

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,  
28th July, 1870.*

## Otago and Southland Union.

### ANALYSIS.

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### A BILL INTITULED

AN ACT to provide for uniting the Provinces of Otago and Southland. Title.

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

1. The Short Title of this Act shall be "The Otago and Southland Union Act 1870." Short Title.

2. This Act shall come into operation on such day as the Governor shall by Proclamation published in the *New Zealand Gazette* appoint except the last section which shall come into operation on the passing hereof. Commencement of Act.

3. In this Act the following terms shall if not inconsistent with the subject matter or context have the respective meanings hereby assigned to them (that is to say) the expression "late Province of Otago" shall mean the Province of Otago as existing immediately before the coming into operation of this Act. The expression "Province of Southland" shall mean the Province of Southland as existing immediately before the coming into operation of this Act. The expression "New Province" shall mean the Province of Otago constituted hereby. Interpretation.

On commencement of Act Southland to be united to Otago and form Province.

4. On and after the day when this Act shall come into operation the Province of Southland shall cease to be a separate Province and the said Province and the Province of Otago as existing immediately before the coming into operation of this Act shall together be one Province by the name of "The Province of Otago."

Laws in force in Southland to continue in operation.

5. Within that part of the new Province constituted by this Act which before the coming into operation of this Act was included in the Province of Southland all Laws and Ordinances in force therein immediately before the coming into operation of this Act shall except so far as the same are altered by this Act be and continue in force within the said part of the new Province constituted hereby until altered or repealed by the General Assembly or as to such of the said Laws or Ordinances as are for purposes for which Provincial Councils may make Laws until altered either by the General Assembly or by the Provincial Legislature of the new Province or by other lawful authority.

Laws in force in Otago to continue in operation.

6. Within that part of the new Province constituted by this Act which immediately before the commencement of this Act was included in the late Province of Otago all Laws and Ordinances in force therein at the coming into operation of this Act shall except so far as the same are altered by this Act be and continue in force in the said part of the new Province constituted hereby until altered by the General Assembly or as to such of the said Laws and Ordinances as are for purposes for which Provincial Councils may make Laws until altered either by the General Assembly or by the Provincial Legislature of the new Province constituted hereby or by other lawful authority.

Superintendent of Otago to be Superintendent of new Province and powers and property vested in Superintendents of Otago or Southland to vest in Superintendent of new Province.

7. The person who immediately before the time of the coming into operation of this Act shall be Superintendent of the late Province of Otago shall immediately upon the coming into operation of this Act become and be the Superintendent of the new Province and subject to the provisions of the Constitution Act shall continue in office till the election of his successor and all powers and authorities and all lands tenements goods chattels and choses in action and all real and personal property whatever and all rights and interests therein then vested in the Superintendent of the Province of Southland as such Superintendent or in the Superintendent of the late Province of Otago shall immediately upon the coming into operation of this Act be vested in the Superintendent of the new Province and shall thenceforth be vested in him and his successors in office Provided that where any such power or authority is then limited to the Province of Southland or to the late Province of Otago such power or authority shall be exercised by the Superintendent of the new Province so as only to take effect within so much of the new Province as immediately before the coming into operation of this Act was included in the Province to which such power or authority was so limited.

Transferred powers subject to be altered or revoked in like manner as if this Act had not been passed.

8. All powers authorities estates and interests hereby transferred to the Superintendent of the new Province which shall have been vested in the Superintendent of the late Province of Otago or of the Province of Southland by Act or Ordinance of a Provincial Legislature shall notwithstanding anything in this Act contained be subject to such provision of any Act or Ordinance of the Council of the new Province as might have been passed by the Councils of the late Province of Otago or the Province of Southland respectively if this Act had not been passed and all powers and authorities hereby transferred to the Superintendent of the new Province and which shall have been vested in the Superintendent of the late Province of Otago or the Superintendent of the Province of Southland respectively by the Governor by Order in Council Proclamation or Warrant or otherwise shall notwithstanding anything in the Act contained be subject to be altered revoked or cancelled in such manner and to such extent as they might have been had this Act not been passed.

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9. When any such power or authority so transferred shall have been exercisable by the Superintendents of the late Province of Otago and of Southland respectively and by and with the advice and consent of their Executive Council or any one or more Members thereof or with the advice and consent or upon the recommendation of the Provincial Council of the said Provinces respectively then in the like case such powers and authorities shall be exercised by the Superintendent of the new Province and with the advice and consent of his Executive Council or such one or more Members thereof or with the advice and consent or upon the recommendation of the Provincial Council of the new Province as the case may be.

