

1874.

## NEW ZEALAND.

## DISALLOWANCE OF PROVINCIAL BILLS,

(FURTHER PAPERS RELATIVE TO).

*Presented to both Houses of the General Assembly by command of His Excellency.*

## AUCKLAND.

## No. 1.

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

SIR,—

Superintendent's Office, Auckland, 20th June, 1874.

Herewith I have the honor to transmit to you duplicates of the under-named Bills, passed by the Auckland Provincial Council at its Session just ended, to which I have assented on behalf of the Governor, viz.,—

- “The Waikoukou Road Act, 1874;”
- “The Kamo Road Act, 1873;”
- “The Auctioneers Licensing Act 1863 Amendment Act, 1874;”
- “The Tuakau Road Act, 1874;”
- “The Municipal Corporations Act Amendment Act 1873 Operation Act, 1874;”
- “The Manukau Harbour Endowments Debt Repeal Act, 1874;”
- “The East Coast District Sheep Act, 1874;”
- “The Private Burials Prevention and Regulation Act, 1874;”
- “The Opotiki Road Act, 1874;”
- “The City of Auckland Loan Empowering Act, 1874;”
- “The Maoro Road Act, 1874;” and
- “The Members Remuneration Act, 1874.”

I have, &amp;c.,

J. WILLIAMSON,

Superintendent.

The Hon. the Colonial Secretary, Wellington.

## No. 2.

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

SIR,—

Colonial Secretary's Office, Wellington, 15th July, 1874.

I have the honor to acknowledge the receipt of your letter, No. 709, of the 20th ultimo, enclosing duplicates of the under-named Bills passed by the Auckland Provincial Council, and to which you have assented on behalf of the Governor, viz.,—

- “The Waikoukou Road Act, 1874;”
- “The Kamo Road Act, 1874;”
- “The Auctioneers Licensing Act 1863 Amendment Act, 1874;”
- “The Tuakau Road Act, 1874;”
- “The Municipal Corporations Act Amendment Act 1873 Operation Act, 1874;”
- “The Manukau Harbour Endowments Debt Repeal Act, 1874;”
- “The East Coast District Sheep Act, 1874;”
- “The Private Burials Prevention and Regulation Act, 1874;”
- “The Opotiki Road Act, 1874;”
- “The City of Auckland Loan Empowering Act, 1874;”
- “The Maoro Road Act, 1874;” and
- “The Members Remuneration Act, 1874.”

2. His Excellency the Governor will not be advised to exercise his power of disallowance in respect to any of the above Acts.

3. With reference, however, to

- “The Waikoukou Road Act,”
- “The Kamo Road Act,”
- “The Tuakau Road Act,”
- “The Opotiki Road Act,” and
- “The Maoro Road Act,”

I am advised that the whole of these Acts are open to the objection that they contain no provision authorizing the Superintendent to contract for the sale of the land to the persons named in each Act, respectively; and that without such provision the land cannot be granted. Moreover, while Provincial Councils must authorize the Superintendent to sell, &c., they need not and should not authorize the Governor to grant; the latter authority being contained in "The Highways and Water-courses Act, 1858." These objections have not, however, been thought sufficiently strong to induce the Government to advise His Excellency to disallow the Bills to which they apply.

4. I am advised that "The Members Remuneration Act" cannot be relied on as a permanent appropriation, but that the moneys will have to be appropriated annually, notwithstanding its provisions.

His Honor the Superintendent, Auckland.

I have, &c.,  
DANIEL POLLEN.

### No. 3.

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

SIR,—

Superintendent's Office, Auckland, 29th June, 1874.

Herewith I have the honor to transmit duplicates of the under-mentioned Acts passed by the Auckland Provincial Council, to which I have assented on behalf of the Governor:—

"The Fencing Act 1855 Amendment Act, 1874;"  
"The Sheep Act 1855 Amendment Act, 1874;" and  
"The Arapohue Roads Act, 1874."

The Hon. the Colonial Secretary, Wellington.

I have, &c.,  
J. WILLIAMSON,  
Superintendent.

### No. 4.

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

SIR,—

Colonial Secretary's Office, Wellington, 27th July, 1874.

