

ERRATUM.

In Despatch No. 55, from the Most Hon. the Marquis of Normanby to the Right Hon. Sir M. E. Hicks Beach, *for* “28th November, 1879,” *read* “2nd December, 1878.”

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SESS. II.—1879.

NEW ZEALAND.

ACTS PASSED DURING THE SESSION OF 1878

(COPIES OF DESPATCHES RELATIVE TO THE).

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

No. 1.

COPY of a DESPATCH from Governor the Most Hon. the Marquis of
NORMANBY to the Right Hon. Sir M. E. HICKS BEACH.

(No. 55.)

SIR,— Government House, Wellington, 28th November, 1879.

I have the honor to transmit to you copies of all Acts passed by the General Assembly during their late Session, together with a synopsis of the same prepared by the Solicitor-General.

The Administration Act has been reserved for Her Majesty's assent, as it may affect the estates of persons residing out of the colony.

I have, &c.,
NORMANBY.

The Right Hon. Sir Michael Hicks Beach, Bart., &c., &c.

No. 2.

COPY of a DESPATCH from the Right Hon. Sir M. E. HICKS BEACH to His
Excellency the Most Hon. the Marquis of NORMANBY.

(No. 8.)

SIR,— Downing Street, 28th February, 1879.

I have the honor to inform you that Her Majesty will not be advised to exercise her power of disallowance with respect to the following Acts of the Legislature of New Zealand, transcripts of which accompanied the Marquis of Normanby's Despatch No. 55, of the 2nd December last:—

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| No. 1. "An Act to amend 'The Native Land Act, 1873;'" | No. 10. An Act for the Punishment of Fraudulent Debtors, and for other Purposes;" |
| No. 2. "An Act to apply a Sum of Money out of the Public Account to the Service of the Year ending the Thirtieth day of June, One thousand eight hundred and seventy-nine;" | No. 11. An Act to authorize the Trustees of Savings Banks to pay over to certain Institutions Profits made by such Banks, and to provide for the Investment of such Profits;" |
| No. 3. "An Act to apply a Sum of Money out of the Public Account to the Service of the Year ending the Thirtieth day of June, One thousand eight hundred and seventy-nine;" | No. 12. "An Act to explain and amend certain Provisions of the Acts in force relating to the Civil Service of the Colony;" |
| No. 4. "An Act to amend 'The Mercantile Law Amendment Act, 1860;'" | No. 13. "An Act to apply a Sum of Money out of the Public Account to the Service of the Year ending the Thirtieth day of June, One thousand eight hundred and seventy-nine;" |
| No. 5. "An Act for compiling a New Edition of the Enactments in Force in New Zealand of a Public and General Nature;" | No. 14. "An Act for the Interpretation of Legislative Enactments, and for Shortening the Language used therein;" |
| No. 6. "An Act in Supplement of 'The Sale of Food and Drugs Act, 1877;'" | No. 15. "An Act to make further Provision for the Final Settlement of Land Claims;" |
| No. 7. "An Act for the Prevention of Cruelty to Animals;" | No. 16. "An Act to amend 'The Privileges Act, 1866;'" |
| No. 8. "An Act for the Regulation and Management of Trades Unions in New Zealand;" | No. 17. "An Act to alter and amend 'The Customs Tariff Act, 1866,' 'The Customs Tariff Act, 1871,' and 'The Customs Tariff Act, 1873;'" |
| No. 9. "An Act to apply a Sum of Money out of the Public Account to the Service of the Year ending the Thirtieth day of June, One thousand eight hundred and seventy-nine;" | No. 18. "An Act to impose a Land-Tax;" |
| | No. 19. "The Public Revenues Act, 1878;" |