Certain powers to be continued to be exercised with consent of Executive or Provincial Council.

10. The Provincial Council of the Province of Southland shall be dissolved upon the coming into operation of this Act without any Proclamation or other act of the Governor and shall not be re-elected or reconstituted and thereupon the Provincial Council of the late Province of Otago shall be the Provincial Council of the new Province and shall be increased in manner hereinafter provided and such Council shall continue for such period as together with the period between the return day of the writs for choosing the said Council of the said late Province of Otago and the time of the coming into operation of this Act will make up a period of four years and the Superintendent and Provincial Council of the new Province shall have the same powers of making laws for the new Province as the Superintendent and Provincial Council of the late Province of Otago shall have had immediately before the time of the coming into operation of this Act with respect to that part of the new Province which was included in the late Province of Otago. Provided that the Provincial Council of the new Province shall in all its proceedings be regulated and governed by the Standing Rules and Orders including the Standing Rules and Orders made under "The Provincial Compulsory Land Taking Act 1866" regulating the proceedings of the Provincial Council of the late Province of Otago in force immediately before the coming into operation of this Act until the same shall be altered by lawful authority and the Speaker and other Officers of the Provincial Council of the late Province of Otago in office immediately before the coming into operation of this Act shall be the Speaker and Officers of the Provincial Council of the new Province until such Council shall otherwise direct.

Provincial Council of Southland to be dissolved and Council of late Province of Otago to be Council of new Province.

11. Notwithstanding the dissolution of the Provincial Council of the Province of Southland the persons who immediately before the coming into operation of this Act were Members of the said Council shall on a day and at a time and place to be fixed by the Governor by Proclamation in the *New Zealand Gazette* assemble and by lot or by ballot as and to be taken in such manner as shall be prescribed in and by such Proclamation select seven of their number who with the present Superintendent of the Province of Southland shall represent in the Provincial Council of the new Province that part of the new Province which immediately before the coming into operation of this Act was included in the Province of Southland and if at such time and place appointed as aforesaid no such persons or a less number of persons than hereby required shall have been selected as aforesaid it shall be lawful for the Governor by Warrant under his hand to appoint a number of persons equal to the number so deficient either from among the persons who were Members of the said Provincial Council of Southland or from amongst any other persons being Electors registered on any Electoral Roll for any Electoral District returning Members to the House of Representatives lying wholly or in part in the Province of Southland and every person so selected or appointed as aforesaid shall be a Member of the Provincial Council of the new Province as if duly elected and shall continue to be a Member thereof until his seat shall become vacant by resignation or by the happening of any event

Provision for appointing a certain number of persons to represent Southland in the Provincial Council of new Province temporarily.

whereby if he were a duly elected Member of a Provincial Council for some electoral district within the limits of a Province thereof his seat would become vacant.

Superintendent not eligible as Member of Council.

**12.** The Superintendent of the new Province shall not be capable of being elected nor of acting as Member of the Council of the said Province. 5

Number of Council of new Province.

**13.** Until otherwise provided by the Provincial Council of the new Province the said Council shall consist of such number of Members as shall be equal to the number which immediately before the coming into operation of this Act the Council of the late Province of Otago by law consisted of increased by eight. 10

Electoral Districts and Rolls in force in Otago to continue till altered.

**14.** Until otherwise provided by the Provincial Council of the new Province the Electoral Districts existing at the time of the coming into operation of this Act within that part of the new Province included in the late Province of Otago for the election of Members of the Provincial Council of the late Province of Otago shall be Electoral Districts for the election of Members of the Provincial Council of the new Province respectively returning the same number of Members for the Provincial Council of the new Province as such districts returned immediately before the coming into operation of this Act to the Provincial Council of the late Province of Otago and until new Electoral Rolls shall be formed for such districts at the time and in the manner provided by law for the formation of Electoral Rolls for Electoral Districts for the election of Members of Provincial Councils the rolls in force immediately before the coming into operation of this Act for the election of Members to represent the districts aforesaid in the Provincial Council of the late Province of Otago shall be the rolls for such districts for the election of Members to represent such districts in the Provincial Council of the new Province and the several persons who immediately before the coming into operation of this Act were Members of the Provincial Council of the late Province of Otago for such districts shall so long as they retain their seats be and be deemed to be Members of the Provincial Council of the new Province for such districts respectively and the Registration and principal Returning Officer in office in and for the late Province of Otago immediately before the time of the coming into operation of this Act shall on the coming into operation of this Act respectively be the Registration Officer and principal Returning Officer for the new Province until removed and each Returning Officer appointed under "The Provincial Elections Act 1858" for any of the Electoral Districts of the late Province of Otago in office immediately before the coming into operation of this Act shall upon the coming into operation of this Act be the Returning Officer for that Electoral District in the new Province into which the district for which he was appointed is hereby converted. 45

