

“The Appropriation Act, 1874;”  
 “The Wellington Education Act Amendment Act, 1874;”  
 “The Thorndon Baths Act, 1874;”  
 “The Highways Act, 1874;”

and His Excellency will not be advised to exercise his power of disallowance in respect to any of these Acts.

3. With regard to the Impounding Act, I am advised that the 17th section, so far as it purports to affect the jurisdiction and judicature of Justices, is *ultra vires*. I point this out to your Honor as the objection does not appear sufficient to render it advisable to disallow the Act, if your Honor will take steps to obtain an amendment of the clause I have referred to.

4. I am advised that the 3rd section of the Diseased Sheep Act is open to the same objection, and that grave questions of compensation for sheep destroyed under the Magistrates' order may arise if the Act remain in operation. This objection seems to me to be fatal to the Act; but I desire to invite your Honor's remarks thereon before tendering advice to His Excellency as to its disallowance. Possibly your Honor might wish to have the question of the validity of this Act referred to the Supreme Court for decision, under the provisions of “The Provincial Legislation Appeal Act, 1869.”

I have, &c.,

His Honor the Superintendent, Wellington.

DANIEL POLLEN.

### No. 17.

His Honor the SUPERINTENDENT, Wellington, to the Hon. the COLONIAL SECRETARY.

SIR,—

Superintendent's Office, Wellington, 3rd June, 1874.

I have the honor to acknowledge the receipt of your letter of the 1st instant, relative to the Acts passed during the last Session of the Provincial Council.

In respect to the 17th section of the Impounding Act, I would remark that its provisions have been found to be of great public convenience, and have been for some time in force in the province. I would, however, suggest that the General Government should introduce a Bill into the General Assembly during its next Session, to give to Provincial Councils power to legislate in this direction. Failing the passing of a Bill of this nature, the Provincial Government will be prepared in the next Session of the Provincial Council to take steps to obtain an amendment of the section.

In respect to the Diseased Sheep Act, the Provincial Government fully appreciate the force of the objections raised to the 3rd section, and think it better that the question of its withdrawal should be determined by His Excellency's Government, and do not see the necessity of referring it to the Supreme Court for decision, under the provisions of “The Provincial Legislation Appeal Act, 1869.”

I have, &c.,

WILLIAM FITZHERBERT,

Superintendent.

The Hon. the Colonial Secretary, Wellington.

### No. 18.

The Hon. the COLONIAL SECRETARY to His Honor the SUPERINTENDENT, Wellington.

SIR,—

Colonial Secretary's Office, Wellington, 7th July, 1874.

Adverting to the correspondence which has taken place upon the subject of the legislation of the Provincial Council of Wellington, passed in its recent Session, I have the honor to inform you that the Acts in respect of which I informed you, in my letter of the 1st ultimo, the Governor would not be advised to exercise his power of disallowance, having been laid before him, His Excellency has been pleased to leave those Acts to their operation.

2. With regard to the Impounding Act, the 17th section of which I informed your Honor, in my letter above quoted, was *ultra vires*, I have to acknowledge the receipt of your letter of the 3rd ultimo, in which you suggest that a Bill should be submitted to Parliament to give power to Provincial Councils to legislate in the direction to which exception is taken in respect to this Act, and undertake that, failing the passing of a Bill of this nature, the Provincial Government will be prepared, in the next Session of the Provincial Council, to take steps to obtain an amendment of the section.

3. The Government introduced a measure last Session for the purpose of giving Provincial Legislatures powers which would have enabled them to legislate, without objection, in the matter dealt with by the 17th section of the Impounding Act, and the 3rd section of the Diseased Sheep Act; but the measure did not become law. In view, however, of the undertaking given in your Honor's letter above quoted, the Government have not thought it necessary to advise His Excellency to disallow the Impounding Act, and it has been left to its operation.

4. His Excellency has been advised to disallow “The Diseased Sheep Act 1872 Amendment Act, 1874,” and I enclose for your Honor's information a copy of the *New Zealand Gazette* containing the usual Proclamation to that effect. In another page of the same *Gazette*, you will find a notice to the effect that His Excellency has not been advised to exercise his power of disallowance in respect of the remaining Acts enclosed in your Honor's letter of the 23rd of May last.

5. I desire to call your Honor's attention to the fact that, while the Appropriation Act contains, as pointed out by you, the clauses suggested in my letter of the 1st May, it is not accompanied by a copy of the Estimates, as requested, at the instance of the late Provincial Auditor, in the same letter.

I have, &c.,

DANIEL POLLEN.

His Honor the Superintendent, Wellington.