

# FURTHER PAPERS

RELATING TO THE

## DISALLOWANCE OF PROVINCIAL BILLS.

*(In continuation of Papers presented 19th October, 1863.)*

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

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AUCKLAND:

1864.



# FURTHER PAPERS RELATIVE TO THE DISALLOWANCE OF PROVINCIAL BILLS.

## AUCKLAND.

### No. 1.

SUPERINTENDENT TARANAKI TO THE HONORABLE THE COLONIAL SECRETARY.

Superintendent's Office, New Plymouth,  
13th January, 1864.

SIR,— I have the honor to enclose for the information of the General Government, authenticated copies of the undermentioned Ordinances passed by the Provincial Council and assented to by me on behalf of His Excellency the Governor.

No. 25. "Buildings over Streams Ordinance, 1863."

No. 28. "Scotch Thistle Ordinance, 1863."

I have, &c.,  
CHARLES BROWN,  
Superintendent.

The Honorable,  
The Colonial Secretary,  
Auckland.

### No. 2.

THE HONORABLE THE COLONIAL SECRETARY TO THE SUPERINTENDENT TARANAKI.

Colonial Secretary's Office,  
Auckland, 6th February, 1864.

SIR,— I have to acknowledge the receipt of your Honor's letter No. 2 of the 13th ultimo, transmitting authenticated copies of the two undermentioned Ordinances passed by the Provincial Council of Taranaki and assented to by your Honor:—

No. 25. "Buildings over Streams Ordinance, 1863."

No. 28. "Scotch Thistle Ordinance, 1863."

The first named Ordinance ("Buildings over Streams Ordinance, 1863") is beyond the power of the Provincial Legislature. An empowering Bill on this subject passed by the General Assembly last Session, has been transmitted for the signification of Her Majesty's pleasure thereon, but as it is not therefore yet in operation, Ministers have been compelled to advise His Excellency to disallow this Ordinance by proclamation in the usual manner.

There is no legal objection to the "Scotch Thistle Ordinance, 1863," and His Excellency has been pleased to leave it to its operation. It would however be better in order to avoid question, when as in the first section, daily penalties are fixed, to declare that they shall not accumulate beyond one hundred pounds (£100).

I have, &c.,  
WILLIAM FOX.

His Honor  
The Superintendent,  
New Plymouth.

### No. 3.

SUPERINTENDENT TARANAKI TO THE HONORABLE THE COLONIAL SECRETARY.

Superintendent's Office,  
New Plymouth,  
2nd March, 1864.

SIR,— I have the honor to acknowledge the receipt of your letter of the number and date quoted in the margin, referring to "Buildings over Streams" and "Scotch Thistle Ordinances, 1863."

I have, &c.,  
CHAS. BROWN,  
Superintendent.

The Honorable,  
The Colonial Secretary,  
Auckland.

No. 30.

6th Feb., 1864.

# FURTHER PAPERS RELATING TO THE HAWKE'S BAY.

## No. 1.

SUPERINTENDENT HAWKE'S BAY TO THE HONORABLE THE COLONIAL SECRETARY.

Superintendent's Office, Napier,  
Sept. 1st, 1864.

Contractors Amend-  
ment, Sess. 8 No. 6.

Fencing, Sess. 8,  
No. 7.

Impounding Act  
Amendment, Sess. 8,  
No. 8.

Wellington Acts Re-  
peal, Sess. 8, No. 9.

Diversion of Roads,  
Sess. 8, No. 10.

Hampden School  
House Reserve, Sess.  
8, No. 11.

Reserves Adminis-  
tration, Sess. 8,  
No. 12.

Appropriation, Sess.  
8, No. 13.

Mechanics Institute  
Reserve, Sess. 8,  
No. 14.

SIR,—

I have the honor to transmit nine Acts, as noted in the margin, passed by the Provincial Council of Hawke's Bay during the last Session, and which Acts have been reserved by me for the signification of His Excellency the Governor's pleasure thereon.

The Honorable  
The Colonial Secretary,  
Auckland.

I have &c.,  
DONALD McLEAN,  
Superintendent.

## No. 2.

THE HONORABLE COLONIAL SECRETARY TO THE SUPERINTENDENT, HAWKE'S BAY.

Colonial Secretary's Office, Auckland,  
29th Sept., 1864.

SIR,—

With reference to the "Diversion of Roads Ordinance" forwarded in your Honor's letter of the 1st instant, I have the honor to inform you that although there is no legal objection to that Ordinance it is too indefinite and does not show the exact Road to be shut up and sold.

I have therefore to request your Honor to be good enough to furnish me with an explanation on the subject.

I have, &c.,  
WILLIAM FOX.

His Honor  
The Superintendent,  
Napier.

## No. 3.

SUPERINTENDENT HAWKE'S BAY TO THE HONORABLE COLONIAL SECRETARY.

Superintendent's Office, Napier,  
7th October, 1864

SIR,—

I have the honor to acknowledge the receipt of your letter of the 29th ultimo having reference to the "Diversion of Roads Ordinance," forwarded by me for His Excellency's assent, and in reply beg to furnish you with more definite information in reference to the Road to be shut up and sold.

Browning-street ends as a thoroughfare at the boundary of the Suburban Section No. 64. The triangular piece of land (forming part of the road) is of no value to the public, as part of this thoroughfare and was only laid out as a Road for the purpose of affording access to Town Section No. 129, this Section is the property of the Church Trustees, and is the site of St. Johns Church and the Parsonage adjoining.

It is intended on this Bill being assented to, to sell this piece of land to the Trustees for the purpose of enlarging the Church Site.

I have, &c.,  
DONALD McLEAN,  
Superintendent.

The Honorable  
The Colonial Secretary,  
Auckland.

## No. 4.

THE HONORABLE COLONIAL SECRETARY TO SUPERINTENDENT, HAWKE'S BAY.

Colonial Secretary's Office, Auckland,  
3rd November, 1864.

SIR,—

With reference to your Honor's letter of the 7th ultimo on the subject of the "Diversion of Roads Ordinance" respecting which the General Government wished for further information, I have to inform your Honor that the Honorable the Attorney-General does not consider your explanation sufficient to justify the Governor's assent being given to that Bill, which should be amended by the Provincial Council.