Sitting Members to continue to act for such districts in Council of new Province.

Council of new Province to constitute Electoral Districts in and allot Members to represent the part of Province included in the late Province of Southland.

**15.** The Provincial Council of the new Province shall as soon as conveniently may be after the coming into operation of this Act by Bill provide for the constitution of Electoral Districts in that part of the new Province which immediately before the coming into operation of this Act was included in the Province of Southland for the election of Members of the Provincial Council of the new Province and by such Bill shall fix the number of the Members of such Council to be elected for such districts respectively and when and if the said Bill shall be assented to by the Governor and when Members of such Council shall be elected for such districts the Members selected and appointed under the eleventh section of this Act shall cease to be Members of such Council Provided that any such Member so selected or appointed as aforesaid may be elected for some one of the said Electoral Districts Provided that until such Bill shall have been assented to by the Governor and shall have come into operation every vacancy in the seat of any Member so 60

Members to cease to be Members but to be capable of being elected.

selected or appointed as aforesaid shall be filled up by the Governor appointing by warrant under his hand some person qualified as in the last preceding section is mentioned to fill such vacancy.

16. If within one year after the coming into operation of this Act the services of any officer in the employment of the Government of the Colony or of the Provincial Government of the Province of Southland are dispensed with in consequence of the union of the late Province of Otago and the Province of Southland he shall be paid out of the revenue of the new Province for each year of service one month's salary according to the rate payable to him at the time of the coming into operation of this Act and also a further sum equal to three months' salary according to the said rate if such services be dispensed with without three months' notice.

Compensation to other officers.

17. All contracts existing at the time of the coming into operation of this Act and all actions suits proceedings and things begun before the coming into operation of this Act and not completed at the time of the coming into operation of this Act of by or against the Superintendent of the Province of Southland or the Superintendent of the late Province of Otago respectively shall belong and attach to and be enforced by and against the Superintendent of the new Province and be of the same force and effect to all intents and purposes with regard to the new Province as with regard to the said late Province of Otago and the Province of Southland respectively.

Proceedings &c. at time of coming into operation of Act.

18. All debts and liabilities which immediately before the time of the coming into operation of this Act may be chargeable upon or payable by the late Province of Otago under the Acts mentioned in the Schedule hereto or any or either of them or under any other Act or Acts of the General Assembly or under any Ordinance or Ordinances of the Provincial Council of the late Province of Otago or otherwise and all debts and liabilities which at the time of the coming into operation of this Act may be chargeable upon or payable by the Province of Southland under the Acts mentioned in the Schedule hereto or any or either of them or under any other Act or Acts of the General Assembly or under any Ordinance or Ordinances of the Provincial Council of the Province of Southland or otherwise shall on and after the day of the coming into operation of this Act be chargeable upon and payable by the new Province.

Debts &c. of Province of Southland and late Province of Otago to be charged on new Province.

19. Every Act of the General Assembly except this Act and every Act and Ordinance of the Superintendent and Provincial Council of the Province of Southland and every Act and Ordinance of the Superintendent and Provincial Council of the late Province of Otago shall upon the coming into operation of this Act be construed in manner following—

Interpretation of words "Superintendent" "Executive Council" &c. in Acts and Ordinances.

