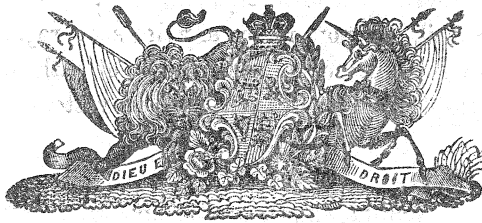


# PROVINCE OF MARLBOROUGH.



## EXECUTIVE COUNCIL ORDINANCE.

IN THE TWENTY-THIRD AND TWENTY-FOURTH YEARS OF THE REIGN OF  
HER MAJESTY QUEEN VICTORIA.

SESSION I., No. 1.

### ANALYSIS.

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*An Ordinance to establish in the Superintendent Executive Power for the Government of this Province.* Title.

**W**HEREAS an Ordinance was passed by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, Session I., No. 1, entitled "An Ordinance to establish an Executive Power for the Government of the Province;" And whereas an act was passed by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, Session III., No. 1, intituled "An Act to provide for the appointment of a Secretary for the Province;" And whereas it is expedient that the said recited ordinance and act be repealed, and other provisions made: Be it therefore enacted by the Superintendent of this province, with the advice and consent of the Provincial Council thereof, as follows:—

1. The said recited ordinance and act, so far as regards the Province of Marlborough, shall be, and the same are hereby repealed.

Recited Ordinance and Act repealed.

Superintendent to conduct administration of Government of the Province.

2. The Superintendent of the province shall conduct in all necessary details the administration of the Government of the province; and until otherwise provided by an act of this Council, all powers by any laws or regulations, or otherwise howsoever vested in the Superintendent, either solely, or with the advice, or with the advice and consent of the Executive Council, shall be vested in the Superintendent alone.

Superintendent may appoint Executive, and, on Requisition, is to summon Council.

3. The Superintendent shall be empowered to appoint any two or more members of the Provincial Council to be an Executive Council; and it shall be incumbent on the Superintendent to call the Provincial Council together within one month from the receipt of a requisition to that effect, signed by not less than five members of this Council.

Provincial Government Gazette and Public Seal.

4. The Superintendent shall establish a Provincial Government Gazette, and all notifications published therein, with an official signature thereunto annexed, shall be considered as official communications made to those persons to whom they may relate, and shall be obeyed accordingly; and shall provide and use the public seal of the province, which seal shall not be altered or changed, except by an ordinance of the Provincial Council: Until such seal shall be provided he may use a seal of his own.

Office of Treasurer.

5. There shall be a Treasurer for the province, who shall receive and pay all moneys receivable and payable for or on behalf of the province.

Public Money to be paid under Warrant of Superintendent.

6. No public money shall be paid by the Treasurer except under a written warrant signed by the Superintendent.

Treasurer to give security.

7. The Treasurer shall, before entering on the duties of his office, give sufficient security for the faithful discharge of his trust, and to the satisfaction of the Superintendent.

Treasurer appointed by Superintendent.

8. The Treasurer shall be appointed by, and hold office during, the pleasure of the Superintendent.

Treasurer's Accounts to be open to inspection of Superintendent and Councillors, and to be submitted to Auditors half-yearly and Abstract published.

9. The Treasurer shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid, and of all the several matters for which such sums shall have been received and paid; and the books containing the accounts shall at all reasonable times be open to the inspection of the Superintendent and any of the Councillors of the Province; and all accounts, with all vouchers and papers relating thereto, shall, in every year, at such times in the months of January and July as shall be appointed by the Superintendent, be submitted by the Treasurer of the Province to the Auditors appointed as hereinafter provided, for the purpose of being examined and audited, from the first day of January to the 30th day of June, and from the first day of July to the 31st day of December in each year, and if the said accounts shall be found to be correct, the auditors shall sign the same, and after such accounts shall have been so examined and audited, the Treasurer shall forthwith make out in writing, and shall cause to be published in the Provincial Government Gazette, or in some newspaper having general circulation within the

said province, a full abstract of all accounts for the half-year, and a copy thereof shall be open to the inspection of the electors of this province, and extracts therefrom and copies thereof shall be delivered to all electors of the said province applying for the same, on payment of a reasonable price for each copy.

10. The Superintendent shall be empowered from time to time to appoint all such officers as he shall deem necessary for the effective discharge of the business and affairs of the province. He shall also have power to suspend and remove any officer or officers from his or their employment, for neglect of or inattention to his or their duty, or for any other just or sufficient cause.

Superintendent to appoint and discharge Officers.

11. The Superintendent shall prescribe rules for transacting the business of the several offices in the province, and from time to time alter the same as to him may appear necessary.

Superintendent to prescribe Rules.

12. If any officer to be appointed by the Superintendent as aforesaid, shall deem himself aggrieved by his suspension or removal from office, he may present a petition to the Provincial Council, showing that he has been suspended or removed from office without just or sufficient cause, and praying for an investigation into the ground or charge on which he may have been suspended or removed, and the Council shall investigate the same accordingly.

Any Officer suspended or removed may petition Provincial Council.

13. It shall be lawful for any officer appointed by the Superintendent as aforesaid, by written notice addressed to the Superintendent, to resign his office, and upon the receipt by the Superintendent of such resignation, the office of such officer shall become vacant; but, nevertheless, the person so resigning shall be bound to execute the duties of his office after his resignation for any period required by the Superintendent, not exceeding one month, and shall also be bound to hand over by a signed inventory all documents, writings, books, money, and other property connected with his office to any person authorized by the Superintendent to receive the same.

Officers appointed by Superintendent may resign, and conditions of such resignation.

14. For the purpose of auditing the Treasurer's accounts, there shall be appointed three auditors, one shall be from time to time appointed by the Superintendent, and two elected by the Provincial Council from amongst its members, for such period, not exceeding the duration of the Council by which they shall be elected as may be declared at the time of such election: Provided that neither of such auditors shall hold any office under the Government.

Auditors to be appointed.

15. Any auditor appointed by the Superintendent or elected by the council who shall accept office under the Superintendent, shall forthwith cease to be such auditor.

Disqualification of Auditors.

16. It shall be the duty of the auditors, at the half-yearly periods hereinbefore specified, to examine and audit the accounts of all sums of money received and paid by the Treasurer of the Province, and to certify whether the same are correct or otherwise.

Duties of Auditors.

When this  
Ordinance  
shall come  
into force.

17. This ordinance shall come into operation immediately after the assent of the Governor thereto.

Short Title.

18. This Ordinance shall be termed and may be cited as the Executive Council Ordinance, 1860.

*Passed the Provincial Council on Tuesday, }  
the 29th day of May, 1860. }*

CYRUS GOULTER,  
*Speaker.*

Reserved for the signification of the Governor's pleasure therein, June 26th, 1860.

WILLIAM ADAMS,  
*Superintendent.*

I hereby assent to this Act this Twenty-fifth day of October, in the year of our Lord one thousand eight hundred and sixty.

T. GORE BROWNE,  
*Governor.*

Proclaimed in the *Government Gazette* of the Province of Marlborough, the 7th December, 1860, in accordance with "The Provincial Reserved Bills Act, 1858."

WILLIAM ADAMS,  
*Superintendent.*