I have, &c.,  
WILLIAM FOX.

His Honor  
The Superintendent,  
Napier.

# DISALLOWANCE OF PROVINCIAL BILLS.

5 A.—No. 4.

## No. 5.

THE SUPERINTENDENT HAWKE'S BAY TO THE HONORABLE COLONIAL SECRETARY.

Superintendent's Office,  
Napier, Sept. 6th, 1864.

SIR,— I have the honor to transmit two Acts, as noted in the margin, passed by the Provincial Council of Hawke's Bay during the last session; and which Acts have been reserved by me for the signification of His Excellency the Governor's pleasure thereon.

Drainage Act, Sess. 8  
No. 5.

Boarding House Li-  
censes Act, Sess. 8,  
No. 15.

I have, &c.,  
DONALD McLEAN,  
Superintendent.

The Hon. the Colonial Secretary,  
Auckland.

## No. 6.

THE HONORABLE COLONIAL SECRETARY TO THE SUPERINTENDENT HAWKE'S BAY.

Colonial Secretary's Office,  
Auckland, 12th October, 1864.

SIR,— I have the honor to acknowledge the receipt of your letter dated 6th ultimo, transmitting the "Drainage Act," Session VIII., No. 5, and the "Boarding House Licenses Act," Session VIII., No. 15," which you had reserved for the signification of the Governor's pleasure thereon.

In reply, I have to inform your Honor that Ministers regret they cannot advise His Excellency to assent to the former Act, as section 31 alters the jurisdiction and practice of the Supreme Court; and is therefore in excess of the power of the Provincial Council.

The latter Act having been laid before the Governor, His Excellency has been pleased to assent to the same, and I herewith return to your Honor a copy of such Act, with His Excellency's assent marked thereon.

I have, &c.,  
WILLIAM FOX.

His Honor  
The Superintendent,  
Napier.

## WELLINGTON.

## No. 1.

SUPERINTENDENT WELLINGTON TO HIS EXCELLENCY THE GOVERNOR.

Superintendent's Office,  
Wellington, 28th July, 1864.

SIR,— I do myself the honor to forward to your Excellency authenticated copies of the following Acts, passed in the last Session of the Provincial Council of this Province; and to which I have given my assent on behalf of your Excellency:—

1. An Act to enable the Superintendent to guarantee a fixed rate of interest on the cost of erection of a Patent Slip."
2. "An Act to authorise the Superintendent to purchase a site for a Patent Slip in this Harbour."
3. "An Act to provide for the management of the land set apart as the Wairarapa Racecourse."
4. Reserved.
5. An Act to provide for the Branding of Horses
6. An Act to provide for the management of the land set apart for the Hutt District, as a Public Park or Racecourse.
7. An Act to grant a piece of land to the Ancient Order of Foresters.
8. An Act to amend and extend the "Scab, Catarrh, and Sheep Inspector's Act," Session IX., No. 13.
9. An Act to appropriate the Revenue of the Province of Wellington for the year commencing the first day of April, 1864; and ending the thirty-first day of March, 1865.
10. An Act to grant a piece of land to the Society of Freemasons.

I have, &c.,  
I. E. FEATHERSTON,  
Superintendent.

His Excellency the Governor,  
&c., &c.

## No. 2.

THE HONORABLE COLONIAL SECRETARY TO THE SUPERINTENDENT WELLINGTON.

Colonial Secretary's Office,  
Auckland, 2nd Sept., 1864.

SIR,—

I have to acknowledge the receipt of your Honor's letter, No. 351, dated the 28th of July last, in which you forwarded to His Excellency the Governor, copies of nine Acts passed in the last Session of the Provincial Council of Wellington, and to which your Honor had assented, on behalf of the Governor.

There is no legal objection to the undermentioned five Ordinances, and His Excellency has been advised to leave them to their operation.

"The Patent Slip Act, 1864."

"The Patent Slip Site Act, 1864."

"An Act to provide for the Branding of Horses," Session XI., No. 5.

"The Scab Amendment Act, 1864," and "The Appropriation Act, 1864-5."

With reference to the Appropriation Act, 1864-5, I have to request your Honor to be good enough to transmit with Ordinances of that kind Estimates of the Revenue for the same period as the Ordinances themselves relate to.

The following four Ordinances, namely:—

"The Wairarapa Racecourse Act, 1864."

"The Hutt Racecourse Act, 1864."

"An Act to grant a piece of land to the Ancient Order of Forresters, Session XI., No. 7."

"An Act to grant a piece of land to the Society of Freemasons, Session XI., No. 10."

purport to deal with certain land.

I have to request your Honor to be good enough to inform me whether the several lands have been granted by the Crown, and if so, to whom, and at what dates. If they are still Crown Lands, the Provincial Legislature cannot deal with them; it would be convenient in Ordinances of this kind, to recite in the Preamble the nature of the estate in the land affected.

I have, &c.,  
WILLIAM FOX.

His Honor  
The Superintendent,  
Wellington.

## No 3.

SUPERINTENDENT WELLINGTON TO THE HONORABLE COLONIAL SECRETARY.

Superintendent's Office,  
Wellington, 24th Sept., 1864.

SIR,—

In reply to the queries raised in your letter of the 2nd inst., I have the honor to state that the pieces of land authorised to be granted to the Ancient Order of Foresters, and to the Society of Freemasons, form part of the land below high water mark in this harbour; vested in the Superintendent by a Crown Grant.

With respect to the Wairarapa Racecourse, the land was under the land regulations of the Province, set apart for that purpose by me in a Proclamation dated the 16th day of April, 1862; that an Act providing for its management was passed by the Provincial Council in 1863, and was left to its operation by His Excellency the Governor. The Act of last Session simply makes other provision for its management.

The same remarks apply to the Hutt Racecourse Act of last Session.

I have, &c.,  
I. E. FEATHERSTON.

P.S.—I enclose a copy of the estimated revenue and expenditure for the year ending March 31st, 1865, as requested.

I. E. F.

The Honorable  
The Colonial Secretary,  
Auckland.

