

Interpretation.

No. III.

INTERPRETATION.

AN ORDINANCE to provide for the Interpretation of Ordinances, and for the shortening of the language used therein. [2nd July, 1851.]

Preamble.

BE IT DECLARED AND ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, and by the authority of the same, as follows :—

Every Ordinance passed henceforward may be altered &c. in the same Session.

1. That every Ordinance to be passed after the commencement of this Ordinance may be altered amended or repealed in the same Session of the Legislative Council, any law or usage to the contrary notwithstanding.

All Ordinances to be divided into sections.

2. That all Ordinances shall be divided into sections if there be more enactments than one, which sections shall be deemed to be substantive enactments without any introductory words.

Language of Ordinances how construed

3. That the language of every Ordinance shall be construed according to its plain import, and where it is doubtful, according to the purpose thereof.

When the doing of any act is prohibited, prohibition to extend to the causing such act to be done.

4. That wherever the doing of any act is prohibited by any Ordinance, the prohibition shall be taken to extend to the causing such act to be done, unless there be something in the subject, or the words of the Ordinance repugnant thereto.

Meaning of certain words.

5. That in all Ordinances words importing the masculine gender shall be deemed and taken to include females, and the singular to include the plural and the plural the singular, unless the contrary as to gender or number is expressly provided; and the word "Month" to mean calendar month unless words be added showing lunar month to be intended, and the word "Land" shall include messuages tenements and hereditaments houses and buildings of any tenure, unless where there are words to exclude houses and buildings or to restrict the meaning to tenements of some particular tenure; and 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 words Governor-in-Chief, Lieutenant-Governor, &c., whom to include.

6. That in all Ordinances that may have been heretofore passed, as well as in all Ordinances that may hereafter be passed, the word "Governor-in-Chief" shall include the person administering the Government of the New Zealand Islands for the time being; and the word "Lieutenant-Governor" shall include the person administering the Government of the Province for the time being; and the words "Governor and Executive Council" shall include the Officer Administering the Government and the Executive Council of any Province; and whenever words designating any public officer may have been or shall be used, such words shall include the public officer so designated in any Province, unless a clear intention to the contrary shall be expressed in any such Ordinances as aforesaid.

That where an Ordinance repealing in whole or in part a former Ordinance is itself repealed, such last repeal not to revive Ordinance before repealed.

7. That where any Ordinance repealing in whole or in part any former Ordinance is itself repealed, such last repeal shall not revive the Ordinance or provisions before repealed, unless words be added reviving such Ordinance or provisions.

An Ordinance repealing in whole or in part a former Ordinance, and substituting some provision instead of the provision repealed, such provision so repealed to remain in force until the substituted provision shall come into operation.

8. That whenever any Ordinance shall be made repealing in whole or in part any former Ordinance, and substituting some provision or provisions instead of the provision or provisions repealed, such provision or provisions so repealed shall remain in force until the substituted provision or provisions shall come into operation by force of the last made Ordinance.

9. That

Municipal Elective Franchise.

9. That every Ordinance made after the commencement of this Ordinance shall be deemed and taken to be a Public Ordinance, and shall be judicially taken notice of as such, unless the contrary be expressly provided and declared by such Ordinance.

10. That all Proclamations made or to be made by the Governor-in-Chief, or Lieutenant-Governor, under the authority and in pursuance of any Ordinance, shall be deemed to be part of such Ordinance, and shall be read therewith, and shall be taken judicial notice of accordingly.

11. That this Ordinance shall come into operation from and after the day of the passing hereof.

Every Ordinance hereafter made to be judicially noticed as a public one, unless declared therein to the contrary.

Proclamations made in pursuance of any Ordinance to be part of such Ordinance.

Commencement of Ordinance.

No. IV.

AN ORDINANCE to alter and amend the Qualification required for the Burgesses of a Municipal District.

MUNICIPAL ELECTIVE
FRANCHISE.

[2nd July, 1851.]

WHEREAS by certain "Instructions" made and approved as by law required, and bearing date the twenty-third day of December, in the tenth year of the reign of Her Majesty, the Governor-in-Chief of New Zealand was directed to divide certain parts of the said Islands into municipal districts, and to constitute within such districts Municipal Corporations, consisting of a Mayor, Court of Aldermen, and Common Council, and of Burgesses, possessing the qualification prescribed by the said "Instructions" in that behalf: And whereas it is provided by such "Instructions" that no person shall be deemed to be a burgess of any such municipal district who is not able to read and write in the English language: And whereas by an Act made and enacted in the Parliament holden in the eleventh year of the reign of Her Majesty, intituled "*An Act to suspend for five years the operation of certain parts of an Act of the tenth year of Her present Majesty for making further provision for the Government of the New Zealand Islands, and to make other provision in lieu thereof*," after reciting amongst other things that the qualification prescribed for the burgesses of any such municipal district should be subject to regulation as thereinafter mentioned, it is enacted that it shall and may be lawful for the said Governor-in-Chief from time to time, by and with the advice and consent of the Legislative Council of New Zealand, by Ordinance to depart from the said "Instructions" in so far as the same relate to the nature and extent of the said qualification for burgesses in the said municipal districts or any of them, or in any particular case, as the said Governor-in-Chief, by and with the like advice and consent, may think proper, anything in the said therein first-mentioned Act Letters Patent or Instructions to the contrary notwithstanding: And whereas it is expedient that the ability to read and write in the English language shall not be necessary to qualify any person to be a burgess of any such municipal district:

Preamble reciting
Royal Instructions.

And 11 Vict. c. 5.

BE IT THEREFORE ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. Every person who may otherwise be duly qualified, as prescribed by the said "Instructions," shall be deemed and taken to be a burgess of any such municipal district although he may not be able to read and write in the English language.

Ability to read and write in the English language dispensed with as a qualification for the burgesses of a municipal district.