

New Zealand Constitution Act

17 January 1853

MCH, 2016c

THE NEW ZEALAND CONSTITUTION ACT.

ENGLISH VERSION.

“THE NEW ZEALAND CONSTITUTION ACT, 1852.”—
15 and 16 VICTORIA, CAP. 72, SEC. 71.

Her Majesty may cause Laws of Aboriginal Native Inhabitants to be maintained.

Passed 30th of June, 1852.

SECTION 71.—And Whereas it may be expedient that the Laws, Customs, and Usages of the Aboriginal or Native Inhabitants of New Zealand, so far as they are not repugnant to the general principles of Humanity, should for the present be maintained for the Government of themselves, in all their relations to and dealings with each other, and that particular districts should be set apart within which Laws, Customs, or Usages should be so observed. It should be lawful for Her Majesty, by any Letters Patent to be issued under the Great Seal of the United Kingdom from time to time to make Provisions for the purposes aforesaid, any repugnancy of any such Native's Laws, Customs, or Usages, to the Law of England or to in any part thereof, in any wise notwithstanding.

Governor Sir George Grey issued a proclamation to bring the New Zealand Constitution Act (UK) of 1852 into operation, establishing a system of representative government for the colony.

The Act created a General Assembly – made up of an appointed Legislative Council and a House of Representatives elected every five years by males aged over 21 who owned, leased or rented property of a certain value – and six provinces with elected superintendents and provincial councils. By British standards, the property qualification was modest, allowing most male settlers to vote.

On 5 March, Grey issued a further proclamation setting out regulations for registration and voting, and outlining the boundaries of the 24 electoral districts, which were to return 37 general and 87 provincial members.

New Zealand's first general election was held between July and October 1853, but Grey was criticised for calling the provincial councils to meet before the General Assembly, giving provincialism a five-month head-start on central government. The General Assembly did not meet until 24 May 1854, 16 months after the Constitution Act had come into force.

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History of New Zealand, 1769-1914 – A history of New Zealand 1769-1914

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