- No. 20. "An Act to amend 'The Juries Act, 1868;'"
 No. 21. "An Act to amend 'The District Railways Act, 1877;'"
 No. 22. "An Act to amend 'The Dangerous Goods Act, 1869;'"
 No. 23. "An Act to amend 'The Friendly Societies Act, 1877;'"
 No. 24. "An Act to amend 'The Gold-Mining Districts Act, 1873;'"
 No. 25. "An Act to amend 'The Bank Holidays Act, 1873;'"
 No. 26. "An Act to amend 'The Debtors and Creditors Act, 1876;'"
 No. 27. "An Act for the Amendment of the Law;"
 No. 28. "An Act for promoting the Revision of the Statute Law by repealing Divers Acts and parts of Acts which have ceased to be in force, or have become unnecessary;"
 No. 29. "An Act to confer temporary Powers upon the Governor in Council for the Purpose of giving effect to certain Acts of the General Assembly;"
 No. 30. "An Act to provide for the Purity of Parliament;"
 No. 31. "An Act to provide for the Eradication of Scab in Sheep;"
 No. 32. "An Act to control the Sale of Intoxicating Liquors within Native Districts;"
 No. 33. "An Act to authorize the Sale or other Disposition of certain Railway and other Public Reserves;"
 No. 34. "An Act to amend 'The Public Reserves Act, 1877;'"
 No. 35. "An Act to regulate the Management of Harbours, and to make Provision for Matters connected therewith;"
 No. 36. "An Act to amend 'The New Zealand Law Society's Act, 1869;'"
 No. 37. "An Act to authorize the Sale of certain Crown Lands in the Waikato;"
 No. 38. "An Act to amend 'The Municipal Corporations Act, 1876;'"
 No. 39. "An Act to amend 'The Rating Act, 1876;'"
 No. 40. "An Act to amend 'The Native Land Act, 1873;'"
 No. 41. "An Act to amend 'The Government Native Land Purchases Act, 1877;'"
 No. 42. "An Act to prohibit the Use of Dynamite or other Explosives for the Purpose of Catching or Destroying Fish in Public Fisheries;"
 No. 43. "An Act for the Protection and Preservation of Seals;"
 No. 44. "An Act to amend 'The Public Works Act, 1876;'"
 No. 45. "An Act to provide for the Construction and Extension of Railways;"
 No. 46. "An Act to make certain Financial Arrangements for the Colony;"
 No. 47. "An Act to appropriate certain Sums of Money for the Purposes of Immigration and Public Works;"
 No. 48. "An Act to apply a Sum of Money out of the Consolidated Fund and other Moneys to the Service of the Year ending the Thirtieth day of June, One thousand eight hundred and seventy-nine, and to appropriate the Supplies granted in this present Session."

Local and Personal Acts.

- No. 1. "An Act to amend 'The Southland Boys' and Girls' High Schools Act, 1877;'"
 No. 2. "An Act to amend 'The Martin's Annuity Act, 1858;'"
 No. 3. "An Act providing that a Portion of the Education Reserve at Catlin's River shall be a Public Cemetery;"
 No. 4. "An Act to amend 'The Wyndham Recreation Reserve Act, 1877;'"
 No. 5. "An Act to repeal 'The Mataura Reserve Act, 1877,' and to make other Provision therefor;"
 No. 6. "An Act to authorize the Municipal Council of the Incorporated Town of Oamaru to raise Money for the Purpose of completing the Waterworks for the Supply of the Town with Water;"
 No. 7. "An Act to amend 'The Oamaru Athenæum and Mechanics' Institute Act, 1877' (in this Act called 'the said Act'), and to authorize the Trustees of the Oamaru Athenæum and Mechanics' Institute to sell the Parcel of Land described in the Second Schedule to the said Act;"