THE HONORABLE COLONIAL SECRETARY TO THE SUPERINTENDENT WELLINGTON.

## No. 4.

Colonial Secretary's Office,  
Auckland, 17th October, 1864.

SIR,—

With reference to your letter of the 24th ultimo, no. 416, 1864, I have to inform your Honor that His Excellency the Governor has been pleased to leave the two Acts noted in the margin to their operation.

With respect to the Wairarapa Racecourse Act, I have to remark that the provisions of the Provincial Act of 1863 were unobjectionable, as provision was made therein for securing a grant for a Racecourse, and thus the Act would apply; but the Act of 1864 is clearly beyond the power of the Council as affecting Crown Lands.

The same remark applies to the "Hutt Park and Racecourse Act," and His Excellency will be advised to disallow these two Ordinances.

Freemasons Grant  
Act, Sess. 11, No. 10.

Foresters Grant  
Act, Sess. 11, No. 7.

# DISALLOWANCE OF PROVINCIAL BILLS.

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A.—No. 4.

The best course would, I suggest, be that your Honor should apply for grants of the lands in question under the Public Reserves Act, and then the Provincial Legislature could deal with those lands as they think fit.

I have, &c.,  
WILLIAM FOX.

His Honor the Superintendent,  
Wellington.

## No. 5.

THE HONORABLE COLONIAL SECRETARY TO THE SUPERINTENDENT WELLINGTON.

Colonial Secretary's Office,  
Auckland, 27th October, 1864.

SIR,—

With reference to my letter of the 17th instant, No. 320, I have now the honor to transmit to you the accompanying *New Zealand Gazette*, noted in the margin, containing a Proclamation by His Excellency the Governor, disallowing the "Wairarapa Racecourse Act," and the "Hutt Park and Racecourse Act."

No. 40.

22nd October, 1864

I have, &c.,  
WILLIAM FOX.

His Honor the Superintendent,  
Wellington.

## CANTERBURY.

### No. 1.

SUPERINTENDENT CANTERBURY TO THE HONORABLE COLONIAL SECRETARY.

Superintendent's Office, Christchurch,  
Canterbury, N.Z. 7th October, 1863.

SIR,—

I have the honor to transmit copies of four Ordinances viz.:—

"The Christchurch Hospital Ordinance."

"The Fencing Ordinance"

"The Bush Fires Ordinance."

and "The Sheep Ordinance."

Which I have assented to on behalf of His Excellency the Governor. Paper copy of the "Sheep Ordinance" will be forwarded by the next opportunity.

I have, &c.,  
S. BEALEY,  
Superintendent.

The Honorable  
The Colonial Secretary,  
Auckland.

### No. 2.

THE HONORABLE COLONIAL SECRETARY TO THE SUPERINTENDENT CANTERBURY.

Colonial Secretary's Office, Auckland,  
23rd December, 1863.

SIR,—

I have to acknowledge the receipt of your Honor's letter No. 89, of the 27th October last, transmitting copies of four Ordinances, namely:—

"The Christchurch Hospital Ordinance, 1863."

"The Fencing Ordinance, 1863"

"The Bush Fires Ordinance, 1863"

and "The Sheep Ordinance, 1863"

Passed by the Provincial Council of Canterbury and assented to by your Honor on behalf of the Governor.

With reference to these Ordinances generally, I would draw your Honor's attention to the form (at the foot of them) of the certificate of the Speaker, which is inconvenient, inasmuch as it mixes up the passing of each Bill by the Provincial Council together with the giving of the assent to it by the Superintendent, the certificate of that assent should be signed by the Superintendent, and should appear on the face of the Ordinance transmitted for the Governor's consideration. I enclose forms of certificates respectively used in such cases by the Superintendents and Speakers of Provincial Councils in other Provinces, and I would suggest the desirability of using the same forms in the Province of Canterbury. I also notice that there is no title to any of these Ordinances, and I am not aware whether this omission is intentional or accidental, but I draw your Honor's attention to it, as there does not appear to be any reason why the usual form is not adhered to.

There is no legal objection to the "Christchurch Hospital Ordinance, 1863" as it is believed that the land dealt with namely "Hagley Park" has been granted to the Superintendent under the "Public Reserves Act, 1854;" it would be more convenient if in similar cases the recital of the issue of the grant

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appears in the Ordinance itself. There seems also to be some obscurity in the 9th section as to the mode in which the rotation of retirement of members of the General Board shall annually take place. His Excellency will be advised to leave the Ordinance to its operation.

His Excellency will also be advised to leave "The Fencing Ordinance, 1863" to its operation.

In the "Bush Fires Ordinance, 1863" a new principle is introduced into the law of evidence, it is enacted that a person shall *prima facie* be deemed guilty of an offence from the mere fact of its happening on his premises, and then provision is made that the matter may be determined by the oath of the party accused, thus legalizing the evidence of the accused party in criminal offences.

The 34th section of the "Sheep Ordinance, 1863" is open to somewhat a similar objection. It is repugnant to the Law of England that a man should be required to criminate himself, yet under that section he may be examined by an inspector on oath as to any facts within his knowledge in respect of sheep under his control, &c. The Inspector is in fact made an Inquisitor.

Ministers regret that for these reasons they are compelled to advise His Excellency to disallow the "Bush Fires Ordinance, 1863," and the "Sheep Ordinance, 1863" respectively. A Proclamation of such disallowance will be published in the New Zealand Gazette.

I have, &c.,

FREDERICK WHITAKER,  
For the Colonial Secretary.

His Honor  
The Superintendent,  
Canterbury.

## No. 3.

SUPERINTENDENT CANTEBURY TO THE HONORABLE COLONIAL SECRETARY.

Superintendent's Office, Christchurch,  
Canterbury, N.Z., 11th January, 1864.

SIR,—

I have the honor to acknowledge the receipt of your letter dated 23rd Dec., No. 461, informing me that the Ordinances noted in the margin have been left by His Excellency the Governor to their operation, also drawing my attention to the form of the certificate of the Speaker as being inconvenient and enclosing forms of certificates as used in such cases by the Superintendent and Provincial Councils of the other Provinces, also informing me that for reasons stated, His Excellency has been advised to disallow the

"Bush Fires Ordinance 1863," and the "Sheep Ordinance 1863."

