

CORRESPONDENCE RELATIVE TO THE

Provincial Council of the Province of Wellington, which I have assented to on behalf of your Excellency, viz. :—

- “An Act to alter and amend an Act to make void the election of certain Members of the Provincial Council, Sess. I., No. 26.”
- “An Act to indemnify the Superintendent of the Province of Wellington for the expenditure of certain moneys for the Civil Government and Public Works and undertakings of the said Province.”
- “An Act to grant a retiring Pension to John Wallace.”
- “An Act to amend an Act of Sess. XIII., No. 10, of the Provincial Council, Wellington, intituled ‘An Act to amend the Licenses Ordinances in force in the Province of Wellington.’”
- “An Act to amend and consolidate the laws relating to Scab Catarrh and Sheep Inspectors.”
- “An Act to appropriate the Revenue of the Province of Wellington for the years commencing the 1st day of April, 1866, and ending the 31st day of March, 1867.”

I have, &c.,

I. E. FEATHERSTON,
Superintendent.

His Excellency the Governor, &c.

No. 2.

Copy of a Letter from the Hon. E. W. STAFFORD to His Honor I. E. FEATHERSTON.

(No. 285.)

Colonial Secretary's Office,

SIR,—

Wellington, 15th August, 1866.

Referring to “An Act to amend and Consolidate the Laws relating to Scab Cattarrh and Sheep Inspectors,” enclosed in your Honor's letter of the 27th ultimo, and passed by the Provincial Legislature of the Province of Wellington, I regret to state that as many of the provisions of that Act are, in the opinion of the Honorable the Attorney-General, beyond the power of the Provincial Council to enact, I am compelled to advise His Excellency to disallow it.

In sections 7 and 17 the penalty would in certain cases exceed one hundred pounds (£100), and a limit should be prescribed in conformity with “The Provincial Council Powers Act, 1856.”

Section 12, so far as it affects the Supreme Court and other Courts not subject to the Provincial Legislatures, is *ultra vires*.

There is the same legal objection to section 23, and this section is also objectionable in not leaving a discretion in the Magistrates to mitigate the penalty.

Section 33, contravenes “The Provincial Council Powers Act, 1856,” as Provincial Legislatures cannot establish Civil Courts except for matters under (£20) twenty pounds.

The Attorney-General is of opinion that section 10 is *ultra vires*, and that Provincial Legislatures cannot establish Courts of Appeal and impose such duties on Justices and Resident Magistrates.

I have, &c.,

His Honor the Superintendent, Wellington.

E. W. STAFFORD.

No. 3.

Copy of a Letter from the Hon. E. W. STAFFORD to His Honor I. E. FEATHERSTON.

(No. 291.)

Colonial Secretary's Office,

SIR,—

Wellington 21st August, 1866.

With reference to the Act, Session XIV., No. 2 (passed by the Provincial Legislature of the Province of Wellington) intituled “An Act to alter and amend an Act to make void the election of certain members of the Provincial Council, Session I., No. 26,” transmitted in your Honor's letter of the 27th ultimo, I have to state that as the qualification and disqualification of persons for election to Provincial Councils is provided for in the Constitution Act, and the “Disqualification Act 1858,” of the General Assembly, the Provincial Legislature is not, in the opinion of the Honorable the Attorney-General, able to disqualify those who under the Acts alluded to would be qualified. If it is desired to extend the provisions of the Disqualification Act, 1858, that extension must be by Act of the Assembly.

For the above reasons, therefore, His Excellency the Governor has been advised to disallow the Act in question.

I have, &c.,

His Honor the Superintendent, Wellington.

E. W. STAFFORD.

PROVINCE OF NELSON.

No. 1.

Copy of a Letter from His Honor A. SAUNDERS to the Hon. E. W. STAFFORD.

(No. 39.)

Superintendent's Office,

SIR,—

Nelson, 23rd June, 1866.

I have the honor to transmit herewith the undermentioned Acts passed by the Provincial Council in Session XIV., to which I have given my assent on behalf of His Excellency the Governor, viz. —