

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,
31st August, 1869.*

Southland and Otago Union.

A BILL INTITULED

AN ACT to provide for uniting the Province of Southland to the Province of Otago. 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 Southland and Otago Union Act 1869." Short Title.

5 2. This Act shall come into operation on such day as the Governor shall by Proclamation appoint but no Proclamation bringing this Act into operation shall be made until the Speaker of the Provincial Council of each of the Provinces of Otago and Southland shall have certified to the Governor that the Provincial Council of
10 which he is Speaker have passed a resolution by a majority of the whole of the Provincial Council after notice of such resolution for one week before the same shall have been submitted for discussion requesting the Governor to bring this Act into operation. Commencement of Act.

15 3. No such resolution shall be passed in the Provincial Council of the Province of Southland till there shall have been a dissolution and re-election of the same. For the purposes of this Act fresh Council to be elected in Southland.

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

5. Within that part of the Province constituted by this Act which before the coming into operation of this Act was included in
25 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 Province constituted hereby until altered by the General Assembly or Provincial Legislature of the Province
30 constituted hereby or other lawful authority. Laws in force in Southland as existing before the commencement of this Act to continue in operation.

Laws in force in Otago as existing before the commencement of this Act to continue in operation.

6. Within that part of the Province constituted by this Act which immediately before the commencement of this Act was included in the 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 Province constituted hereby until altered by the General Assembly or Provincial Legislature of the said Province constituted hereby or other lawful authority. 15

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

7. The person who at the time of coming into operation of this Act shall be Superintendent of the Province of Otago as existing immediately before the coming into operation of this Act shall be the Superintendent of the Province constituted by this Act 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 late Province of Southland as such Superintendent shall immediately be vested in the said Superintendent of the Province of Otago and his successors Superintendents of the said new Province Provided always that where any such power or authority is then limited to the Province of Southland such power or authority shall be exercised by the Superintendent of the Province of Otago and his successors aforesaid so as only to take effect within so much of the said new Province as immediately before the coming into operation of this Act was included in the late Province of Southland. 10 15 20

Provincial Council of Southland to be dissolved.

8. The Provincial Council of the said Province of Southland as existing immediately before the coming into operation of this Act 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 Province of Otago shall be increased in manner hereinafter mentioned and shall be the Provincial Council of the said Province constituted hereby and the Superintendent and Provincial Council of the said Province constituted hereby shall have the same powers of making laws for the said Province constituted hereby as the Superintendent and Provincial Council of Otago shall have had at the time of the coming into operation of this Act with respect to that part of the Province constituted hereby which was included in the Province of Otago as existing immediately before the coming into operation of this Act Provided that the said new Provincial Council shall in all their proceedings be regulated and governed by the Standing Rules and Orders regulating the proceedings of the Provincial Council of the present 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 Province of Otago as existing immediately before the coming into operation of this Act shall be the Speaker and Officers of the Provincial Council of the Province constituted hereby. 25 30 35 40 45

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

9. 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 to be taken in such manner as shall be prescribed in and by such Proclamation select ten of their number to represent in the Provincial Council of the Province constituted hereby that part of the said Province which immediately before the coming into operation of this Act was included in the late 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 50 55 60

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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 said late Province of Southland and the persons so selected or appointed as aforesaid shall be Members of the Provincial Council of the Province of Otago as if duly elected and shall subject to the provisions hereinafter contained continue to be Members thereof.

10. The Provincial Council of the Province of Otago as constituted hereby shall after the coming into operation of this Act by Bill provide for the constitution of Electoral Districts in that part of the said Province which immediately before the coming into operation of this Act was included in the late Province of Southland for the election of Members of the Provincial Council of the Province constituted hereby and by such Bill shall fix the number of the Members of such Council to be elected for such Districts respectively such number in the aggregate not being less than eight and when and if the said Bill shall be assented to by the Governor and Members of such Council shall be elected for such Districts the Members selected and appointed under the last preceding section shall cease to be Members of such Council Provided that any such Member so selected or appointed may be elected for some one of the said Electoral Districts.

Provincial Council of Otago as constituted hereby to constitute Electoral Districts in and allot Members to represent the part of Province included in the late Province of Southland.

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

11. 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 late Province of Southland are dispensed with in consequence of the union of the said Province with the Province constituted hereby he shall be paid out of the revenue of the Province constituted hereby 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.

12. All contracts rights and liabilities existing at the time of the coming into operation of this Act and all proceedings begun and not completed before the coming into operation of this Act of by or against the Superintendent of the said late Province of Southland or the Superintendent of the said late Province of Otago respectively shall be vested in belong and attach to and be enforced by and against the Superintendent of the Province constituted hereby and be of the same force and effect to all intents and purposes with regard to the Province constituted hereby as with regard to the said late Provinces respectively.

Existing contracts &c. at time of coming into operation of Act.

13. All debts and liabilities now chargeable upon and payable by the Province of Southland whether under "The Public Revenues Act 1867" or otherwise shall on and after the day of coming into operation of this Act be chargeable upon and payable by the Province constituted by this Act.

Debts &c. of late Province of Southland to be charged on Otago as constituted hereby.

14. Every Act of the General Assembly except this Act and every Act and Ordinance of the Superintendent and Provincial Council of the late 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 Province constituted by this Act.

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 Province constituted by this Act

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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 Province constituted by this Act

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The term "Province of Southland" and the term "Province" where used as equivalent to the term "Province of Southland" shall mean the Province constituted by this Act.

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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.

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(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.

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Waste Lands Board
not to be changed.

15. There shall be one Waste Lands Board for so much of the Province constituted hereby as is included within the present 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 Province constituted hereby and the Commissioner of Crown Lands for the 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 Province constituted hereby as is included within the present Province of Southland and the Waste Lands Board constituted and established by law under "The Southland Waste Lands Act 1865" and there shall be one Commissioner of Crown Lands for the same part of the Province constituted hereby and the Commissioner of Crown Lands holding office immediately before the coming into operation of this Act shall be such Commissioner.

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Registry of Deeds
and Supreme Court
Officer not to be
changed.

16. The part of the Colony included in the late Province of Southland shall continue to be a separate district for the purposes of "The Deeds Registration Act 1868" and 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 a separate Province and not part of the Province of Otago.

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Resolutions herein
referred to be passed
within two years from
passing of this Act.

17. No Proclamation shall be issued bringing this Act into operation unless such resolutions as are respectively mentioned in the second section of this Act shall have been passed within two years from the passing of this Act.