I have, &c.,

S. BEALEY,  
Superintendent.

The Honorable  
The Colonial Secretary.

## No. 4.

SUPERINTENDENT CANTEBURY TO THE HONORABLE COLONIAL SECRETARY.

Superintendent's Office,  
Christchurch, October 27th, 1863.

SIR,—

I have the honor to forward three Bills, which I have reserved for the signification of His Excellency the Governor's pleasure thereon, and to request that you will advise His Excellency to give his assent thereto with all convenient despatch.

The Road Districts Bill, No. 1, is an extremely important measure, as it involves a new system of carrying on the public works of the Province, and places the subject of taxation for local improvement for the first time before the settlers in the rural districts, whose wants have hitherto been supplied so far as road-making and drainage improvements were required, by votes of the Provincial Council from the Land Revenue chiefly.

So important have I deemed this measure to be, that in order to prevent any danger of the Bill being disallowed on the ground that Crown lands would be affected by it, where parties having pasturage rights came under its provisions as was originally proposed, I have caused a second Bill, referring solely to the holders of Pasturage Licenses, to be submitted to the Council, which I have also reserved for His Excellency's assent. If therefore, the Advisers of His Excellency are of opinion that it is not competent for the Provincial Council to pass such a measure as the "Road Districts Bill, No. 2," this Bill will be disallowed without affecting the Bill No. 1 at the same time. I should be glad to know in the event of this contingency, what would be the most convenient mode of dealing with the holders of Pasturage Licenses, so as to place them on a similar footing to the farmers and holders of land in the Rural Districts.

I should be glad if these Bills may be presented at once, and a copy returned to me as soon as possible, in order that convenient notices may be given of the meetings to be held under the provisions of the Bill.

Christchurch Hospital Ordinance, 1863.

The Fencing Ordinance, 1863.

Road Districts Bill, No. 1.

Road Districts Bill, No. 2.

Christchurch City Council Bill, 1863.



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A.—No.4.

The "Christchurch City Council Bill, 1863," is also a matter of importance, and requires to be returned as soon as conveniently can be done.

I have, &c.,  
S. BEALEY,  
Superintendent.

The Hon. Colonial Secretary.

## No. 5.

THE HONORABLE COLONIAL SECRETARY TO THE SUPERINTENDENT CANTERBURY.

Colonial Secretary's Office,  
Auckland, 16th December, 1863.

SIR,—

I have to acknowledge the receipt of your Honor's letter, No. 90, of the 27th October last, transmitting three Bills named in the margin, which had been passed by the Provincial Council of Canterbury and reserved by you for the signification of the Governor's pleasure thereon.

His Excellency has been advised to assent to the "Roads Districts Bill No. 1," and to the "Christchurch City Council Bill," and I return to your Honor copies of those two Bills with the Governor's assent duly noted thereon.

As the "Road District's Bill, No. 2," affects Crown Lands, and is therefore beyond the power of the Provincial Council to pass, Ministers have not been able to advise His Excellency to assent to that Bill.

I have, &c.,  
WILLIAM FOX.

His Honor  
The Superintendent, Canterbury.

Roads Districts Ordinance No. 1, 1863

Roads Districts Ordinance No. 2, 1863.

Christchurch City Council Ordinance, 1863.

## No. 6.

SUPERINTENDENT CANTERBURY TO THE HONORABLE COLONIAL SECRETARY.

Superintendent's Office,  
Christchurch, Canterbury N.Z.  
8th December, 1863.

SIR,—

I have the honor to request that the undermentioned Acts passed by the Provincial Council and reserved by me for the assent of His Excellency the Governor may be returned without delay, as it is urgently required that they should be brought into early operation:—

- "The Roads Districts Ordinance, 1863."
- "The Roads Districts Ordinance, No. 2, 1863."
- "The Christchurch City Council Ordinance, 1863."
- "The Lyttleton Municipal Council Ordinance, 1863."
- "The Peacock's Jetty Extension Ordinance, 1863."

I have, &c.,  
S. BEALEY,  
Superintendent.

The Hon.  
The Colonial Secretary.

## No. 7.

THE HONORABLE COLONIAL SECRETARY TO THE SUPERINTENDENT CANTERBURY.

Colonial Secretary's Office,  
Auckland, 23rd December, 1863.

SIR,—

I have the honor to acknowledge the receipt of your letter of the number and date quoted in the margin, and in reply to refer your Honor to my letters, Nos. 125 of the 16th instant and of this day's date, which dispose of the five Ordinances referred to by you.

No. 120.

8th December, 1863.

I have, &c.,  
FREDK. WHITAKER,  
In the absence of Wm. Fox.

His Honor  
The Superintendent, Canterbury.

## No. 8.

SUPERINTENDENT CANTERBURY TO THE HONORABLE COLONIAL SECRETARY.

Superintendent's Office,  
Christchurch, Canterbury, N.Z.,  
11th January, 1864.

Road Districts Bill,  
No. 1.

Christchurch City  
Council Bill.

SIR,—

I have the honor to acknowledge the receipt of your letter of the number and date quoted in the margin, informing me that His Excellency the Governor had been advised to assent to the Bills noted in the margin and returning the same; also informing me that His Excellency has withheld his assent to the "Roads Districts Bill No. 2."

I have, &c.,  
S. BEALEY,  
Superintendent.

The Hon.

The Colonial Secretary.

## OTAGO.

## No. 1.

SUPERINTENDENT OTAGO TO THE HONORABLE COLONIAL SECRETARY.

Province of Otago, N.Z.  
Superintendent's Office,  
Dunedin, 20th November, 1863.

SIR,—

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

- "The Otago Public Buildings Loan 1862," "Otago Harbor Loan 1862," and "Otago Loan 1862," "Coupons Signature Ordinance, 1863."
- "The Executive Council Amendment Ordinance, 1863."
- "The Bread Ordinance, 1863."
- "The Dunedin Waterworks Company Guaranteed Interest Ordinance, 1863."
- "The Otago Dock Company's Guaranteed Interest Ordinance, 1863."
- "The Distress Ordinance, 1863."
- "The Vaccination Ordinance, 1863."
- "The Waterman's Licensing Ordinance, 1863."
- "The Sunday Observance Ordinance, 1863."
- "The Superintendent's Incorporation Ordinance, 1863."
- "The Appropriation Ordinance, 1863-64."
- "The Town and Country Police Ordinance Extension and Amendment Ordinance, 1863."
- Lake Steam Navigation Ordinance, 1863." And
- Kerosine and Paraffine Oils Ordinance, 1863."

