Chief therein, then unless such confirmation thereof shall have been signified within six calendar months next after the date thereof, every such Ordinance shall from and after the expiration of that time be considered as being disallowed.

Reserved Ordinances when deemed to be disallowed.

49. If any such Ordinance shall be reserved by the Governor of the Province for the signification of the pleasure of the Governor-in-Chief, as hereinbefore provided, then in like manner such Ordinance shall be considered to be disallowed, unless the confirmation thereof shall have been signified, as hereinbefore provided, within six calendar months next after the date of the same.

Effect of disallowance.

50. If any such Ordinance shall be or be deemed to be disallowed by the Governor-in-Chief, the said Ordinance shall cease to have any operation or effect either upon and from such lapse of time as aforesaid, or from a day to be named in the Proclamation signifying such disallowance, but no such disallowance shall have any retrospective operation, or shall render invalid or void any act done under the authority or in pursuance of any Ordinance before such signification of the disallowance thereof as aforesaid.

Construction of Ordinances to be passed by Provincial Councils.

51. In the construction of all such Ordinances so to be made as aforesaid the word "Governor" shall be taken to include the Lieutenant-Governor, or the Officer Administering the Government; and any word or words importing the singular number or the masculine gender only shall respectively be understood to include several persons matters and things as well as one person matter or thing, and females as well as males, unless there be something in the subject or context repugnant to such construction.

Construction of this Ordinance.

52. In the construction of this Ordinance the term "Governor-in-Chief" shall be deemed to include the person for the time being acting in that capacity, and the term "Governor" shall be deemed to include the Lieutenant-Governor or the Officer Administering the Government.

Commencement of Ordinance.

53. This Ordinance shall come into operation, so far as relates to the Provinces of New Ulster and New Munster, on the passing hereof, and so far as relates to any such new Province as aforesaid, at such time as the Governor-in-Chief, by Proclamation in the New Zealand Government *Gazette*, shall for that purpose direct and appoint.

Marriage Amendment.

No. VII.

AN ORDINANCE to amend an Ordinance for regulating
Marriages in the Islands of New Zealand.MARRIAGE
AMENDMENT.

[15th July, 1851.]

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, (Session VIII., No. 7,) intituled "*An Ordinance for regulating Marriages in the Colony of New Zealand,*" it is amongst other things enacted that licenses to marry without publication of banns may be issued according to the Ecclesiastical Laws of the United Church of England and Ireland and the Roman Catholic Church, by the proper authorities according to such laws, for marriages to be celebrated agreeably to the form and usages of the said Churches, provided that no such license for marriage shall be issued in any case in which any person whose consent to any marriage would have been required shall not have previously given his or her consent: And whereas it is expedient that, subject to such provisions as aforesaid, licenses for marriages to be celebrated according to the forms and usages of the Wesleyan Methodist Society, of the Church of Scotland, and of the Free Church of Scotland respectively, without publication of banns, should be authorized to be granted in manner hereinafter mentioned:

Preamble.

BE IT THEREFORE ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. It shall be lawful for the Superintendent of Wesleyan Missions, for the Moderator of the Presbyteries of the Church of Scotland and of the Free Church of Scotland for the time being respectively, and for any Officiating Minister, to grant licenses for marriages without publication of banns, to be celebrated agreeably to the forms and usages of the Wesleyan Methodist Society, of the Church of Scotland, or of the Free Church of Scotland, or of the respective Religious Societies of which they may be Ministers.

Superintendent of Wesleyan Mission, and Moderator of the Presbyteries of the Church of Scotland and of the Free Church of Scotland, and Officiating Ministers authorized to grant licenses.

2. It shall be lawful for any such Superintendent or Moderator, if he shall deem it expedient so to do, by an instrument in writing under his hand and seal, to authorize one or more fit person or persons to grant such licenses as aforesaid.

Superintendent of Wesleyan Mission, and Moderator of the Presbyteries of the Church of Scotland and of the Free Church of Scotland, empowered to authorize others to grant licenses.

3. Provided always that in case there shall be no Moderator of the Presbytery of the Church of Scotland or of the Free Church of Scotland in the Islands of New Zealand, it shall be lawful for the Governor or other Officer Administering the Government of the Colony for the time being, by an instrument in writing under his hand and seal, to authorize one or more fit persons to grant licenses for marriages to be celebrated agreeably to the forms and usages of the Church of Scotland, or of the Free Church of Scotland, without publication of banns.

If there be no such Moderator, Governor may grant such authority.

4. Before any such license as aforesaid shall be granted, one of the parties intending marriage shall appear personally before the person authorized to grant the same, and shall make oath that he or she believeth that there is not any impediment of kindred or alliance or other lawful impediment to the said marriage; and where either of the parties not being a widow or widower shall be under the age of twenty-one years, that the consent of the person or persons whose consent to such marriage is required by the said recited Ordinance

Oath or declaration &c. to be made by party applying for license.

hath