I have the honor to acknowledge the receipt of your letter of the 29th ultimo, transmitting duplicates of the following Acts passed by the Auckland Provincial Council, to which you have assented on behalf of the Governor, viz.,—

"The Fencing Act 1855 Amendment Act, 1874;"  
"The Sheep Act 1855 Amendment Act, 1874;" and  
"The Arapohue Roads Act, 1874."

2. His Excellency the Governor will not be advised to exercise his power of disallowance with respect to any of these Acts.

3. I desire, however, to point out to your Honor that section 22. of the Fencing Amendment Act is of doubtful validity, inasmuch as it affects Crown lands—unless lands contracted to be sold, but not yet granted, are in law no longer Crown lands.

4. The Arapohue Road Act is open to the same objections as other similar legislation of the recent Session to which I have called your Honor's attention in former letters.

His Honor the Superintendent, Auckland.

I have, &c.,  
DANIEL POLLEN.

## TARANAKI.

### No. 5.

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

SIR,—

Superintendent's Office, New Plymouth, 14th May, 1874.

I have the honor to forward herewith parchment copies of the following Ordinances passed by the Provincial Council of Taranaki, viz.,—

"An Ordinance to empower the Town Board of New Plymouth to borrow a Sum of Two Thousand Pounds," and

"An Ordinance to regulate the issue of Hawkers' Licenses within the Province of Taranaki," which I have reserved for the signification of the Governor's pleasure thereon. Also,

"An Ordinance to repeal 'The Scotch Thistle Ordinance, 1863,' and

"An Ordinance to appropriate Money for the Public Service of the Province of Taranaki for the Financial Year ending 31st December, 1874,"

to which I have assented on behalf of His Excellency the Governor.

I have also the honor to enclose copy of a resolution passed by the Provincial Council, together with copy of a letter from the Speaker, relative to an excess of expenditure.

The Hon. the Colonial Secretary, Wellington.

I have, &c.,  
FRED. A. CARRINGTON,  
Superintendent.

## No. 6.

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

SIR,— Superintendent's Office, New Plymouth, 23rd May, 1874.

I have the honor to transmit herewith parchment copies of the following Ordinance passed by the Provincial Council of Taranaki, which I have reserved for the signification of His Excellency the Governor's pleasure thereon, viz.,—

“An Ordinance to amend ‘The Town of New Plymouth Public Works Ordinance, 1864.’”

I have, &c.,

FRED. A. CARRINGTON,  
Superintendent.

The Hon. the Colonial Secretary, Wellington.

## No. 7.

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

SIR,— Colonial Secretary's Office, Wellington, 1st June, 1874.

I have the honor to acknowledge the receipt of your letter No. 33, of the 14th ult., in which you forward copies of the following Ordinances passed by the Provincial Council of Taranaki, viz.,—

“An Ordinance to empower the Town Board of New Plymouth to borrow a Sum of Two Thousand Pounds,” and

“An Ordinance to regulate the issue of Hawkers' Licenses within the Province of Taranaki,” which your Honor has reserved for the signification of the Governor's pleasure thereon. Also,

“An Ordinance to repeal ‘The Scotch Thistle Ordinance, 1863,’” and

“An Ordinance to appropriate Money for the Public Service of the Province of Taranaki for the Financial Year ending 31st December, 1874,”

to which you have assented on behalf of His Excellency the Governor, and enclosing copy of a resolution passed by the Provincial Council, together with a copy of a letter from the Speaker relative to an excess of expenditure.

2. I am advised that there is no legal objection to “The Town Board of New Plymouth Loan Empowering Ordinance, 1874,” or to “The Scotch Thistle Ordinance 1863 Repeal Ordinance, 1874;” and His Excellency the Governor will be advised to assent to the former Ordinance, and to leave the latter to its operation.

3. “The Hawkers Licensing Ordinance, 1874,” is open to such grave objections, that, until these are removed, I regret to say, the Government will not be able to advise His Excellency to give it his assent. I am advised that this Ordinance is open to the following objections:—

First, it imposes penalties, but does not provide whether the proceedings are to be by indictment, or summarily before Justices.