I also forward the following Ordinances which I have reserved for the signification of His Excellency's pleasure thereon, viz. :—

- The Mechanics' Institute Reserve Ordinance, 1863.
- The Otago Representation Ordinance, Amendment Ordinance, 1863. And
- The Port of Otago Marine Board Ordinance, 1863.

The delay which has taken place in submitting these Ordinances has been owing to the immense press of business suddenly thrown upon the hands of the Government Printer, necessary to keep pace with the constantly increasing requirements of the Public Service in this Province.

I have, &c.,  
J. HYDE HARRIS,  
Superintendent.

The Honorable

The Colonial Secretary, Auckland.

## No. 2.

THE HONORABLE COLONIAL SECRETARY TO THE SUPERINTENDENT OTAGO.

Colonial Secretary's Office,  
Auckland, 23rd December, 1863.

SIR,—

I have to acknowledge the receipt of your Honor's letter, No. 2731, transmitting certain Ordinances to which you have assented on behalf of the Governor, and certain other Ordinances which you have reserved for the signification of His Excellency's pleasure thereon.

There is no legal objection to the following Ordinances, to which you have assented, and they are left by His Excellency the Governor to their operation :—

- "The Otago Public Buildings Loan, 1862," "the Otago Harbor Loan, 1862," and "the Otago Loan, 1862," "Coupons Signature Ordinance, 1863."
- "The Executive Council Amendment Ordinance, 1863."
- "The Bread Ordinance, 1863."
- "The Dunedin Waterworks Company Guaranteed Interest Ordinance, 1863."

"The Otago Dock Companies Guaranteed Interest Ordinance, 1863."

"The Distress Ordinance, 1863."

"The Sunday Observance Ordinance, 1863."

"The Appropriation Ordinance, 1863-4."

"The Town and Country Police Ordinance Extension and Amendment Ordinance, 1863."

"The Lake Steam Navigation Ordinance, 1863."

"The Kerosine and Paraffine Oils Ordinance, 1863."

With respect to the "Vaccination Ordinance, 1863," I have to inform your Honor that the Act on this subject just passed by the General Assembly, renders nearly the whole of this Ordinance unnecessary, and therefore in order to prevent difficulty arising from conflict, His Excellency will be advised to disallow the Provincial Law, and a Proclamation of such disallowance will be published in the next *New Zealand Gazette*. I observe however, several useful provisions in the Otago Ordinance not strictly belonging to a Vaccination Act, which can, if desired, be enacted by the Provincial Legislature in a separate form, care being taken not to introduce anything which may be considered to conflict with the Act of the General Assembly. The provisions to which I refer are contained in sub-sections 2, 3, 4, 5, and 6 of section 7.

The "Waterman's Licensing Ordinance, 1863," conflicts with section 29, sub-section 3, (empowering the Superintendent to license Watermen); and section 41 of the "Marine Board's Act, 1863," passed by the General Assembly, a copy of which I transmit to your Honor in another letter by this mail. His Excellency will therefore be advised to disallow the Provincial Ordinance, and a Proclamation of such disallowance will be published in the next *New Zealand Gazette*.

"The Superintendent's Incorporate Ordinance, 1863," likewise conflicts with the Act of the General Assembly intitled "The Superintendent's Incorporation Act, 1863," and will have to be disallowed. The provisions in the Provincial Ordinance, for selling, &c., can be re-enacted under the Act of the General Assembly. The following Bills, viz. :—

The "Mechanics' Institute Reserve Ordinance, 1863."

The "Otago Representation Ordinance, 1862, Amendment Ordinances," which had been reserved by your Honor, have been assented to by His Excellency, and I return to you a copy of each of those Bills with such assent duly noted thereon.

The "Port of Otago Marine Board Ordinance, 1863," would be, with other Provincial Bills on the same subject rendered null and void by the "Marine Board's Act, 1863," recently passed by the General Assembly, and cannot therefore be assented to by His Excellency.

I have, &c.,

FREDK. WHITAKER,  
For the Colonial Secretary.

His Honor the Superintendent,  
Otago.

### No. 3.

SUPERINTENDENT OTAGO TO THE HONORABLE COLONIAL SECRETARY.

Province of Otago, N.Z.,  
Superintendent's Office,  
Dunedin, 4th July, 1864.

SIR,—

I have the honor to forward the undermentioned Ordinances passed by the Provincial Council of Otago at its last Session, to which I have assented on behalf of His Excellency the Governor, viz. :—

"Criminals Ordinance, 1864."

"Appropriation Ordinance, 1864."

"Licensed Hawkers, Ordinance, 1864."

"Bread Ordinance Amendment Ordinance, 1864."

"Police Regulation Ordinance, 1862, Amendment Ordinance, 1864."

"Turnpikes Ordinance Amendment Ordinance, 1864."

"Bush Fires Ordinance, 1864."

"Dunedin Building Ordinance, 1862; Amendment Ordinance, 1864."

"Cemetery Reserves Ordinance, 1864."

"Cemetery Reserves Management Ordinance, 1864."

"The Medical Practitioners' Ordinance, 1864."

"The Licensing Amendment Ordinance, 1864."

"The Education Ordinance, 1864."

"Provincial Public Notices Ordinance, 1864."

I have, &c.,

J. HYDE HARRIS,  
Superintendent.

The Honorable the Colonial Secretary,  
Auckland.

## No. 4.

THE HONORABLE COLONIAL SECRETARY TO THE SUPERINTENDENT OTAGO.

Colonial Secretary's Office,  
Auckland, 2nd September, 1864.

SIR,—

With reference to your Honor's letter dated 4th of July last, in which are enclosed certain Ordinances to which your Honor had assented, I regret to inform you that the four Ordinances hereunder specified, will have to be disallowed on Legal Grounds.

