

*New Provinces.*

Superintendent to be  
deemed Corporation  
sole.

Interpretation clause.

8. For the purposes of this Act the Superintendent of the Province of Auckland and his successors shall be deemed a Corporation sole.

9. The following words and expressions shall have the several meanings hereby assigned to them :

“Promoters of an undertaking” shall be construed to mean the Superintendent of the Province of Auckland.

Any special Act shall include this present Act.

“Clerk of the Peace” shall be construed to mean the Registrar of the Supreme Court.

“Superior Court” shall mean the Supreme Court.

In cases wherein any money is directed to be deposited in the Bank, such money shall be paid deposited or invested in such manner as the Supreme Court or any Judge thereof shall by order to be made at the instance of the Superintendent direct.

10. The Short Title of this Act shall be “*The Auckland Improvement Act, 1858.*”

Short Title.

## SCHEDULE.

Allotments Nos. 4 and 5 of Section No. 4 of the City of Auckland.

Allotment No. 38 of Section No. 4 of the City of Auckland.

So much of allotments Nos. 40, 39, 37, 36, 35, 34, 33, and 32 of Section No. 4 of the City of Auckland as shall be sufficient to carry High Street at a width of not exceeding sixty feet into Victoria Street.

All those portions of allotments Nos. 26, 27, and 28, situate to the north-west of a line extended from the south-eastern corner of O'Connell Street to the point in the north-eastern boundary of the said allotment No. 28, opposite the south-east corner of the said allotment No. 38.

So much of allotments Nos. 6, 7, 8, and 9 of the said Section as will be sufficient to carry Chancery Street at a width of not exceeding forty feet to the western corner of Field's Lane, as at present laid out.

So much of the allotment No. 9 as will be sufficient to widen the said lane from Chancery Street to Shortland Street to a width of not exceeding forty feet.

## No. LXX.

NEW PROVINCES.

AN ACT to provide for the Establishment of New Provinces in New Zealand. [21st August, 1858.]

Preamble.

WHEREAS it is expedient to make better provision for local self-government, and for that purpose to provide for the establishment of new Provinces in certain cases :

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

Establishment of  
new Provinces.

1. Whenever not less than three-fifths of the registered electors entitled to vote in the election of Members of the House of Representatives, resident within any district whereof the area shall not be less than five hundred thousand acres, shall petition the Governor in Council to establish a new Province comprising such district, the Governor in Council, by Order published in the New Zealand Government *Gazette*, shall with all convenient speed establish such Province accordingly, subject nevertheless to the fulfilment of the following conditions, that is to say,—

(1.) Such petition shall be signed by at least one hundred and fifty registered electors exclusive of persons of the Native race,

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race, and shall contain a sufficient description of the district proposed to be comprised in the new Province.

- (2.) There shall be, at the date of the Order in Council establishing any Province under this Act, a population *bonâ fide* resident within such district, within an area of not exceeding one million acres, of at least one thousand souls, exclusive of aboriginal natives and of officers non-commissioned officers and privates of Her Majesty's troops serving in the Colony.
- (3.) There shall be, at the date of the said Order in Council, within the limits of such district, a town which shall be constituted the capital of the Province, and a port or ports from which the greater part in value of the exported produce of the district shall be shipped coastwise or for exportation beyond seas, or into which the greater part of the imported commodities consumed within such district shall be brought coastwise or imported from beyond seas.
- (4.) No point of the boundary of any such district shall be within sixty miles measured in a right line of the capital town of any Province already or hereafter to be established in New Zealand, except the Province of New Plymouth, nor within thirty-five miles of the Town of New Plymouth: Provided always that this condition shall not apply to any boundary line dividing territory drained by rivers falling into Blind Bay from adjacent territory to the eastward thereof.
- (5.) The area of any such district shall not exceed three millions of acres. And every Province established under this Act shall, subject to the provisions of this Act, be deemed to be a Province established under the Constitution Act.
- (6.) No such district shall comprise any part of more than one Province.

2. Provided always that the Governor in Council shall define the limits of every such new Province by the Order in Council establishing the same, and in so doing may at his discretion include territory not within the district described in the petition, or exclude territory comprised in such district, or may both include and exclude territory as aforesaid: Provided also that the limits of every new Province shall be so fixed as that if a description of the territory therein comprised had been substituted in the petition upon which such order shall be made in lieu of the description of the district actually described in such petition, all the aforesaid conditions would, upon the presentation of such petition, have been fulfilled in respect of such territory.

Definition of limits of new Provinces.

3. Every such Order in Council shall take effect at such time not exceeding six months from the date thereof as shall be therein for that purpose expressed.