Second, it authorizes arrest without warrant. This, I am advised, is *ultra vires*; at any rate the General Assembly declined last Session to pass an Act giving power to arrest in such case.

Thirdly, the 12th section, which purports to interfere with the ordinary course of procedure in criminal cases is, as I am advised, *ultra vires*.

4. With regard to the Appropriation Ordinance, I desire to point out to your Honor that Appropriation Acts ought to contain clauses such as those of which I enclose copies, in order that all questions should be avoided as to the necessity for, and to the contents of, Superintendents' warrants.

The Government, however, do not consider the omission of these provisions in the Bill now before me to constitute an objection fatal to the Ordinance, which will be left to its operation. But I trust that your Honor will cause a like provision to be inserted in future Appropriation Bills.

I have, &c.,

DANIEL POLLEN.

His Honor the Superintendent, Taranaki.

(a.) The Treasurer of the said province shall issue and pay the said several sums to such persons, for the purposes hereinbefore mentioned, upon such days and in such proportions as the Superintendent of the said province shall by any warrant, to be signed by him after the same shall have been certified by the Provincial Auditor, in the manner prescribed by “The Provincial Audit Act, 1866,” order and direct, and the payment so to be made shall be charged upon and payable out of such revenue as aforesaid.

(b.) The said Treasurer shall in his accounts be allowed credit for all sums of money paid by him in pursuance of such warrants; and the receipt of all such persons to whom such sums shall have been paid shall be a valid discharge to the said Treasurer in passing his said accounts for any such sums as therein mentioned.

## No. 8.

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

SIR,— Superintendent's Office, New Plymouth, 8th June, 1874.

I have the honor to forward you herewith parchment copies of the following Ordinances passed by the Provincial Council of Taranaki, viz.,—

“An Ordinance to amend ‘The Dog Nuisance Ordinance, 1872,’”

to which I have assented on behalf of the Governor. Also,

“An Ordinance to vest certain Education Reserves situate in the Patea District in the Education Board of the said District,”

which I have reserved for the signification of the Governor's pleasure thereon.

I have, &c.,

FRED. A. CARRINGTON,  
Superintendent.

The Hon. the Colonial Secretary, Wellington.

## No. 9.

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

SIR,—

Colonial Secretary's Office, Wellington, 15th June, 1874.

I have the honor to acknowledge the receipt of your letter No. 35, of the 23rd ultimo, in which you enclose copies of the following Ordinance passed by the Provincial Council of Taranaki, which your Honor had reserved for the signification of His Excellency the Governor's pleasure thereon, viz.,—

“An Ordinance to amend “The Town of New Plymouth Public Works Ordinance, 1864.””

2. The Government are advised that so much of the 6th section of this Ordinance as provides for the recovery of the rate is *ultra vires*, and that the Provincial Legislature should not have done more than create the charge or debt, and leave the recovery to the mode pointed out by the General Assembly for the purpose.

3. Although the invalidity of this provision may not affect other parts of the Ordinance, yet, as it is calculated to produce mischievous effects, it will be the duty of the Government to advise His Excellency to withhold his assent, unless your Honor will give an undertaking to introduce, as soon as possible, a Bill to repeal the objectionable provision.

I have, &c.,

WILLIAM H. REYNOLDS,

(in absence of the Colonial Secretary.)

His Honor the Superintendent, Taranaki.

## No. 10.

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

SIR,—

Superintendent's Office, New Plymouth, 19th June, 1874.

I have the honor to acknowledge the receipt of your letter No. 212, June 15th, 1874, in which I am informed that so much of the sixth section of “The Town of New Plymouth Public Works Ordinance, 1874,” as provides for the recovery of the rate is *ultra vires*, and unless I give an understanding to introduce as soon as possible a Bill to repeal the objectionable provision, the Government cannot advise His Excellency to assent to it. In reply, I beg leave to state that a Bill shall be introduced as early as possible, for the purpose of making the corrections you have named.

I have, &c.,

FRED. A. CARRINGTON,

Superintendent.

The Hon. the Colonial Secretary, Wellington.

## No. 11.

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

SIR,—

Colonial Secretary's Office, Wellington, 6th July, 1874.