"The Criminals' Ordinance, 1864."

"The Licensed Hawkers' Ordinance, 1864."

"The Bush Fires Ordinance, 1864," and "The Medical Practitioners' Ordinance, 1864."

I proceed to inform your Honor of the respective reasons which compel Ministers to advise His Excellency the Governor to disallow these four Ordinances.

"The Criminals' Ordinance, 1864" is clearly beyond the power of a Provincial Legislature, and the rule in such cases has been to advise the disallowance of the Ordinance.

"The Licensed Hawkers' Ordinance, 1864" has been assented to by your Honor on behalf of the *Government* and not of the *Governor*. The Constitution Act explicitly states that the assent of a Superintendent must be on behalf of the Governor. The Ordinance therefore, must necessarily be disallowed.

"The Bush Fires Ordinance, 1864" is in its third section, beyond the power of a Provincial Legislature, as by fixing no limit to the sum to be recovered in a summary way, it contravenes the Act of the General Assembly entitled "The Provincial Council Powers Act, 1856." The Ordinance is disallowed on that ground, but I have also to point out to your Honor that the penalty inflicted in the second section, namely, £40 (Forty Pounds) or imprisonment for six months, for the offence of a person leaving the spot where he has lighted or caused to be lit, a fire, until it is extinguished, is in the opinion of the General Government excessive.

"The Medical Practitioners' Ordinance, 1864" has the same radical defect, as the "Licensed Hawkers' Ordinance, 1864" having been assented to by your Honor on behalf of the *Government* and not of the *Governor*, also section 21 is *ultra vires*, as it purports to define the legal interpretation of terms used in Acts of the Imperial Parliament and of the General Assembly, in the former case without any reservation.

A Proclamation of the disallowance of these four Ordinances will be issued in the New Zealand Gazette.

I have, &c.,  
WILLIAM FOX.

His Honor the Superintendent,  
Otago.

## No. 5.

SUPERINTENDENT OTAGO TO THE HONORABLE COLONIAL SECRETARY.

Province of Otago, N. Z.  
Superintendent's Office,  
Dunedin, 27th September, 1864.

SIR,—

I have the honor to acknowledge the receipt of your letter of the number and date quoted in the margin, informing me of the disallowance of the "Criminals' Ordinance, 1864," "The Licensed Hawkers' Ordinance, 1864," "The Bush Fires' Ordinance, 1864," and "The Medical Practitioners' Ordinance, 1864."

I have, &c.,  
J. HYDE HARRIS,  
Superintendent.

The Honorable the Colonial Secretary,  
Auckland.

## No. 6.

SUPERINTENDENT OTAGO TO THE HONORABLE COLONIAL SECRETARY.

Province of Otago, N. Z.,  
Superintendent's Office,  
Dunedin, 22nd August, 1864.

SIR,—

I do myself the honor to forward the following Ordinances passed at the last session of the Provincial Council of Otago, to which I have assented on behalf of His Excellency the Governor, viz.:

1. "The Superintendent's Indemnity Ordinance, 1864."
2. "The Education Reserves Ordinance, 1864."
3. "Kerosene and Paraffin Oils Ordinance 1863 Amendment Ordinances 1864."
4. "Hawkesbury Roads Lands Ordinance, 1864."
5. "Southern Trunk Road Lands Ordinance, 1864."
6. "Kaikora District Roads Lands Ordinance, 1864."
7. "Anderson's Bay District Roads Lands Ordinance, 1864."
8. "Tokomairiro District Roads Lands Ordinance, 1864."
9. "Taiaeri District Roads Lands Ordinance, 1864."

10. "Northern Trunk Roads Lands Ordinance, 1864."

11. "Caversham and Green Island District Roads Lands Ordinance, 1864."

I have, &c.,

J. HYDE HARRIS,

Superintendent.

The Honorable  
The Colonial Secretary,  
Auckland.

### No. 7.

THE HONORABLE COLONIAL SECRETARY TO THE SUPERINTENDENT OTAGO.

Colonial Secretary's Office,  
Auckland, 17th September, 1864.

SIR,—

I have to acknowledge the receipt of your Honor's letter, No. 3529, of the 22nd ultimo, transmitting eleven Ordinances passed at the last Session of the Provincial Council of Otago, to which you had assented on behalf of His Excellency the Governor.

There is no legal objection to the two following Ordinances, which His Excellency the Governor will be advised to leave to their operation:—

"The Superintendent's Indemnity Ordinance, 1864," and "The Kerosene and Paraffine Oils Ordinance, 1864."

I regret to inform your Honor that there are fatal objections to the other nine Ordinances, which compel Ministers to advise their disallowance by His Excellency the Governor.

I proceed to state those objections as they respectively relate to the Ordinances in question.

"Education Reserves Ordinance, 1864: Section 2 in this Ordinance refers to a schedule which is omitted. Section 3 is very objectionable, if not altogether illegal. The Provincial Legislature cannot pass an Ordinance conferring power on itself. Moreover, the power of dealing with Reserves is given by the authority recited in the Preamble, and any further authority is unnecessary. Section 4 is also unnecessary, and will create confusion. If a grant be made the land would, it is presumed, come under the "Public Reserves Act, 1864," and then there would ensue the anomaly of a Reserve made under the regulations and power, self-conferred, or attempted to be self-conferred, by the Provincial Legislature, to deal with it, and yet still a Reserve subject to the operation, after being granted, of the provisions of the "Public Reserves Act, 1864." It is difficult to predict the effect of this complication.

Under the land laws of Otago, the correct mode of dealing with a Reserve is simply to set it apart by one Ordinance, and to pass another for its management, or perhaps one Ordinance could legally effect both objects.

The disallowance of this Ordinance of course renders necessary the refusal of the Governor's assent to the Ordinance founded on it, entitled "The Education Reserves Management and Leasing Ordinance, 1864," transmitted in your letter No. 3529, of the 25th of June last.