Date of effect of Order in Council.

4. All laws in force within any Province of which any new Province established under this Act may have formed a part shall, subject to the provisions of this Act and to the alteration or repeal of such laws by the Provincial Legislature of such new Province, continue in force within such new Province so far as the same are applicable: Provided always that until such alteration or repeal all powers by any such laws vested in the Superintendent of such original Province, either solely or with the advice or the advice and consent of the Executive Council of such original Province, shall within such new Province become vested in the Superintendent thereof.

Laws of original Province to be in force in new Province.

5. The

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Number of Members  
of Provincial  
Councils.

5. The Provincial Council of every Province established under this Act shall in the first instance consist of such number of Members not less than nine as the Governor shall by Proclamation direct and appoint.

Governor to appoint  
electoral districts &c.

6. It shall be lawful for the Governor, by Proclamation, to constitute within every Province established under this Act convenient electoral districts for the election of Members of the Provincial Council, and to appoint and declare the number of Members to be elected for each such district for the Provincial Council, and to make provision for the formation of the first Electoral Rolls for the election of such Members; and in determining the number and extent of such electoral districts, and the number of Members to be elected for each district, regard shall 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 Members of the said Council as nearly as may be 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.

Provision in respect  
of electoral districts  
of original Province  
wholly or partially  
comprised in new  
Province.

7. Where any Province established under this Act shall comprise the whole of any electoral district returning a Member or Members to the Provincial Council of the Province of which such new Province may have formed a part, the sitting Member or Members for such district shall forthwith cease to sit in the Provincial Council of such original Province, and such district shall cease to return any Member to such Provincial Council: And where any Province so established shall comprise a part only of any such electoral district, the seat or seats of the sitting Member or Members for such district shall become vacant, and the remainder of such electoral district shall become a complete electoral district in lieu of the original electoral district, and shall return the same number of Members; and the Governor shall cause a new Electoral Roll to be made out for the same, and shall cause to be placed thereon the names of all such registered electors of the original electoral district as shall possess a qualification within the new electoral district; and an election of a Member or Members (as the case may require) to sit for such new electoral district in the Provincial Council of the original Province shall be held with all convenient speed: Provided that nothing in this Act contained shall prevent the Superintendent and Provincial Council of the original Province from altering the boundaries of such new electoral district, or the number of Members to be returned by it to the Provincial Council.

When first writs to  
issue.

8. The Governor shall cause the first writs for the election of the Members of the Provincial Council of every Province to be established under this Act to be issued at some time not later than six months next after the publication of the Order in Council establishing such Province.

Election of Super-  
intendents.

9. The Superintendents of Provinces established under this Act shall be elected as hereinafter provided.

Provincial Council to  
elect Superintendent.

10. Within one month after the election of the first and every successive Provincial Council of any Province established under this Act, the Council shall meet at a convenient time and place to be appointed for that purpose by the Principal Returning Officer of the Province, whereof seven days' previous notice shall be given in some newspaper published within the Province, or by keeping such notice posted for not less than seven days in some conspicuous place within the Province, and after electing their Speaker (which election shall be at once valid and effectual) shall, by an absolute majority, elect some person, qualified to vote in the election of a Member of the said Council, to be Superintendent of the Province: Provided that in the event of the election of a Member of the Provincial Council to the  
office

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office of Superintendent the seat in the said Council of the person so elected shall be deemed vacant: Provided also that whenever the office of Superintendent shall become vacant in any of the cases provided for by the Constitution Act, a new election shall in like manner take place on a day to be fixed by the Speaker, and to be notified as aforesaid, not being less than ten days nor more than fifteen days after the vacancy shall have been notified by the Governor to the Speaker.

11. The Superintendent of any Province established under this Act shall be capable of being elected and sitting as a Member of the Provincial Council and as the Speaker thereof, and accordingly, if a Member of any such Council shall be elected Superintendent, and his seat in the Council shall be thereby vacated, he shall nevertheless be eligible for re-election.

Superintendent eligible for seat in Provincial Council.

12. It shall not be lawful for the Superintendent of any Province established under this Act to assent on behalf of the Governor to any Bill passed by the Provincial Council of such Province, but only to declare, according to his discretion and subject to such instructions as may from time to time be given him by the Governor, either that he withholds the assent of the Governor or that he reserves such Bill for the signification of the Governor's pleasure thereon.

Superintendent not to assent to Bills on behalf of Governor.