I have the honor to inform you that His Excellency the Governor has been pleased to assent to the following Ordinances passed by the Provincial Council of the Province of Taranaki, and reserved by your Honor for the signification of his pleasure thereon, viz.,—

“The Town Board of New Plymouth Loan Empowering Ordinance, 1874;” and

“The Town of New Plymouth Public Works Ordinance 1864 Amendment Ordinance, 1874;” and I return to you herewith a duplicate of each, with such assent duly noted thereon.

2. His Excellency has not been advised to exercise his power of disallowance with respect to

“The Scotch Thistle Ordinance 1863 Repeal Ordinance, 1874,” or

“The Appropriation Ordinance, 1874,”

to which your Honor had assented on his behalf.

3. His Excellency has however been advised to withhold his assent from the following Ordinance passed by the Provincial Council of Taranaki, and reserved by your Honor for the signification of his pleasure thereon, viz.,—

“The Hawkers Licensing Ordinance, 1874.”

The reasons for the disallowance of this Ordinance were explained to your Honor in my letter No. 192, of the 1st ultimo.

I have, &c.,

DANIEL POLLEN.

His Honor the Superintendent, Taranaki.

## No. 12.

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

SIR,—

Colonial Secretary's Office, Wellington, 15th July, 1874.

I have the honor to acknowledge the receipt of your letter, No. 41, of the 8th ultimo, enclosing parchment copies of the following Ordinances passed by the Provincial Council of Taranaki, viz.,—

“An Ordinance to amend ‘The Dog Nuisance Ordinance, 1872,’”

to which your Honor had assented on behalf of the Governor; and

“An Ordinance to vest certain Education Reserves situated in the Patea District in the Education Board of the said District,”

which you had reserved for the signification of the Governor's pleasure thereon.

The Government have seen no reason to advise His Excellency to exercise his power of disallowing "The Dog Nuisance Amendment Ordinance;" but with regard to "The Patea Education Reserves Ordinance," the lands which it purports to vest in the Patea Education Board, not being at the disposal of the Provincial Government, the Ordinance is *ultra vires*, and I shall be obliged to advise His Excellency to withhold his assent.

His Honor the Superintendent of Taranaki.

I have, &c.,  
DANIEL POLLEN.

WELLINGTON.

No. 13.

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

SIR,—

Superintendent's Office, Wellington, 30th April, 1874.

I do myself the honor to forward through you, for His Excellency the Governor, the following Bill passed by the Provincial Council during their present Session (XXVII.), to which I have assented on His Excellency's behalf, viz,—

"An Act to appropriate the Revenue of the Province of Wellington for a term commencing from the first day of April, 1874, and ending the thirty-first day of May, 1874."

I have, &c.,

WILLIAM FITZHERBERT,  
Superintendent.

The Hon. the Colonial Secretary, Wellington.

No. 14.

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

SIR,—

Colonial Secretary's Office, Wellington, 1st May, 1874.

I have the honor to acknowledge the receipt of your letter of yesterday's date, enclosing "The *Ad Interim* Appropriation Act, 1874," passed by the Provincial Council of Wellington, to which your Honor has assented on behalf of His Excellency the Governor.

2. I desire to point out to your Honor that the usual provision to the effect that payments are to be made on the Superintendent's warrant specifying the persons to whom and the amounts in which the moneys voted are to be paid, is omitted in this Ordinance.

3. I enclose a draft of the clauses prepared by the Attorney-General, which the Government wish your Honor to propose to the Provincial Council in future Appropriation Ordinances.

4. His Excellency, however, will not be advised to exercise his power of disallowing this Ordinance.

5. I take this opportunity of informing your Honor that the Provincial Auditor has strongly advised that the Appropriation Acts of the province should have the Estimates attached to them, for reasons stated in his report on the subject, a copy of which I have the honor to enclose.

I have, &c.,

EDWARD RICHARDSON,  
(in absence of the Colonial Secretary).

His Honor the Superintendent, Wellington.

Enclosure 1 in No. 14.

(a.) The Treasurer of the said province shall issue and pay the said several sums to such persons for the purposes hereinbefore mentioned, upon such days and in such proportions as the Superintendent of the said province shall by any warrant to be signed by him, after the same shall have been certified by the Provincial Auditor in the manner prescribed by "The Provincial Audit Act, 1866," order and direct, and the payment so to be made shall be charged upon and payable out of such revenue as aforesaid.

