

J. C. SHARLAND,  
Actuary.



# NEW PLYMOUTH NEW ZEALAND GOVERNMENT GAZETTE.

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Vol. V.] NEW PLYMOUTH, WEDNESDAY, APRIL 22, 1857. [No. 9

IN THE TWENTIETH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA.

SESSION IV, No. 1.

AN ORDINANCE  
TO ESTABLISH AN EXECUTIVE GOVERNMENT OF THE PROVINCE  
OF NEW PLYMOUTH AND TO ENLARGE THE  
PROVINCIAL COUNCIL.

### ANALYSIS.

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| Title.  | 9, 10. Provincial Treasurer.  |
| Preamble.   | 11. Proceedings and appointments to be referred to Executive Council.                             |
| 1. Ordinance Session 2, No. 7, repealed.  | 12. Members of Executive Council may propose questions for discussion, and record their opinions. |
| 2. Superintendent to conduct administration of the Province.                              | 13. Members of Provincial Council accepting office to resign.                                     |
| 3. Superintendent to keep and use Public Seal.  | 14. Provincial Council to consist of fifteen members.   |
| 4. Superintendent to make regulations for Departments and constitute Subordinate offices. | 15. Number of members to each District.   |
| 5. Executive Council established.   |   |
| 6, 7. Number of Executive Council.  |   |
| 8. Provincial Secretary.  |   |

*AN ORDINANCE to establish an Executive Government of the Province of New Plymouth and to enlarge the Provincial Council.*

Whereas it is expedient to establish an Executive Council of the Province of New Plymouth, responsible to the Provincial Council and to enlarge the said Provincial Council; and whereas it is necessary thereto to repeal an Ordinance passed in the second session of the Provincial Council, intituled, 'An Ordinance to constitute the offices of the Provincial Government and to establish a Public Seal.'  
*Be it therefore enacted* by the Superintendent of the Province of New Plymouth, with the Advice and Consent of the Provincial Council thereof, as follows:—

1. That from and after the passing of this Ordinance the said recited Ordinance shall be, and the same is hereby, repealed.
2. The Superintendent shall conduct, in all necessary details, the administration of the Province,

We have examined the correctness of the Balance Sheet.

New Plymouth, 30th January, 1857.

Trustees.  
W. HALSE,  
I. NEWTON WATT,  
J. STEPHENSON SMITH,  
R. BROWN,

3. The Superintendent shall keep and use officially the Public Seal of the Province; and until the Provincial Council shall approve of a Public Seal, the Superintendent may use such temporary seal as he may think fit.

4. It shall be lawful for the Superintendent, from time to time, to make such regulations for and respecting the attendance of officers and the conduct of the business of the several departments of government as he shall think fit; and he may, from time to time, constitute such subordinate offices and employments as he may think expedient for carrying on the business of the Provincial Government.

5. From the passing of this Ordinance there shall be an Executive Council of the Province of New Plymouth for advising and assisting the Superintendent in the government of the Province.

6. The Executive Council shall consist of a Provincial Secretary and a Provincial Treasurer, who shall be members of the Provincial Council, and shall be appointed by warrant under the hand of the Superintendent, and shall hold office during the pleasure of the Superintendent.

7. The Superintendent may also appoint one other person to be a member of his Executive Council during his pleasure.

8. The Provincial Secretary shall keep a record of and attest all official acts of the Superintendent.

9. The Provincial Treasurer shall receive and pay all monies payable for the uses and on behalf of the Province.

10. No public money shall be paid by the Treasurer, unless the warrant for the payment thereof shall have been signed by the Superintendent, and registered in the Secretary's Office.

11. All proceedings and appointments of the Executive Government shall be referred to the Executive Council previously to any action being taken therein.

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

13. Any member of the Provincial Council who shall accept any office under the Provincial Government, and who shall not, before the next session of the Council resign his seat as a member thereof, shall be disqualified from holding such office during the time he shall continue to be a member of the Council.

14. That after the passing of this Ordinance the Provincial Council of the Province shall consist of fifteen members.

15. The number of members to be returned for each District to serve in the next Provincial Council shall be as follows:—

By the Town of New Plymouth.....	4
By the Grey and Bell District.....	7
By the Omata District.....	4

Passed the Provincial Council the nineteenth day of November, one thousand eight hundred and fifty-six.