- No. 8. "An Act to authorize certain Local Boards within the Provincial District of Wellington to make By-laws;"
 No. 9. "An Act to authorize a certain Piece of Land situate at Patumahoe, within the Provincial District of Auckland, to be vested in Trustees, in trust for Volunteers and Others;"
 No. 10. "An Act to enable the Governor to sell a certain Parcel of Land in the Town of Timaru, at present used as a Site for Post and Telegraph Offices;"
 No. 11. "An Act to authorize the Municipal Corporation of the Borough of Invercargill to borrow a further Sum of Fifty thousand Pounds for the Construction or Purchase of Waterworks for the Supply of the Town of Invercargill with Water;"
 No. 12. "An Act to incorporate the Township of Campbelltown;"
 No. 13. "An Act to constitute a Trust Board of Management for the Mount Ida Water-race;"
 No. 14. "An Act to provide for the Management of the Wyndham Cemetery;"
 No. 15. "An Act to reserve and vest Land as an Endowment for the Bluff Harbour;"
 No. 16. "An Act to make an additional Endowment for the Milton Athenæum;"
 No. 17. "An Act to vest certain Lands as an Endowment for the Riverton Harbour, and to empower the Harbour Board to borrow Money for the Improvement of the said Harbour;"
 No. 18. "An Act to provide for the Establishment and Management of the Waitaki High School;"
 No. 19. "An Act to incorporate and vest certain Lands in the North Otago Benevolent Society;"
 No. 20. "An Act to empower the School Commissioners for the Otago Provincial District to transfer or otherwise deal with certain Portions of Land vested in the said Commissioners for the Purposes of the Kakanui Road Board and the Oamaru Waterworks;"
 No. 21. "An Act to amend 'The Otago University Site Exchange Act, 1875,' and to enable the University to deal with a Portion of the Lands affected by that Act as an Endowment;"
 No. 22. "An Act to constitute the Island of Inch Clutha a separate Riding of the County of Clutha, and to enlarge the Powers of the Board of River Conservators established for the said Island;"
 No. 23. "An Act to vest Part of Block XXIII, in the Town of Clyde, in the Clyde Athenæum and Public Library, for the Purposes of the said Body;"
 No. 24. "An Act to authorize the Oamaru Harbour Board to raise by way of Loan the Sum of One hundred thousand Pounds, in addition to the Sum of One hundred thousand Pounds authorized to be raised by 'The Oamaru Harbour Board Ordinance, 1874;'"
 No. 25. "An Act to authorize the Transfer of a certain Water-race known as the Malvern Water-race to the Corporation of the County of Selwyn;"
 No. 26. "An Act to provide for the Establishment and Management of the Timaru High School;"
 No. 27. "An Act to amend 'The Lyttelton Harbour Board Act, 1876;'"
 No. 28. "An Act to amend 'The Church Trust Property at Little River Exchange Act, 1877;'"
 No. 29. "An Act to constitute a Board of Trustees, and to vest in it a certain Public Reserve near to the City of Christchurch, in the Provincial District of Canterbury, for the Purposes of a Racecourse;"
 No. 30. "An Act to provide for the Establishment and Maintenance of the Christchurch Boys' High School;"
 No. 31. "An Act to grant an Endowment to the Timaru Harbour Board;"
 No. 32. "An Act to constitute a Board of Trustees, and to vest in it a certain Public Reserve near to Township of Greymouth, in District of Omotumotu, County of Grey, for the Purposes of a Racecourse;"
 No. 33. "An Act to vest certain Lands in the Hokitika Harbour Board;"
 No. 34. "An Act to authorize the Taranaki County Council to borrow Two thousand Pounds upon the Security of certain Land;"
 No. 35. "An Act for the Investigation of the Title of certain derivative Claimants and others to Land within the Ormond Military Settlement, in the Provincial District of Auckland;"