(b.) The said Treasurer shall in his accounts be allowed credit for all sums of money paid by him in pursuance of such warrants; and the receipt of all such persons to whom such sums shall have been paid shall be a valid discharge to the said Treasurer in passing his said accounts for any such sums as therein mentioned.

Enclosure 2 in No. 14.

REPORT on the ACCOUNTS of the PROVINCIAL TREASURER of WELLINGTON for the Quarter ending 31st December, 1873.

To HIS EXCELLENCY THE GOVERNOR.

I have the honor to forward herewith a statement of accounts compiled from the accounts of the Provincial Treasurer, together with a copy of those accounts.

I deem it my duty to draw attention to the Appropriation Act of 1873 of this province. It will be observed that there is no direct connection between that Act and the "Estimates." They are not incorporated with the Act, and, beyond the fact of the similarity of totals of each classification, there is no connection. I presume that in passing the Appropriation Act it was the intention of the Provincial Council that the items in the Estimates they had considered should be the Superintendent's guide when issuing warrants for expenditure, and have no doubt but that such has been the practice. But the Act itself places no such restriction upon him, and he could, if he so pleased, have directed the

Provincial Treasurer, by warrants which the Provincial Auditor could not, I think, have refused to certify if there were moneys available, to pay any sum whatever, within the total of votes, to any person named therein.

The auditing of the Provincial Accounts is at present practically confined to the checking of the vouchers and accounts, and seeing that the vouchers agree with the warrants; and although the Auditor may see items that are not according to the Estimates, he has no right to question them so long as the vote is not exceeded, and even then he must pass them on a special order, if within the limits of such orders. The effect of this is more serious than is at first quite apparent, because it is the practice to estimate as revenue, and bring into appropriation, moneys already appropriated for specific purposes by Acts of the General Assembly. For instance, moneys received under "The Wellington Debts Act, 1871," and "The Wanganui Bridge and Wharf Act, 1871," are included in "The Appropriation Act, 1873;" consequently when vouchers are presented with the accounts or warrants to be certified, the Auditor has apparently no right to look beyond the Appropriation Act, and the Provincial Treasurer is entitled to credit in his accounts, although the expenditure may not be in accordance with the Act of the General Assembly.

I am clearly of opinion that it is desirable that in all future Appropriation Acts, the Estimates, as passed, should be made part of the Acts.

I think, also, that it is much to be desired that a separate and distinct vote should be passed for "Imprest Advances." At present the practice is to make such advances upon warrant under a vote for the service upon which the money may or may not be expended. This leads to not a little confusion in the debiting and crediting of votes; and in many instances I have found that the money has been expended upon quite a different service from that under which it was imprested.

Provincial Audit Office, Wellington,  
23rd April, 1874.

H. S. MCKELLAR,  
Provincial Auditor.

### No. 15.

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

SIR,—

Superintendent's Office, Wellington, 23rd May, 1874.

I do myself the honor to forward through you, for His Excellency the Governor, the following Acts passed by the Provincial Council of Wellington during their present Session (XXVII.), to which I have assented on His Excellency's behalf, viz.,—

- "An Act to confirm the Sale of a piece of Land called the Waihenga Ferry Reserve, in the District of Wairarapa."
- "An Act to regulate the Management of Houses held by persons Licensed to sell Alcoholic Liquors."
- "An Act to empower the Superintendent of the Province of Wellington to stop up certain Roads, and to dispose of the Lands over which such Roads passed."
- "An Act to appropriate the Revenue of the Province of Wellington for the period commencing the first day of April, 1874, and ending the thirty-first day of March, 1875."
- "An Act to further amend 'The Wellington Education Act, 1871.'"
- "An Act to authorize the Superintendent to Lease a piece of Land in the neighbourhood of Pipitea, in the City of Wellington, to a Company, for the Construction of Baths."
- "An Act to amend and consolidate the Law of Cattle Trespass and Impounding in the Province of Wellington."
- "An Act to further amend 'The Diseased Sheep Act, 1872.'"
- "An Act to amend and consolidate the Law relating to the Construction and Maintenance of Highways in the Province of Wellington."

