

## DISALLOWANCE OF PROVINCIAL BILLS.

I am further advised that it is not improbable that, independently of the errors in the Ordinance, it is doubtful whether it could be allowed, on the ground that "The Roads Ordinance, 1864," having been validated by an Act of the General Assembly, could not be amended by the Provincial Legislature.

In the absence of the Speaker of the Provincial Council, I am unable to forward a certified copy of the Ordinance referred to, and I am obliged to forward the original copy, which I shall feel obliged by your returning to me.

The Hon. the Colonial Secretary, Wellington.

I have, &c.,  
W. ROLLESTON,  
Superintendent.

## No. 5.

The Hon. E. W. STAFFORD to His Honor W. ROLLESTON.

SIR,—

Colonial Secretary's Office, Wellington, 5th January, 1869.  
I have the honor to acknowledge the receipt of your letter No. 591, of the 29th ultimo, transmitting "The Roads Ordinance, 1864, Amendment Ordinance, 1868," passed by the Provincial Council of the Province of Canterbury, and assented to by your Honor on behalf of the Governor.

For the reasons stated in your letter, and in accordance with your Honor's request, His Excellency has been advised to disallow the above-named Ordinance.

I herewith return the original Ordinance forwarded in your letter.

His Honor the Superintendent, Canterbury.

I have, &c.,  
E. W. STAFFORD.

## No. 6.

His Honor JOHN WILLIAMSON to the Hon. E. W. STAFFORD.

SIR,—

Superintendent's Office, Auckland, 3rd March, 1869.  
Herewith, I have the honor to transmit duplicates of the several Acts enumerated in the annexed Schedule, to which I have assented on behalf of His Excellency the Governor.

The Hon. the Colonial Secretary, Wellington.

I have, &c.,  
JOHN WILLIAMSON.

## SCHEDULE.

1. "The Appropriation Act, 1869."
2. "The Auckland Rural Districts Act, 1869."
3. "The City of Auckland Dog Nuisance Act, 1869."
4. "The Common Schools Act, 1869."
5. "The Harbour Loan Consolidation Act, 1869."
6. "The Licensing Act, 1863, Amendment Act, 1869."
7. "The Road Act No. 2, 1866, Amendment Act, 1869."
8. "The Thames Gold Fields Public Works Act, 1869."

## No. 7.

The Hon. E. W. STAFFORD to His Honor JOHN WILLIAMSON.

SIR,—

Colonial Secretary's Office, Wellington, 3rd April, 1869.  
With reference to the Acts noted in the margin, forwarded in your Honor's letter of the 3rd ultimo, No. 22, I have the honor to point out the following objections, viz. :—

In "The Thames Gold Field Public Works Act, 1869," the second provision (3rd section) affects to authorize the Superintendent to raise a loan of £10,000, which is illegal, as no Provincial Council had power, after the 10th October, 1867, to pass a Bill for raising a loan.

I would, at the same time, call your attention to the peculiar construction of the 2nd section of the Act.

The first provision is, that the Superintendent may use engines, &c., in his possession, in constructing railways, &c., on Gold Fields, "in manner hereinafter appearing." The Act does not contain any provision "thereinafter" on the subject; consequently, it does not appear how the work is to be done.

The 2nd section is therefore made unintelligible by the addition of the words "hereinafter appearing."

The power to construct such works within a Gold Field cannot be given by a Provincial Act like the present. That power the Superintendent, as the Governor's delegate, may confer on a private person under "The Gold Fields Act, 1866," but cannot exercise himself.

The Dog Nuisance Act—which is so badly printed as to be almost wholly illegible—is *ultra vires*, as the 20th section purports to provide that one-half the fines and penalties received under the Act are to be paid to the informers or promoters if the Justices shall so direct. All such fines are Colonial revenue.

The Rural District Act (which is also open to the same objections, as purporting to appropriate half the penalties, which cannot be done by a Provincial Legislature) is *ultra vires*, as the 29th and 30th sections contain provisions affecting the validity of the whole rate.

For the above reasons, His Excellency the Governor has been advised to disallow the Acts referred to.

His Honor the Superintendent.

I have, &c.,  
E. W. STAFFORD.