- No. 36. "An Act to enable the Governor to sell a certain Parcel of Land in the City of Wellington, part of the Mount Cook Barracks;"
- No. 37. "An Act to empower the Patea Harbour Board to borrow Money;"
- No. 38. "An Act to authorize a certain Piece of Land situate at Norsewood, within the Provincial District of Hawke's Bay, to be vested in Trustees;"
- No. 39. "An Act to vest certain Lands in the Napier Harbour Board;"
- No. 40. "An Act to amend 'The Wellington College Act, 1872,' and the several Acts amending the same;"
- No. 41. "An Act to provide for the Disposal of a Reserve in the Township of Foxton, in the County of Manawatu;"
- No. 42. "An Act to provide for the Control and Management of a High School in the Education District of Wanganui, and for the Endowment thereof;"
- No. 43. "An Act to transfer a Piece of Land, situate on Parnell Rise, at Auckland, to the Mayor, Councillors, and Burgesses of the Borough of Parnell, and to the Board of the Education District of Auckland, for certain Public Purposes;"
- No. 44. "An Act to authorize a certain Piece of Land situate at Hamilton, within the Provincial District of Auckland, to be vested in Trustees in trust for Volunteers and Others;"
- No. 45. "An Act to vest in the Newmarket District Board Control and Management of certain Land situated within the said District;"
- No. 46. "An Act to vest certain Lands in the Municipal Corporation of the Town of Invercargill as an Endowment for the New River Harbour, and to empower the said Corporation to borrow Money for the Improvement of the said Harbour;"
- No. 47. "An Act to regulate the Lease and Settlement of certain Education Reserves within the Provincial District of Otago;"
- No. 48. "An Act to authorize the Government to transfer to the Corporation of the Borough of Lyttelton certain Waterworks;"
- No. 49. "An Act to provide for the Establishment and Management of the Ashburton High School;"
- No. 50. "An Act to confirm certain Reserves made by the late Provincial Government of the Province of Wellington for the Wellington College;"
- No. 51. "An Act to amend the Boundaries of the City of Wellington;"
- No. 52. "An Act to provide for the Establishment and Management of the New Plymouth High School;"
- No. 53. "An Act to authorize a Grant of Land to the Thames Harbour Board, and to empower the said Board to borrow Moneys;"
- No. 54. "An Act to provide for the Establishment and Management of a Boys' and Girls' High School at the Thames;"
- No. 55. "An Act to provide for the Establishment and Management of a Girls' High School in Auckland;"
- No. 56. "An Act to constitute a Harbour Board for the Port of Milford;"
- No. 57. "An Act to constitute a Harbour Board for the Port of Wairoa;"
- No. 58. "An Act to constitute a Harbour Board for the Port of Nelson;"
- No. 59. "An Act to provide for the Establishment and Management of a High School at Whangarei, in the Provincial District of Auckland;"
- No. 60. "An Act to provide for the Oamaru Market Reserve;"
- No. 61. "An Act to make further Provision for the Supply of Water to the Suburbs of Dunedin;"
- No. 62. "An Act to validate certain Grants commonly known as the Whakatane Grants."
- No. 63. "An Act to provide for the Establishment and Management of a High School at Whangarei, in the Provincial District of Auckland;"
- No. 64. "An Act to grant certain Special Powers to the Governor to issue Crown Grants, and to enable him to carry out certain Contracts and Promises."

In the Bill, No. 49, entitled "An Act to amend the Law relating to the Administration of the Estates of Deceased Persons," which has been reserved for the signification of Her Majesty's pleasure, I observe some defects, probably due to inadvertence, which I will proceed to point out for the consideration of your Advisers; and, as they may think it desirable to invite the Legislature to re-enact the Bill in an amended form, I shall at present take no steps for submitting the Bill for Her Majesty's assent. By section 4 of the Bill "real estate" is to include "chattel interests," and by section 10 (4) and (5) the executor or administrator is to hold the "real estate" of an intestate dying before the 1st October, 1875, or after that day and before the Act comes into force (unless he leaves a wife or issue), upon trust for his heir-at-law. The effect of this is to transfer the beneficial interest in chattels real in these cases from the next of kin to the heir-at-law, which was evidently not intended. Section 10 omits to provide for the trust of real estate of a person who dies *before* the Act comes into operation leaving a will. This would be remedied by leaving out the words "after this Act comes into operation" in subsection (1). In section 23 the word "lands" is used twice where "real estate" is evidently intended. In section 35 the use of the expression "next of kin" leaves it doubtful whether the nearest of kin, according to the rules of the civil law, or the persons who under the English Statutes of Distribution would have taken the mother's personal estate if she had died intestate at the time of the bastard's death, are intended. In section 36 the provision for succession to the estate of a female intestate leaving no husband or issue was presumably intended to apply, and should apply, only to the case of an illegitimate, as there can be no reason for excluding from succession the father, the brothers and sisters, and their issue, and the paternal next of kin in any other case.

I have, &c.,

M. E. HICKS BEACH.