You will see that the clauses referred to in the third paragraph of your letter of the 1st instant are introduced into the Appropriation Act.

I have, &c.,

WILLIAM FITZHERBERT,  
Superintendent.

The Hon. the Colonial Secretary, Wellington.

### No. 16.

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

SIR,—

Colonial Secretary's Office, Wellington, 1st June, 1874.

I have the honor to acknowledge the receipt of your letter of the 23rd ultimo, in which you enclose the following Acts passed by the Provincial Council of Wellington during their last Session (XXVII.), to which you have assented on His Excellency's behalf, viz.,—

- "The Waihenga Ferry Reserve Sale Confirmation Act, 1874."
- "The Wellington Publicans House Management Act, 1874."
- "The Roads Diversion Act, 1874."
- "The Appropriation Act, 1874."
- "The Wellington Education Act Amendment Act, 1874."
- "The Thorndon Baths Act, 1874."
- "The Wellington Impounding Act, 1874."
- "The Diseased Sheep Act 1872 Amendment Act, 1874."
- "The Highways Act, 1874."

2. The Government are advised that no legal objection exists to—
  - "The Waihenga Ferry Reserve Sale Confirmation Act, 1874;"
  - "The Wellington Publicans House Management Act, 1874;"
  - "The Roads Diversion Act, 1874;"

“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,

The Hon. the Colonial Secretary, Wellington.

Superintendent.

### 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.,

His Honor the Superintendent, Wellington.

DANIEL POLLEN.

## NELSON.

## No. 19.

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

SIR,—

Superintendent's Office, Nelson, 12th February, 1874.

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

“An Act to amend the Law relating to the Sale of Alcoholic Liquors.”

“An Act to amend ‘The Gold Fields Local Revenues Act, 1873.’”

“An Act to further appropriate the Revenue of the Province of Nelson, for the Year ending the thirty-first day of March, one thousand eight hundred and seventy-four.”

I also enclose copy of a letter, signed by the Speaker of the Provincial Council, relative to the unauthorized expenditure during the year ending 31st March, 1874, in compliance with the provisions of section 14 of the Provincial Audit Act.

I have, &c.,

OSWALD CURTIS,  
Superintendent.

The Hon. the Colonial Secretary, Wellington.

## No. 20.

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

SIR,—

Colonial Secretary's Office, Wellington, 13th March, 1874.

I have the honor to acknowledge the receipt of your letter of the 12th ultimo, forwarding the under-mentioned Ordinances passed by the Provincial Council of Nelson during its recent Session, to which your Honor had assented on behalf of His Excellency the Governor, viz.,—

“An Act to amend the Law relating to the Sale of Alcoholic Liquors.”

“An Act to amend ‘The Gold Fields Local Revenues Act, 1873.’”

“An Act to further appropriate the Revenue of the Province of Nelson for the Year ending the thirty-first day of March, one thousand eight hundred and seventy-four.”

His Excellency has not been advised to exercise his power of disallowance in respect to any of these Ordinances.

With regard to the Licensing Ordinance, however, the Government are advised that, looking to the provisions of the Licensing Act passed by the General Assembly in 1873, the Provincial Ordinance should, to enable the 32nd clause to be literally complied with, have enacted, with respect to Accommodation Licenses, what the fees and the terms and conditions attaching to the Licenses should be; and that it should not have provided that the fees and conditions should be fixed by the Licensing Court, as is the case under section 2 of the Ordinance.

The Government do not think the objection is such as to necessitate the disallowance of the Ordinance, and I have thought it sufficient to draw your Honor's attention to the technical point, being indeed aware that in thinly-populated districts the circumstances of the country frequently necessitate the imposition of exceptional conditions and various rates of fees upon the holders of licensed houses.

I have, &c.,

DANIEL POLLEN,  
Colonial Secretary.

His Honor the Superintendent, Nelson.

## WESTLAND.

## No. 21.

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

SIR,—

Superintendent's Office, Hokitika, 10th July, 1874.

