

cheaply purchased by defraying the expense of it at the public cost; any payment would create an inducement to evade the law. It is believed that there is no precedent in British or Colonial legislation for such a charge.

The recital in the Bill is inaccurate. The Colonial Act referred to does not require the Superintendent to provide facilities for vaccination. He is required to divide the Province into districts and to appoint a medical officer. It was no doubt assumed by the Colonial Legislature that the medical officer would be paid out of funds provided by the Provincial Legislature, but there is no provision for payment of fees, and as the Act makes it compulsory on the parent to take the child to the medical officer, and also compulsory on that officer to vaccinate, the vaccination would have to be performed gratuitously.

The Bill would also be to some extent oppressive. A fee of five shillings is payable to the medical officer appointed by the Superintendent, if the vaccination is performed by that officer, but if the vaccination is performed by any other medical man, a fee of fifteen shillings is to be paid to the medical officer appointed by the Superintendent, although that officer had nothing to do in the matter.

For these reasons His Excellency has been advised to withhold his assent to this Bill.

His Honor the Superintendent, Marlborough.

I have, &c.,

E. W. STAFFORD.

### No. 3.

Copy of a Letter from Mr. H. GODFREY to the Hon. E. W. STAFFORD.

(No. 1154.)

Superintendent's Office,

SIR,—

Blenheim, 13th July, 1866.

I have the honor to acknowledge the receipt of your letter, of the 4th instant, to His Honor the Superintendent, intimating that His Excellency the Governor had been pleased to withhold his assent to "The Vaccination Act, 1866."

I have, &c.,

H. GODFREY,

The Hon. the Colonial Secretary, Wellington.

Deputy Superintendent.

### No. 4.

Copy of a Letter from Mr. GODFREY to the Hon. E. W. STAFFORD.

(No. 1156.)

Superintendent's Office,

SIR,—

Blenheim, 20th July, 1866.

I have honor to forward herewith copies of "The Roads Act," Session XV., No. 7, which has been passed by the Provincial Council of Marlborough, and to request that you will be good enough to lay the same before His Excellency the Governor for his assent thereto.

I have, &c.,

H. GODFREY,

The Hon. the Colonial Secretary, Wellington.

Deputy Superintendent.

### No. 5.

Copy of a Letter from the Hon. E. W. STAFFORD to His Honor W. H. EYES.

(No. 359.)

Colonial Secretary's Office,

SIR,—

Wellington, 15th August, 1866.

I have to acknowledge the receipt of your Honor's letter No. 1156, of the 20th ultimo, transmitting a Bill intituled "The Roads Act, 1866," passed by the Provincial Council of Marlborough and reserved for the Governor's assent.

There are several legal objections to this Bill which preclude me from advising His Excellency to assent to it.

The Honorable the Attorney-General is of opinion that no Provincial Legislature can create a Court of Appeal, or impose on a Magistrate the duties referred to in sections 20, 21, 22, and 23, which are in contravention of section 19, sub-section 2, of the Constitution Act, and not within "The Provincial Council Powers Act, 1856."

Section 42 contravenes section 19, sub-section 2, of the Constitution Act and section 57 affects Crown Lands, and therefore contravenes sub-section 10 of the same section of the Constitution Act.

Sections 61, 62, 63, and 64 establish Courts of Justice and affect the practice of the Supreme Court and are in contravention of the Constitution Act (section 19, sub-section 2).

The provisions which I have designated are *ultra vires*, and would require validation by an Act of the General Assembly.

I have, &c.,

His Honor the Superintendent, Marlborough,

E. W. STAFFORD,

### No. 6.

Copy of a Letter from His Honor W. H. EYES to the Hon. E. W. STAFFORD.

(No. 1165.)

Superintendent's Office,

SIR,—

Blenheim, 24th August, 1866.

I have the honor to acknowledge the receipt of your letter of the 15th instant, informing me that there are several legal objections which preclude you from advising His Excellency to assent to the Bill intituled "Roads Act, 1866," passed by the Provincial Council of Marlborough.