

FURTHER PAPERS

RELATIVE TO THE

DISALLOWANCE OF PROVINCIAL BILLS.

(In continuation of Papers presented 9th July, 1868.)

PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY, BY COMMAND
OF HIS EXCELLENCY.

WELLINGTON.

—
1869.

DISALLOWANCE OF PROVINCIAL BILLS.

No. 1.

His Honor J. P. TAYLOR to the Hon. E. W. STAFFORD.

SIR,— Superintendent's Office, Southland, 2nd December, 1868.
 I have the honor to enclose herewith (in duplicate), for the signification of His Excellency's pleasure thereon, the following reserved Bills, passed by the Provincial Council of Southland, viz. :—
 "The Diversion of Roads Ordinance, 1868;"
 "Alteration of Reserves Ordinance, 1868;"
 "Hospital Ordinance, 1863, Amendment Ordinance, 1868;"
 "The Tolls Ordinance, 1866, Amendment Ordinance, 1868;"
 "Sale of Reserve Ordinance, 1868."

I have, &c.,
 JNO. P. TAYLOR,
 Superintendent.

The Hon. the Colonial Secretary, Wellington.

No. 2.

The Hon. E. W. STAFFORD to His Honor J. P. TAYLOR.

SIR,— Colonial Secretary's Office,
 Wellington, 15th December, 1868.
 The "Diversion of Roads Ordinance, 1868," forwarded in your Honor's letter of the 2nd instant for the signification of the Governor's pleasure thereon, has been under consideration. By this Bill the land over which the old road passed is to be given in exchange for other land over which the new road is to pass; but provision is made that the land for the new line is to be conveyed to the Superintendent. I am advised that the land should not be conveyed to the Superintendent, but surrendered to the Crown, and that this latter course was intended by the Legislature, and provides the only means by which the exchange in question could be made.

His Excellency has been accordingly advised to withhold his assent to this Bill.

His Honor the Superintendent, Southland.

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

No. 3.

His Honor J. P. TAYLOR to the Hon. E. W. STAFFORD.

SIR,— Superintendent's Office, Southland, 29th December, 1868.
 I have the honor to acknowledge receipt of your letter of number and date as per margin, enclosing a Bill intituled "The Division of Roads Ordinance, 1868," passed by the Provincial Council of the Province of Southland, and reserved for the assent of the Governor thereon, and informing me that for the reasons stated therein His Excellency's assent had been withheld.

No. 531.
 Dec. 15, 1868.

I have, &c.,
 JNO. P. TAYLOR,
 Superintendent.

The Hon. the Colonial Secretary, Wellington.

No. 4.

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

SIR,— Superintendent's Office,
 Christchurch, Canterbury, 29th December, 1868.
 I have the honor to forward an Ordinance passed by the Provincial Council of Canterbury during its last session, to be submitted to His Excellency.

I find, subsequently to giving my assent to it, that there are objections to it which will render it impossible to carry it out. The section 2, clause 5, of the Schedule of "The Roads Ordinance, 1864," should have been repealed, as part of the Rangiora and Mandeville Road District is, by the Ordinance, taken to form the Eyreton District.

There are, moreover, no provisions in the Ordinance for election of members of the newly-constituted Board.

Under the circumstances, I shall be glad if the Government would see fit to advise His Excellency to disallow the Ordinance.

As the Road Boards, as originally constituted, would meet on the 5th January, it is important that I should know your decision as early as possible, and I shall esteem it a favour if you will telegraph it to me before that date.

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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.

No. 8.

His Honor O. CURTIS to the Hon. E. W. STAFFORD.

SIR,—

Superintendent's Office, Nelson, 10th June, 1869.

I have the honor to forward herewith the under-mentioned Acts passed by the Provincial Council of this Province, to which I have given my assent on behalf of His Excellency the Governor, viz. :—

“An Act to amend ‘The Education Act, 1863.’”

“An Act to amend ‘The Nelson Scab Act, 1868.’”

“An Act to provide for the Payment of a Salary to Thomas Brunner, as Consulting Surveyor.”