In accordance with the 28th section of the Constitution Act, I have the honor to forward herewith copies of the following Ordinances, viz.,—

“The Education Ordinance, 1874;”

“The Trespass and Impounding Ordinance, 1874;”

“The Hokitika Street-Closing Ordinance, 1874;” and

“The Appropriation Ordinance No. II., 1874;”

which have been passed by the Provincial Council, and assented to by me on behalf of His Excellency the Governor, and to request you will have the goodness to submit them to His Excellency for his approval.

I have, &c.,

JAS. A. BONAR,  
Superintendent.

The Hon. the Colonial Secretary, Wellington.

## No. 22.

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

SIR,—

Colonial Secretary's Office, Wellington, 29th July, 1874.

I have the honor to acknowledge the receipt of your letter of the 10th instant, No. 601, received by me on the 22nd instant, in which you forward copies of



- “The Education Ordinance, 1874;”  
 “The Trespass and Impounding Ordinance, 1874;”  
 “The Hokitika Street-Closing Ordinance, 1874;” and  
 “The Appropriation Ordinance, No. II., 1874;”

which have been passed by the Provincial Council of the Province of Westland, and assented to by your Honor on behalf of His Excellency the Governor.

2. The Hokitika Street-Closing Ordinance is still under consideration, with a view to ascertaining the private rights that may be affected thereby; but with that exception His Excellency the Governor will not be advised to exercise his power of disallowance in respect to any of the other Ordinances enclosed in your Honor's letter under reply.

3. I must, however, inform your Honor that two of these Ordinances, though left to their operation, are nevertheless objectionable in point of law.

4. The Education Ordinance should have created the rate a debt to the Board, and left its recovery to the ordinary laws, instead of providing exceptional machinery for the purpose.

5. The Trespass and Impounding Ordinance affects to impose on Justices certain duties to be exercised judicially, as for instance in section 25. This, unless specially authorized by Act of the General Assembly, is beyond the power of Provincial Legislatures. Still the defect is one common to many provincial enactments, and I have not thought it necessary to advise the disallowance of the Ordinance in consequence of it.

His Honor the Superintendent, Westland.

I have, &c.,  
 DANIEL POLLEN.

### CANTERBURY.

#### No. 23.

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

SIR,— Superintendent's Office, Christchurch, Canterbury, 22nd April, 1874.

I have the honor to transmit herewith copies of the under-mentioned Ordinances passed by the Provincial Council of Canterbury during its last Session, to which I have assented on behalf of His Excellency the Governor, viz.—

- “The Christchurch Stage Coach Ordinance, 1873.”  
 “The Imprest Supply Ordinance, 1873-74.”  
 “The Diversion of Roads Special Ordinance No. 3, 1873.”  
 “The Diversion of Roads Special Ordinance No. 4, 1873.”  
 “The Stage Carriages Amendment Ordinance, 1874.”  
 “The Classical Schools Reserves Ordinance, 1874.”  
 “The Township of Geraldine Ordinance, 1874.”  
 “The Diversion of Roads Special Ordinance No. 5, 1874.”  
 “The Diversion of Roads Special Ordinance No. 6, 1874.”  
 “The Superintendent's Salary Ordinance 1870 Amendment Ordinance, 1874.”  
 “The Canterbury Sheep Ordinance 1872 Amendment Ordinance, 1874.”  
 “The Appropriation Ordinance, 1873-74.”

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

The Hon. the Colonial Secretary.

#### No. 24.

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

SIR,— Colonial Secretary's Office, Wellington, 1st May, 1874.

I have the honor to acknowledge the receipt of your letter No. 52, of the 22nd of April, in which you transmit copies of the under-mentioned Ordinances passed by the Provincial Council of Canterbury during its last Session, to which your Honor has assented on behalf of His Excellency the Governor, viz.—

- “The Christchurch Stage Coach Ordinance, 1873.”  
 “The Imprest Supply Ordinance, 1873-74.”  
 “The Diversion of Roads Special Ordinance No. 3, 1873.”  
 “The Diversion of Roads Special Ordinance No. 4, 1873.”  
 “The Stage Carriages Amendment Ordinance, 1874.”  
 “The Classical Schools Reserves Ordinance, 1874.”  
 “The Township of Geraldine Ordinance, 1874.”  
 “The Diversion of Roads Special Ordinance No. 5, 1874.”  
 “The Diversion of Roads Special Ordinance No. 6, 1874.”  
 “The Superintendent's Salary Ordinance 1870 Amendment Ordinance, 1874.”  
 “The Canterbury Sheep Ordinance 1872 Amendment Ordinance, 1874.”  
 “The Appropriation Ordinance, 1873-74.”