13. It shall be lawful for the Governor, before declaring his pleasure in regard to any such Bill, to make such amendments therein as he may think needful or expedient, and to return such Bill with the amendments to the Superintendent, whose duty it shall be to transmit the Bill and amendments to the Provincial Council, and the consideration of such amendments by such Council shall take place in such convenient manner as the Council shall think fit; and on the Bill being again presented to the Governor, either amended or not, it shall be lawful for the Governor at any time within three months after he shall have received the same to signify his pleasure thereon.

Governor may return Bills with amendments.

14. All the revenues arising from taxes duties rates and imposts levied received or otherwise howsoever arising within any Province established under this Act, which at the time of the establishment of such Province shall be subject to the appropriation of the Provincial Council of any Province of which such new Province shall have formed a part, shall, from and after the establishment of such new Province, be payable and paid to the Treasurer thereof for the public uses thereof, and shall be subject to the appropriation of the Provincial Council of such new Province.

Provincial revenues of original Province levied within new Province to be subject to appropriation of Provincial Council of new Province.

15. Every Province established under this Act shall contribute from its revenues to the payment of the interest and sinking fund on such part of the loan raised under the Act of Assembly intituled "*The New Zealand Loan Act, 1856*," as shall be a special charge upon the revenues of the Province of which such district shall have formed a part, and also to the payment of the interest on the amount, at the time of the establishment of such new Province, of the permanent debt of such original Province, rateably according to the proportion which the annual aggregate of the sums payable to the Treasurer of such new Province under the Acts of Assembly respectively intituled "*The Surplus Revenues Act, 1858*," and "*The Land Revenue Appropriation Act, 1858*," shall bear to the annual aggregate of the sums payable under the same Acts to the Treasurer of such original Province, the year being reckoned as commencing on the first day of July.

Apportionment between original Province and new Province of the charge of the public debt of the original Province.

16. Upon the establishment of any Province under this Act, all estate and interest of the Superintendent of any Province of which such new Province shall have formed a part in any lands theretofore

Public reserves granted to Superintendent of original Province to vest in

Civil List.

Superintendent of new Province.

granted to the Superintendent of such original Province, under the Act of Assembly intituled "*The Public Reserves Act, 1854,*" shall forthwith vest in the Superintendent of such new Province, and shall be deemed and taken to have been granted to him and his successors under the provisions of the said "*Public Reserves Act, 1854.*"

Short Title.

17. The Short Title of this Act shall be "*The New Provinces Act, 1858.*"

No. LXXI.

CIVIL LIST.

AN ACT to alter the Sums granted to Her Majesty by the Constitution Act for Civil and Judicial Services.

[21st August, 1858.]

[Reserved for the signification of Her Majesty's pleasure. Assented to, *Gazette*, July 25, 1859.]

Preamble.

WHEREAS by an Act of the Imperial Parliament, passed in the Session held in the fifteenth and sixteenth years of the reign of Her Majesty Queen Victoria, intituled "*An Act to grant a Representative Constitution to the Colony of New Zealand,*" it is enacted that there shall be payable to Her Majesty every year, out of the revenue arising from taxes duties rates and imposts and from the disposal of the waste lands of the Crown in New Zealand, the several sums mentioned in the Schedule to the said Act annexed: And whereas it is by the said Act further enacted that it shall be lawful for the General Assembly of New Zealand, by any Act or Acts, to alter all or any of the sums mentioned in the said Schedule, subject nevertheless to the provisions in reference thereto in the said Act contained: And whereas it is expedient that the sums mentioned in the said Schedule should be altered as hereinafter provided:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Civil List payable to Her Majesty.

1. There shall be payable to Her Majesty every year, out of the revenue arising from taxes duties rates and imposts levied under any Act or Acts of the General Assembly, the several sums mentioned in the Schedule to this Act, instead and in lieu of the sums mentioned in the Schedule to the said recited Act of Parliament.

When this Act to take effect.

2. This Act shall be deemed to take effect on and after the first day of July, one thousand eight hundred and fifty-eight.

"Governor's Salary Act, 1856," repealed.

3. An Act passed by the General Assembly of New Zealand, intituled "*The Governor's Salary Act, 1856,*" is hereby repealed.

Short Title.

4. The Short Title of this Act shall be "*The Civil List Act, 1858.*"

SCHEDULE.

Governor ...	...	...	...	...	...	...	...	£
Governor's Private Secretary ...	...	...	...	...	...	...	...	3,500
Chief Justice ...	...	...	...	...	...	...	...	300
First Puisne Judge ...	...	...	...	...	...	...	...	1,400
Second Puisne Judge ...	...	...	...	...	...	...	...	1,000
Establishment of General Government...	...	...	...	...	...	...	...	1,000
Native Purposes ...	...	...	...	...	...	...	...	4,800
								7,000
								£19,000