“An Act to appropriate the Revenue of the Province of Nelson for the year ending 31st March, 1870.”

I have also the honor to forward the under-mentioned Acts (in duplicate) passed by the Provincial Council, which I have reserved for the signification of His Excellency's pleasure thereon, viz. :—

“An Act to determine the number of Members of the Provincial Council, and to appoint Electoral Districts in the Province of Nelson.”

“An Act to amend an Act to guarantee Interest upon the Capital to be expended in the construction of a Patent Slip or Dry Dock at the Port of Nelson.”

“An Act to authorize the Superintendent to appropriate part of the Public Reserve at Motueka.”

I also enclose copy of a Resolution adopted by a majority of the entire number of Members of the Provincial Council, and a copy of an Address from the Council, signed by the Speaker, relative to the unauthorized expenditure during the year ended 31st March, 1869, in compliance with the provisions of the 14th section of the Provincial Audit Act.

I have, &c.,

OSWALD CURTIS,

Superintendent.

The Hon. the Colonial Secretary, Wellington.

No. 9.

The Hon. W. GISBORNE to His Honor O. CURTIS.

SIR,—

Colonial Secretary's Office,

Wellington, 29th July, 1869.

I have to acknowledge the receipt of your Honor's letter of the 10th ultimo, forwarding certain Acts passed by the Provincial Council of the Province of Nelson, and in reply to inform you that His Excellency the Governor has been advised to assent to

“The Floating Dock Act,” and

“The Provincial Council Act;”

and I return to you herewith a duplicate of each of those Acts, with such assent duly noted thereon.

His Excellency has also not been advised to exercise his power of disallowance in respect of

“The Appropriation Act,”

“The Consulting Surveyor Act;”

“The Scab Act Amendment Act;” and

“The Education Act Amendment Act.”

With respect to “The Motueka Cemetery Act,” I have to inform your Honor that the Government is advised that as the land the subject of the Bill was reserved for the recreation of the public, and as the Bill vests the management in Trustees, and changes the Trust from a recreation ground to a cemetery, the Bill is inconsistent with “The Public Reserves Act, 1862,” which expressly provides that the Provincial Legislature may authorize the Superintendent to vest (not itself vest) the management of lands reserved for public recreation grounds in trustees, under such restrictions as will secure the full maintenance of the purpose for which such lands were reserved. His Excellency the Governor has accordingly been advised to withhold his assent to the Bill in question.

I have, &c.,

W. GISBORNE.

His Honor the Superintendent, Nelson.

No. 10.

His Honor D. McLEAN to the Hon. E. W. STAFFORD.

SIR,—

Superintendent's Office, Napier, 16th June, 1869.

I have the honor to transmit the accompanying Acts, and to request that you will be kind enough to advise His Excellency the Governor to assent to the same :—

“Credit Act, 1869;”

“Appropriation Act, 1869;”

“Artesian Well Bill;”

“Lighthouse Reserve Bill;”

“Immigration Board Act, 1869;”

“Ratification of Loan Expenditure Act, 1869.”

I have, &c.,

DONALD McLEAN,

Superintendent.

The Hon. the Colonial Secretary, Wellington.

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No. 11.

The Hon. W. GISBORNE to His Honor D. McLEAN.

SIR,—

Colonial Secretary's Office, Wellington, 20th August, 1869.

Adverting to my letter to your Honor, No. 168, of the 27th ultimo, I have to state that the Government is advised, with respect to "The Ratification of Loan Expenditure Act, 1869," that a resolution should have been passed by an absolute majority of the Provincial Council under the Provincial Audit Act before the Bill was recommended by your Honor, as it purports to indemnify for the application of moneys raised under a Loan Act to purposes other than those to which Acts of the Province had appropriated them. It appears also that no Act had authorized the expenditure of the moneys to the purposes on which they have been expended, consequently the expenditure was not authorized, and should have been made under special warrant. For the above reasons His Excellency has been advised to withhold his assent to the Bill in question.

His Honor the Superintendent, Hawke's Bay.

I have, &c.,
W. GISBORNE.