(1.) The term "Superintendent of the Province of Southland" and the terms "Superintendent of the Province" and "Superintendent" when used as equivalent to the term "Superintendent of the Province of Southland" shall mean the Superintendent for the time being of the new Province  
The term "Executive Council of the Province of Southland" and the term "Executive Council" where used as equivalent to the term "Executive Council of the Province of Southland" shall mean the Executive Council of the new Province

The term "Government Gazette of the Province of Southland" and the terms "Government Gazette of the Province" "Provincial Gazette" "Provincial Government Gazette" "Government Gazette" and "Gazette" where used as equivalent to the term "Government Gazette of the Province of Southland" shall mean the Government Gazette of the new Province

The term "Province of Southland" and the term "Province" where used as equivalent to the term "Province of Southland" shall mean the new Province

But no Act of the General Assembly nor any Act or Ordinance of the Superintendent and Provincial Council of the Province of Southland shall by virtue only of the construction hereby provided for be taken to have any force or operation beyond the present limits of the Province of Southland. 5

(2.) With respect to the meaning of the term "Otago" the last preceding sub-section and the proviso following the same shall be taken to be re-enacted in this sub-section with the substitution of the word "Otago" for the word "Southland" whenever such last-mentioned word occurs in the said sub-section and proviso. 10

Waste Lands Board  
not to be changed.

20. There shall be one Waste Lands Board for so much of the new Province as is included within the late Province of Otago and the Waste Lands Board constituted and established by law under "The Otago Waste Lands Act 1866" shall be such Board and there shall be one Commissioner of Crown Lands for the same part of the new Province and the Commissioner of Crown Lands for the late Province of Otago holding office immediately before the coming into operation of this Act shall be such Commissioner and there shall be one Waste Lands Board for so much of the new Province as is included within the Province of Southland together with such portions of the Province of Otago as shall in the opinion of the united Council of the Province be geographically connected with the present Province of Southland and the Waste Lands Board constituted and established by law under "The Southland Waste Lands Act 1865" shall be such Board and there shall be a Commissioner of Crown Lands for the same part of the new Province and the Commissioner of Crown Lands holding office immediately before the coming into operation of this Act shall be such Commissioner. 15  
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Supreme Court  
office not to be  
changed.

21. The parts of the Colony respectively included in the Province of Southland and the late Province of Otago shall until the Governor shall under the powers conferred upon him of proclaiming Registration Districts under "The Deeds Registration Act 1868" otherwise declare be respectively separate Deeds Registration Districts under the said Act and the said parts shall for the purpose of delivery of pleadings and other proceedings in the Supreme Court and for the purpose of filing bills of sale mortgages and leases of stock wool and oil securities and other instruments which by law are required to be filed in the Supreme Court Office of a Province be deemed to be respectively separate Provinces and not part of the new Province. 35  
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Provisions for public  
service of Southland  
from 30th June last  
till first meeting of  
Council of new  
Province.

22. And whereas the Appropriation Ordinance last passed by the Provincial Council of the Province of Southland provided only for the costs and charges of the public service of the said Province up to the thirtieth day of June last and it is expedient that provision should be made for the costs and charges of the public service of the said Province of Southland so long as the same shall exist and of that part of the said new Province now contained within the Province of Southland until the Provincial Council of the new Province shall meet Be it therefore enacted that until it shall be otherwise provided by the Provincial Council of the Province of Southland there may be issued and applied out of the revenue of the said Province of Southland subject to appropriation by the said Province any sum or sums of money for defraying the charges of the Government of the said Province of Southland during each month and part of a month of the period from the thirtieth day of June last until the coming into operation of this Act not exceeding in the whole such sum or sums respectively as shall for such month or part of a month be in 45  
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proportion to the sum or sums appropriated for the like services for the financial period ending the thirtieth day of June last by the Appropriation Ordinance last passed by the Council of the said Province of Southland And there may be issued and applied out of  
5 the revenues of the new Province subject to appropriation by the Council thereof any sum or sums of money for defraying the charges of the Government of so much of the said New Province as is now within the Province of Southland during each month and part of a month of the period from the coming into operation of this Act until the  
10 first meeting of the Provincial Council of the said New Province not exceeding in the whole such sum or sums respectively as shall for such month or part of a month be in proportion to the sum or sums appropriated for the like services for the financial period ending the thirtieth day of June last by the Appropriation Ordinance aforesaid.

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SCHEDULE.

- “ The Public Debt Apportionment Act 1858.”
  - “ The Public Debt Apportionment Act 1858 Amendment Act 1861.”
  - “ The Otago and Southland Public Debt Apportionment Act 1861.”
  - “ The Southland Provincial Debt Act 1865.”
  - “ The Southland Provincial Debt Act Amendment Act 1866.”
  - “ The Public Revenues Act 1867.”
  - “ The Public Revenues Act 1868.”
  - “ The Consolidated Loan Provincial Charges Act 1868.”
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