

## FURTHER PAPERS RELATIVE TO THE

for the signification of the Governor's pleasure thereon :—

“Superintendent's Indemnity Ordinance, 1865 ;”

“The Provincial Auditor and Deputy Auditor's salaries Ordinance, 1865.”

The Hon. the Attorney-General, to whom I referred that communication, does not see any objection to the Bills themselves, but as he is of opinion that the election of Mr. Taylor as Superintendent of Southland was invalid, His Excellency cannot be advised to assent to them.

His Honor the Superintendent, Southland.

I have, &c.,

W. FITZHERBERT,  
(For Colonial Secretary.)

## No. 3.

The SUPERINTENDENT, Southland, to the Hon. the COLONIAL SECRETARY.

SIR,—

Superintendent's Office, Southland, 20th March, 1865.

I have the honor to acknowledge the receipt of your letter No. 98, 9th March, 1865, informing me that in consequence of the election of Mr. Taylor as Superintendent of Southland being invalid, His Excellency would not be advised to assent to “The Superintendent's Indemnity Ordinance, 1865 ;” and “The Provincial Auditor and Deputy Auditor's Salaries Ordinance, 1865.”

I have, &c.,

The Hon. the Colonial Secretary, Wellington.

J. P. TAYLOR, Superintendent.

## No. 4.

The SUPERINTENDENT, Southland, to the Hon. the COLONIAL SECRETARY.

SIR,—

Superintendent's Office, Southland, 2nd March, 1865.

I have the honor to enclose herewith “The Executive Council Ordinance, 1865,” passed by the Provincial Council of Southland in its late session, and to request that you will lay the same before His Excellency the Governor in order that his assent may be obtained.

I have, &c.,

The Hon. the Colonial Secretary, Wellington.

J. P. TAYLOR, Superintendent.

## No. 5.

The Hon. the COLONIAL SECRETARY to the SUPERINTENDENT, Southland.

SIR,—

Colonial Secretary's Office, Wellington, 11th March, 1865.

I have to acknowledge the receipt of Mr. J. P. Taylor's letter of the 2nd instant, forwarding “The Executive Council Ordinance, 1865,” passed by the Provincial Council of Southland, and in reply to transmit for your Honor's information the accompanying copy of a Memorandum by the Hon. the Attorney-General, which will explain why His Excellency cannot be advised to assent to that Ordinance.

I have, &c.,

His Honor the Superintendent, Southland.

WILLIAM FITZHERBERT,  
(For the Colonial Secretary.)

## Enclosure to No. 5.

MEMORANDUM by the Hon. the ATTORNEY-GENERAL.

I regret to be obliged to recommend His Excellency not to assent to this Ordinance.

This is rendered necessary by the disallowance of Mr. Taylor's election as Superintendent.

Independently of this, the 2nd section of the Ordinance limits the power of the Superintendent by law in a manner which may conflict with the authority vested in him by the Constitution Act and Acts of the General Assembly.

The 4th section seems to me to vest in the Executive Council larger power than by law can belong to them. If it has any operation, it restricts the power of the Superintendent in matters otherwise within his competency. This would practically give the Executive Council power which can only belong to a Legislature.

The 12th section is so vague as to be incapable to be brought into practical operation.

The 14th section is in my opinion open to grave objections. If it means that the Provincial Council can restore to office an officer duly dismissed by the Superintendent—that would be an exercise of Executive functions by the Council which would be open to the gravest objections.

The constitutional control which the Provincial Legislature ought to exercise over the Acts of the Provincial Executive, is through its power of controlling the expenditure of the public revenue of the Province.

March, 1865.

HENRY SEWELL.

## No. 6.

The SUPERINTENDENT, Southland, to the Hon. the COLONIAL SECRETARY.

SIR,—

Superintendent's Office, Southland, 22nd March, 1865.

I have the honor to acknowledge the receipt of your despatch No. 104, date 11th March, 1865, enclosing copy of Memorandum of the Hon. the Attorney-General on “The Southland Executive Council Ordinance,” and informing me that His Excellency cannot be advised to assent thereto.

I have, &c.,

The Hon. the Colonial Secretary, Wellington.

J. P. TAYLOR, Superintendent.