

Twelfth. And it is our further will and pleasure, and we do hereby command you that in the execution of the several powers and authorities granted and committed to you by our said Commission and these our instructions, or by any additional instructions hereafter to be given to you by us, you do in all things consult and advise with our said Executive Council, and that you do not exercise the powers and authorities aforesaid, or any of them, except by and with the concurrence and advice of our said Council save and except only in such cases as are hereinafter saved and excepted. Provided always that nothing herein contained shall extend to prevent your exercising without the advice and consent of our said Council the several Powers and Authorities, or any of them, which may be of so urgent and pressing a nature as not to admit of the delay unavoidably incident to the Deliberations of our said Council. It is nevertheless our pleasure, that the measures adopted by you without the advice of our said Council upon any such emergency, shall, with all convenient speed, be by you brought before our said Council for their revision and sanction. Provided also that nothing herein contained shall prevent your exercising the several powers and authorities aforesaid or any of them without the advice and concurrence of our said Council in any case or upon any occasion which may not appear to you to be sufficiently important to require their assistance and advice, or which may be of such a nature that in your judgment our service would sustain material prejudice by consulting our said Council thereupon.

Thirteenth. And we do authorise you in your discretion and if it shall in any case appear right, to act in the exercise of the power committed to you by our said Commission, in opposition to the advice which may in any such case be given to you by the Members of our said Executive Council. Provided nevertheless that in any such case you do fully report to us, by the first convenient opportunity every such proceeding, with the grounds and reasons thereof.

Fourteenth. Whereas by the Act passed in the Fifteenth and Sixteenth year of the reign of Her present Majesty, and intituled "An Act to grant a Representative Constitution to the Colony of New Zealand," it was among other things provided that at any time during the continuance of the Office of any Superintendent of a Province, it should be lawful for Her Majesty to remove him from such Office, on receiving an address signed by the Members of the Provincial Council of such Province praying for such removal: And whereas it was by the said Act further enacted that it should be lawful for Her Majesty in and by any Letters Patent to be issued under the Great Seal of the United Kingdom, from time to time to constitute and establish within any District or Districts of New Zealand one or more Municipal Corporation or Corporations, and to grant to any such Corporation all or any of the powers which in pursuance of the Statutes in that behalf made and provided, it is competent to Her Majesty to grant to the inhabitants of any Town or Borough in England and Wales incorporated in virtue of such Statutes or any of them, and to qualify and restrict the exercise of any such powers in such and the same manner as by the Statutes aforesaid or any of them, Her Majesty may qualify or restrict the exercise of any such powers as aforesaid in England: Provided always that all provisions of such Letters Patent and all Bye Laws or Regulations made by any such Corporation should be subject to alteration or repeal by any Ordinance or Act of the Provincial Council for the Province in which any such Corporation may be established, or of the General Assembly according to their respective powers hereinbefore declared.

And whereas it was by the said Act further enacted, that whereas it might 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 relation to and dealings with each other, and that particular Districts should be set apart within which such 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 provision for the purposes aforesaid, any repugnancy of any such Laws, Customs, or usages to Law of England, or to any Law, Statute, or usage in force in New Zealand, or in any part thereof, in anywise notwithstanding. And whereas it was by the said Act further enacted that it should be lawful for Her Majesty by any such Letters Patent as therein mentioned or instructions under Her Majesty's Sign Manual and Signet or signified through one of Her Majesty's Principal Secretaries of State, to delegate to the Governor any of the powers thereinbefore reserved to Her Majesty respecting (amongst other things) the Removal of Superintendents of Provinces, the Establishment of Municipal Corporations and the preservation of Aboriginal Laws, Customs and usages.

And whereas it was by the said Act further provided that it should not be lawful for any person other than Her Majesty, Her Heirs and Successors, to purchase or in anywise acquire or accept from the Aboriginal Natives Land of or belonging to or used or occupied by them in common as Tribes or Communities, or to accept any Release or Extinguishment of the Rights of such Aboriginal Natives in any such Land as aforesaid, and that no conveyance or transfer, or agreement for the conveyance, or transfer of any such Land, either in perpetuity, or for any term or period, either absolutely or conditionally, and either in Property or by way of Lease or occupancy, and no such release or extinguishment as aforesaid should be of any validity or effect unless the same were made to, or entered into with and accepted by Her Majesty, Her Heirs or Successors. Provided always, that it should be lawful for Her Majesty, Her Heirs and Successors, by instructions under the Royal Sign Manual and Signet, or signified through one of Her Majesty's Principal Secretaries of State, to delegate Her powers of accepting such conveyances or agreements, releases or relinquishments, to the Governor of New Zealand, or the Superintendent of any Province within the limits of such Province: Now we do hereby delegate to you all and every of the said powers, by the said Act reserved to us which are hereinbefore recited.