I. N. WATT,  
Speaker.

I hereby declare that I reserve this Ordinance for the signification of the Governor's pleasure thereon.

CHARLES BROWN,  
Superintendent.

I HEREBY DECLARE that I assent to this Ordinance.

GIVEN under my hand at Auckland this eleventh day of December in the Year of our Lord one thousand eight hundred and fifty-six.

THOMAS GORE BROWNE,  
Governor

NOTICE.

Provincial Secretary's Office,  
New Plymouth, April 2, 1857.

THE following Tender, the only one received, for the supply of Rations for the Provincial Gaol, has been accepted, and is published for general information.

THOMAS HEALE,		
Ration No. 1.....		5d.
“ “ 2.....		8d.
“ “ 3.....		11d.

I. N. WATT,  
Provincial Secretary.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA.

SESSION II, No. 8.

AN ORDINANCE

TO MAKE GENERAL PROVISIONS RESPECTING THE FORM, INTERPRETATION, AND EFFECT, OF THE ORDINANCES OF THE PROVINCE OF NEW PLYMOUTH.

ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>1. Ordinances of the Province to be Public Acts.</p> <p>2. Ordinances to be divided into Sections.</p> <p>3. Commencement of Ordinances assented to by Superintendent.</p> <p>4. Commencement of Ordinances reserved.</p> <p>5. Repeal of former Ordinances, when to take effect.</p> <p>6. Effect of repeal of a Repealing Ordinance.</p> <p><i>AN ORDINANCE to make General Provisions respecting the Form, Interpretation, and Effect, of the Ordinances of the Province of New Plymouth.</i></p> <p><i>Be it enacted</i> by the Superintendent of the Province of New Plymouth, with the Advice and Consent of the Provincial Council thereof, as follows :—</p> <p>1. Every Ordinance of the Superintendent and Provincial Council of the Province of New Plymouth shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such unless the contrary be expressly provided for by the Ordinance.</p> <p>2. Every such Ordinance shall be divided into sections if there be more enactments than one, which sections shall be deemed to be substantive enactments without repetition of words of enactment.</p> <p>3. Every such Ordinance which does not prescribe the time from which it is to take effect, and which is assented to by the Superintendent on behalf of the Governor, shall come into operation on the day on which it receives the assent of the Superintendent.</p> <p>4. Every such Ordinance which does not prescribe the time from which it is to take effect, and which is reserved for the signification of the Governor's pleasure thereon, shall come into operation on the day on which the Superintendent duly</p>	<p>7. Prohibition of an Act shall extend to the causing of such Act.</p> <p>8. Courts, &amp;c., appointed to hear and determine, empowered to examine on Oath.</p> <p>9. False declaration a Misdemeanor.</p> <p>10. Fines, how recoverable and applicable.</p> <p>11. Extended signification given to certain words and expressions.</p> <p>12. This Ordinance to apply to all former and future Ordinances.</p> <p>13. Commencement.</p> <p>signifies that the Governor has assented to the same.</p> <p>5. Whenever any such Ordinance is passed repealing wholly or in part any former Ordinance, whether of the Legislative Council of New Zealand, or of the said Superintendent and Provincial Council, and substituting some provision or provisions instead of the provision or provisions repealed, the repealed provision or provisions shall remain in force until the substituted provision or provisions shall come into operation.</p> <p>6. Whenever any Ordinance of the said Legislative Council or of the said Superintendent and Provincial Council repealing wholly or in part any former Ordinance is repealed, such last repeal shall not revive the Ordinance or provisions before repealed unless words be added reviving such Ordinance or provisions.</p> <p>7. Whenever the doing of any act or thing is prohibited by any Ordinance of the said Superintendent and Provincial Council, the prohibition and the penalty for contravention of such prohibition, shall be taken to extend and attach to the causing of such act or thing to be done, unless the subject or context be repugnant to such construction.</p> <p>8 Any Court, Commissioner, Arbitrator, Officer, or person whomsoever authorised by any such Ordinance to hear and determine any matter or thing, shall have autho-</p>
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rity to summon witnesses, and to examine such witnesses on oath, or (as respects persons so privileged) on affirmation; and any person so summoned as a witness making default in appearing when summoned, or refusing to be examined and give evidence on oath or affirmation, (as the case may require) or giving false evidence, shall be guilty of a misdemeanor.