2. As these Ordinances appear to be legally unobjectionable, His Excellency will not be advised to exercise his power of disallowance in respect to any of them.

3. I desire, however, to point out to your Honor that in “The Appropriation Ordinance, 1874,” and in several of the late Canterbury Appropriation Ordinances, the provision usually contained in Provincial Appropriation Ordinances, to the effect that the moneys voted are to be paid in pursuance of warrants of the Superintendent, specifying the persons to whom, and the proportions in which, the moneys are to be paid, has been omitted, although it is inserted in the Imprest Supply Ordinance of the same Session.

4. The Government are of opinion that, in future Appropriation Ordinances of the Provincial Council of Canterbury, this provision ought to be inserted.

5. I observe that though the first of these Ordinances appears to have been passed on the 29th of November, 1873, and the last on the 23rd of January, 1874, they were not forwarded by your Honor to the Government till the 22nd of April, 1874. They were received here on the 23rd of April; so that, in the first case, the Ordinance had been in operation nearly five months, and in the latter case exactly three months, before the Government had the opportunity of tendering any advice to His Excellency regarding them, although the 28th section of the Constitution Act provides that whenever a Bill is assented to, the Superintendent shall "forthwith" transmit to the Governor an authentic copy thereof.

6. I point this out to your Honor, as, in the event of His Excellency having decided on using his power of disallowance of any of these Ordinances, a period of from three to five months would have elapsed, during which a possibly illegal Ordinance would have been law, involving serious complications and possibly loss to innocent individuals.

I have, &c.,  
EDWARD RICHARDSON,  
(in absence of the Colonial Secretary).

His Honor the Superintendent, Canterbury.

OTAGO.

No. 25.

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

Province of Otago, New Zealand.

SIR,—

Superintendent's Office, Dunedin, 22nd June, 1874.

I do myself the honor to forward the enclosed Ordinances, passed at the last Session of the Provincial Council, to which I have assented on behalf of His Excellency the Governor, viz.,—

"Imprest Supply Ordinance, 1874."

"Otago Gold Duty Repayment Ordinance, 1874."

Also, the following Bill, which I have reserved for the signification of His Excellency's pleasure thereon, viz.,—

"Otago Harbour Board Ordinance, 1874."

I have, &c.,  
J. MACANDREW,  
Superintendent.

The Hon. the Colonial Secretary, Wellington.

No. 26.

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

SIR,—

Colonial Secretary's Office, Wellington, 18th July, 1874.

I have the honor to inform your Honor that the Governor has disallowed "The Otago Gold Duty Repayment Ordinance, 1874." His Excellency was advised to take that course because there did not appear to be sufficient provision in the Bill to prevent the repayment of gold duty being made for gold the produce of other provinces shipped from Otago.

Although the 2nd section of the Bill refers to the gold as being the produce of the Province of Otago, the 3rd section requires your Honor to be satisfied with the proof only of the gold being shipped from the province. Thus inducements would be offered to transmit to Otago for shipment the gold produced in other provinces, thereby causing loss to their revenue.

It may be doubted whether any provision for giving a bonus on gold shipped could be hedged round with sufficient prohibition to protect the interests of other provinces; but provision might be made for allowing the bonus directly to the miners, on their satisfying the Warden or other authorized officer that they obtained gold within any district, and forwarded it to the coast for shipment.

A measure of that kind, whilst answering the purpose of the Ordinance lately made by the Otago Provincial Council, would be free from the great objection to which I have referred, as well as from another which might be urged against it, as being, in appearance at least, an unconstitutional interference with the authorized taxation.

I have, &c.,  
DANIEL POLLEN.

His Honor the Superintendent, Otago.

By Authority: GEORGE DUNSBURY, Government Printer, Wellington.—1874.

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