

of the "Waste Lands Act 1856"; by which it is required that every Bill for regulating the sale, letting, disposal, and occupation of the Waste lands of the Crown, should be reserved for the signification of the Governor's pleasure thereon.

Both these Bills purport to dispose of portions of the Waste Lands by means of scrip; and should therefore have been reserved;—and as the 53rd section of the Constitution Act provides that any Provincial Law or Ordinance which is repugnant to, or inconsistent with, any Act of the General Assembly shall be null and void, they could not lawfully be acted upon.

Under these circumstances it became the duty of His Excellency's Ministers to advise the Governor to disallow these Acts; and His Excellency has been pleased to disallow the same accordingly.

I have at the same time to express the regret of the Government that it has been unavoidably compelled, in fulfilment of the law, thus to postpone measures which recognized the claims of those affected by them to redress; and I have to state, with reference to the Land Scrip Act, that it is contemplated to introduce, in the next Session of the General Assembly, a Bill which would extend a greater measure of relief to the persons concerned than could have been effected by that Act.

I have &c.,

(Signed) E. W. STAFFORD.

His Honor

The Superintendent Wellington.

SCHEDULE.

Session IV.

No. 2.—"An Act to extend the time for adjudication on certain Claims to Scrip."

No. 15.—"An Act to authorise the Superintendent to issue Land Scrip to satisfy awards of Commissioners under Act Sess. II., No. 12 of the Provincial Council."

Colonial Secretary's Office,

Auckland, July 27th, 1857.

SIR,—

Referring to your letter No. 23, of the 1st instant, I have the honor to inform you with respect to the Bills referred to below, passed by the Nelson Provincial Council, which were reserved for the signification of the Governor's pleasure, that owing to your Honor not having furnished the authentic Bills, it has been incompetent to the Governor to signify his pleasure in the manner required by law to what purports to be the copies of these Bills.

It is obvious that it is especially necessary with respect to Acts to which the Governor is made a party in making them Law, that no provision should be omitted which certifies that the actual Bill, as it passed the Provincial Council, has been transmitted for His Excellency's consideration. In the case of the Bills now under notice, no single provision has been complied with. Neither have the Bills themselves been forwarded, nor has your Honor yourself certified that what purport to be copies of them are so; and on one of them it was even omitted to record that your Honor had seen and reserved it; as it did not bear even the copy of your signature.

In my Despatch of even date herewith,—No. 366, the mode which it is desired to observe for the future in this respect is specified; and I have to request that the Bills now referred to may be transmitted in that Form.

At the same time I have to state for your information and guidance that on the assumption that the copies forwarded were correct, they have been considered by the Advisers of the Crown, with a view to the advice to be furnished to His Excellency with respect to them when the Bills arrive, and that there appears to be no reason to prevent the Governor from assenting to the Education Amendment, Education Loan, Debentures, Public Reserves, Motupihou Public Reserves, and Coasting Passengers Acts; although the latter is drafted in such a way as to render its beneficial operation very doubtful, yet, as some legislation was desirable until the General Assembly can pass a general law on this subject, it will not be objected to.

But the Waste Lands Act is open to the most serious objections. The Government is now in the market borrowing money on the security of the Land fund of the Colony, as well as that of the Ordinary Revenue; which have been expressly pledged by the General Assembly for that purpose. The Governor could not therefore in good faith, assent to a Bill which would alter the nature of the security offered to the public creditor. If the financial arrangements of the Government, adopted in the last session of the General Assembly should not be carried out, the liabilities, imposed on the Land Fund by the Constitution and other Acts of the Imperial Parliament, will be revived; and the General Assembly will have to prescribe in what manner that fund is to be appropriated.

In addition to the direct opposition to the existing laws which would thus result from assenting to a Bill which by anticipation appropriates the land revenue of the whole Province of Nelson, it would be most impolitic to ignore the extensive existence of Gold in that Province, as is virtually done by this Bill; in as much, as under its provisions, the whole, or the greater part, of the Gold Fields are liable to be, and