9. In any case in which a Solemn Declaration is required to be taken, or authorised to be received by any such Ordinance, any person who shall make a false Declaration shall be guilty of a misdemeanor.

10. All Fines, Penalties, and Forfeitures, imposed by any such Ordinance, shall be recoverable at the suit of any person whomsoever in a summary way, and shall be paid and accounted for to the Provincial Treasurer of the Province for the use of Her Majesty, Her Heirs and Successors, for the Public uses of the Province, and the support of the Provincial Government thereof; unless, as regards the said particulars respectively, special provision be made to the contrary.

11. The following words and expressions in all such Ordinances shall have the extended force and signification hereby assigned to them, unless express provision be made to the contrary, or there be something in the subject or context repugnant to such construction, that is to say:—

Words importing the Singular Number only shall include the Plural Number; and words importing the Plural Number only shall include the Singular Number.

Words importing the Masculine Gender only shall include Females.

The word "*Person*" shall include bodies Politic or Corporate.

The words "*Her Majesty*" shall import Her Majesty, Her Heirs and Successors.

The word "*Governor*" shall import the Governor, or other person for the time being lawfully administering the Government of New Zealand.

The expressions "*The Province, the Superintendent, and the Provincial Council,*" shall respectively import, the Province of New Plymouth, the Superintendent of the

Province of New Plymouth, and the Provincial Council of the Province of New Plymouth.

Enactments in general terms respecting the Holder of an office shall apply not only to the then present Holder of the same office, but also to his successors.

The word "*Month*" shall import Calendar month.

Where for any purpose a period is specified to be reckoned by days, the same shall be computed exclusively of the day (if any) from which and inclusively of the day (if any) to which the computation may be directed to be made.

The word "*Land*" shall include Messuages and corporeal Hereditaments of any tenure.

The word "*Owner*" shall, in reference to lands and hereditaments, import any person beneficially entitled, either at law, or in equity, in possession, or subject only to a lease for years, to any estate greater than an estate for years.

The word "*Estate*" shall import any estate or interest, right, title, claim, charge, lien, or incumbrance, at law or in equity.

The words "*Oath,*" "*Swear,*" and "*Affidavit,*" shall include affirmation, declaration, affirming, and declaring, in the case of persons by law allowed to declare or affirm instead of swearing.

The word "*Cattle*" shall include Horses, Mares, Geldings, Colts, Fillies, Foals, Asses, Mules, Bulls, Cows, Oxen, Steers, Heifers, Calves, Rams, Ewes, Wethers, Lambs, Goats, Kids, and Swine; and shall include and apply to any single animal of the said several kinds.

The term "*Great Cattle*" shall include Horses, Mares, Geldings, Colts, Fillies, Foals, Asses, Mules, Bulls, Cows, Oxen, Steers, Heifers, and Calves; and shall include and apply to any single animal of the said several kinds.

The term "*Small Cattle*" shall include Rams, Ewes, Wethers, Lambs, Goats, Kids, and Swine; and shall include and apply to any single animal of the said several kinds.

The word "*Horse*" shall include Stallions, Mares, Geldings, Colts, Fillies, and Foals.

The term "*Neat Cattle*" shall include Bulls, Cows, Oxen, Steers, Heifers, and Calves; and shall include and apply to any single animal.

The word "*Sheep*" shall include Rams, Ewes, Wethers, and Lambs.

Enactments respecting entire animals shall apply to the several kinds when of the age of six months.

The word "*Carriage*" shall import any vehicle drawn by great cattle as above defined.

12. The provisions of this Ordinance shall extend and apply to the construction as well of Ordinances already enacted by the Superintendent and Provincial Council of the Province of New Plymouth, as of Ordinances hereafter to be enacted by the same authority.

13. This Ordinance shall come into

operation on the day on which it shall receive the Superintendent's assent.

Passed the Provincial Council the eleventh day of January, one thousand eight hundred and fifty-five.

I. NEWTON WATT,  
Speaker.

Assented to on behalf of the Governor, the twenty-fifth day of January, one thousand eight hundred and fifty-five.

CHARLES BROWN,  
Superintendent.

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**E**RRATUM—In Vol. V., No. 7, page 23—Signature at foot of statement of Rates in arrear—

for ROBERT PARRIS,  
Provincial Treasurer,  
read GEORGE CUTFIELD,  
Superintendent.