"Hawkesbury Road Lands Ordinance, 1864." Sections 5 and 6 of this Ordinance are beyond the power of the Provincial Legislature. Section 5 professes to authorise land to be dealt with in the manner provided by the "Highways and Water-courses Act, 1858," passed by the General Assembly; whereas, in fact, that section provides for a different mode of dealing. Section 6 appropriates revenue arising from the sale of land in a manner inconsistent with another Act of the General Assembly entitled the "Land Revenue Appropriation Act, 1858." These inconsistencies of the Provincial Ordinance with the legislation of the General Assembly render the Ordinance illegal.

The same objections which I have specified with respect to the "Hawkesbury Roads Lands Ordinance, 1864," apply to the seven following Ordinances, namely—

"Southern Trunk Road Lands Ordinance, 1864."

"Kaikora District Roads Land's Ordinance, 1864."

"Anderson's Bay District Roads Lands Ordinance, 1864."

"Tokomairiro District Roads Lands Ordinance, 1864."

"Taieari District Roads Lands Ordinance, 1864."

"Northern Trunk Roads Lands Ordinance, 1864."

"And "Caversham and Green Island District Roads Lands Ordinance, 1864."

A Proclamation disallowing the nine Ordinances in question will be published in the *New Zealand Gazette* as soon as practicable.

I have, &c.,

WILLIAM FOX.

His Honor  
The Superintendent of Otago.

### SOUTHLAND.

### No. 1.

SUPERINTENDENT SOUTHLAND TO THE HONORABLE COLONIAL SECRETARY.

Superintendent's Office,  
Southland, 27th October, 1863.

SIR,—

I have the honor to enclose herewith in duplicate copies of seven Bills, names noted in the margin, which have been passed by the Provincial Council of Southland in its Fifth Session.

## FURTHER PAPERS RELATING TO THE

Constabulary Bill.

Common Lodging  
House Bill.Licensed Theatre  
Bill.Licensed Hawkers  
Bill.

Pawnbrokers' Bill.

Hospitals' Bill.

Licensing Amend-  
ment Bill.

These Bills are altogether pertaining to the Local Police, and I trust that no difficulty in obtaining His Excellency the Governor's assent thereto will be experienced.

I have, &c.,  
J. A. R. MENZIES,  
Superintendent.

The Honorable  
The Colonial Secretary,  
Auckland.

## No. 2.

THE HONORABLE COLONIAL SECRETARY TO THE SUPERINTENDENT SOUTHLAND.

Colonial Secretary's Office,  
Auckland, 23rd December, 1863.

SIR,

I have to acknowledge the receipt of your Honor's letter of the 27th October last, transmitting copies of the following seven bills:—

"The Constabulary Ordinance, 1863."  
"Common Lodging Houses Ordinance, 1863."  
"Licensed Theatres Ordinance, 1863."  
"Licensed Hawkers' Ordinance, 1863."  
"Pawnbrokers' Ordinance, 1863."  
"Hospitals Ordinance, 1863."  
"Licensing Amendment Ordinance, 1863."

The 12th section of the "Constabulary Ordinance, 1863," disqualifying members of the Police Force from voting at elections of members of the General Assembly, or of Provincial Councils, is beyond the power of Provincial Legislature, and His Excellency cannot therefore be advised to assent to that Ordinance.

There is no legal objection to the other six Ordinances, and His Excellency has been advised to assent to the same.

I return to your Honor a copy of each of those Ordinances, with such assent duly noted thereon

I have, &c.,

FRED. WHITAKER.  
In the absence of Mr. Fox.

His Honor the Superintendent of Southland.

## No. 3.

SUPERINTENDENT SOUTHLAND TO THE HONORABLE COLONIAL SECRETARY.

Superintendent's Office,  
Southland, 11th January, 1864.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 23rd ult., informing me that certain bills therein named have been assented to, with the exception of the "Constabulary Ordinance 1863," which His Excellency has been advised to disallow. The Bills assented to have also been received.

I have, &c.,

J. A. R. MENZIES,  
Superintendent.

The Honorable  
The Colonial Secretary,  
Auckland.

"Constabulary Ordinance, 1863."  
"Common Lodging Houses Ordinance, 1863."  
"Licensed Theatres Ordinance, 1863."  
"Licensed Hawkers' Ordinance, 1863."  
"Pawnbrokers' Ordinance, 1863."  
"Hospitals Ordinance, 1863."  
"Licensing Amendment Ordinance, 1863."

## No. 4.

SUPERINTENDENT SOUTHLAND TO THE HONORABLE COLONIAL SECRETARY.

Superintendent's Office,  
Southland, 5th March, 1864.

SIR,—

I have the honor to enclose herewith authenticated copies in duplicate of the Bill named in the margin, passed by the Provincial Council of Southland in its sixth session and to request that you

Town of Invercar-  
gill Debentures Or-  
dinance, 1864.

will bring this Bill under the consideration of His Excellency the Governor when I trust his assent may be obtained thereto.

The Honorable  
The Colonial Secretary,  
Auckland.

I have, &c.,  
J. A. R. MENZIES,  
Superintendent.

## No. 5.

SUPERINTENDENT SOUTHLAND TO THE HONORABLE COLONIAL SECRETARY.

Superintendent's Office,  
Southland, 5th March, 1864.

SIR,—

I have the honor to enclose herewith copies in duplicate of the "Invercargill Town Board Ordinance 1863 Amendment Ordinance, 1864," which passed the Provincial Council in its sixth session. I have to request that you will bring this Bill under the consideration of His Excellency the Governor in order that his assent may be obtained thereto.

I have, &c.,  
J. A. R. MENZIES,  
Superintendent.

The Honorable  
The Colonial Secretary,  
Auckland.

## No. 6.

SUPERINTENDENT SOUTHLAND TO THE HONORABLE COLONIAL SECRETARY.

Superintendent's Office,  
Southland, 5th September, 1864.

SIR,—

I have the honor to inform you that no intimation has yet been received by this Government as to whether the "Invercargill Town Board Ordinance, 1863, Amendment Ordinance 1864," passed by the Provincial Council of Southland in its sixth session, and forwarded to you on the date named in the margin, has received the assent of His Excellency the Governor or otherwise.

5th March, 1864.

I have, &c.,  
J. A. R. MENZIES,  
Superintendent.

The Honorable  
The Colonial Secretary,  
Auckland

## No. 7.

THE HONORABLE COLONIAL SECRETARY TO THE SUPERINTENDENT SOUTHLAND.

Colonial Secretary's Office,  
Auckland, 27th September, 1864.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 5th inst., No. 48, on the subject of the "Invercargill Town Board Ordinance, 1863, Amendment Ordinance, 1864."

As that Ordinance is founded on the "Town of Invercargill Debentures Ordinance, 1864," from which the Governor's assent was withheld (as your Honor was informed in my letter of the 7th May last, No. 141), His Excellency was advised at the same time to withhold his assent to the former Ordinance, but intimation of that circumstance appears accidentally not to have been given to your Honor. I have now the honor to state that the Governor's assent was withheld from the "Invercargill Town Board Ordinance, 1863, Amendment Ordinance, 1864," at the same time as it was from the "Town of Invercargill Debentures Ordinance, 1864."

I have, &c.,  
FREDK. WHITAKER,  
In the absence of Wm. Fox.

His Honor the Superintendent,  
Southland.

## FURTHER PAPERS RELATING TO THE

## No. 8.

SUPERINTENDENT SOUTHLAND TO THE HONORABLE COLONIAL SECRETARY.

Superintendent's Office,  
Southland, 16th March, 1864.

SIR,—

I have the honor to enclose herewith two certified copies of a Bill passed by the Provincial Council of this Province in its late Session, intituled the "Impounding Ordinance, 1864."

The object of this Ordinance is to enable licensed occupiers of Crown Lands to impound cattle straying on those lands—and thus indirectly to prevent the spread of Pleuro-pneumonia, or other infectious or contagious disease among cattle in this Province.

I have to request that you will bring the Bill under the consideration of His Excellency the Governor, in order that his assent may be obtained thereto.

I have, &c.,  
J. A. R. MENZIES,  
Superintendent.

The Honorable the Colonial Secretary,  
Auckland.

## No. 9.

THE HONORABLE COLONIAL SECRETARY TO THE SUPERINTENDENT SOUTHLAND.

Colonial Secretary's Office,  
Auckland, 3rd May, 1864.

SIR,—

I have to acknowledge the Receipt of your Honor's letter of the 16th March last, transmitting the "Impounding Ordinance, 1864," passed by the Provincial Council of Southland, and reserved by your Honor for the signification of the Governor's pleasure thereon.

This Ordinance purports to affect Crown Lands, and is therefore *ultra vires*; a Provincial Legislature having no power to pass such laws. (See Section 19 of the Constitution Act.)

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

I have, &c.,  
WILLIAM FOX.

His Honor the Superintendent,  
Southland.

## No. 10.

SUPERINTENDENT SOUTHLAND TO THE HONORABLE COLONIAL SECRETARY.

Superintendent's Office,  
Southland, 26th May, 1864.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 3rd ultimo, informing me that the "Impounding Ordinance 1864," passed by the Provincial Council of Southland, had not received the assent of His Excellency the Governor.

I have, &c.,  
JOSEPH HEALE,  
Deputy-Superintendent.

The Hon. the Colonial Secretary,  
Auckland.

## No. 11.

SUPERINTENDENT SOUTHLAND TO THE HONORABLE COLONIAL SECRETARY.

Superintendent's Office,  
Southland, March 10th, 1864.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 20th ult., informing me that His Excellency the Governor had assented to certain Southland Ordinances. The repetition in my letter of the 6th ult., of the words "Oreti Railway Ordinance, 1863," was as you supposed a clerical error. I have therefore now the honor to enclose two certified copies of the Ordinance which should have been named, namely, the "Church of England Cemetery Ordinance," as I presume, the copy originally sent has been mislaid in your office.

I have, &c.,  
J. A. R. MENZIES,  
Superintendent.

The Honorable the Colonial Secretary,  
Auckland.



## No. 12.

THE HONORABLE COLONIAL SECRETARY TO THE SUPERINTENDENT SOUTHLAND.

Colonial Secretary's Office,  
Auckland, 2nd May, 1864.

SIR,—

I have to acknowledge the receipt of your Honor's letter of the 10th ultimo, transmitting the "Church of England Cemetery Ordinance, 1863," passed by the Provincial Council of Southland on the 19th of October last, and reserved by your Honor for the signification of the Governor's pleasure thereon.

The copy of this Ordinance to which you refer as having been previously sent, has never reached this office.

This Ordinance is altogether incomprehensible in its present shape, and I presume some clerical mistakes have occurred in it. There is no allusion whatever in the body of the Ordinance to Schedule B, or the land described in it. The Ordinance speaks only of one Schedule, and one parcel of land.

The description in Schedule B, appears to have been copied and added by mistake, while in the copying the *habendum* in the Grant, (probably) from which the description was taken, has been included by another mistake. The phrase at the end of Schedule B, if it means anything, will destroy the effect of the previous enactment.

Upon enquiry, I find that there is a Registered Grant of a piece of land as a Cemetery to the Superintendent of Otago, from a comparison of the plan on which with the description in Schedule A, of this Ordinance, it appears that the piece in the Schedule is the southern portion (20 acres) in that Grant. If this supposition is correct, the Ordinance would not seem to be of any effect.

If legislation in this matter is intended, under the Public Reserves Act, 1854, the provisions of that Act should be carefully complied with.

His Excellency has been advised to withhold his assent to this Ordinance, and I would suggest, if another Ordinance be passed, that, with respect to the proposed trust, the Bishop of Christchurch should be consulted, as the operation of the trust in his favor is, in its present shape, not very intelligible and can scarcely be intended.

I have, &c.,  
WM. FOX,His Honor the Superintendent,  
Southland.

## No. 13.

SUPERINTENDENT SOUTHLAND TO THE HONORABLE COLONIAL SECRETARY.

Superintendent's Office,  
Southland, 26th May, 1864.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 2nd instant, informing me that the "Church of England Cemetery Ordinance, 1863," had not been assented to by His Excellency the Governor.

I have &amp;c.,

JOSEPH HEALE,  
Deputy Superintendent.The Honorable  
The Colonial Secretary,  
Auckland.

