

1873.

NEW ZEALAND.

DISALLOWANCE OF PROVINCIAL BILLS,

(CORRESPONDENCE RESPECTING).

Presented to both Houses of the General Assembly by command of His Excellency.

No. 1.

His Honor W. ROLLESTON to the Hon. the COLONIAL SECRETARY.

SIR,— Superintendent's Office, Christchurch, Canterbury, 17th January, 1873.

I have the honor to transmit herewith copies of the under-mentioned Ordinances passed by the Provincial Council, to which I have assented on behalf of His Excellency the Governor, namely:—

“The Diversion of Roads Special Ordinance, No. 6, 1872.”

“The Public Domains Ordinance, 1872.”

“The Canterbury Roads Ordinance Amendment Ordinance, 1872.”

“The Appropriation Ordinance, 1872–73.”

I have reserved the under-mentioned Ordinance for the signification of His Excellency's pleasure thereon, namely:—

“The Reserve No. 424 Ordinance.”

I may state that this Ordinance was passed for the purpose of enabling me to surrender to the General Government a portion of the reserve for a telegraph station.

I have, &c.,

WM. ROLLESTON,
Superintendent.

The Hon. the Colonial Secretary.

No. 2.

The Hon. G. M. WATERHOUSE to His Honor W. ROLLESTON.

SIR,— Colonial Secretary's Office, Wellington, 7th February, 1873.

I have the honor to acknowledge the receipt of your letter of the 17th ultimo, forwarding the following Ordinances passed by the Provincial Council of Canterbury, which your Honor had assented to on behalf of His Excellency the Governor, namely:—

“The Diversion of Roads Special Ordinance No. 6, 1872;”

“The Public Domains Ordinance, 1872;”

“The Canterbury Roads Ordinance Amendment Ordinance, 1872;”

“The Appropriation Ordinance, 1872–73;” and

“The Reserve No. 424 Ordinance, 1872,”

which your Honor had reserved for the signification of the Governor's pleasure thereon.

In reply, I have the honor to inform you that the Governor has not been advised to exercise his power of disallowance with respect to the four first-named Ordinances.

With regard, however, to “The Reserve No. 424 Ordinance, 1872,” the Government is advised that the land having been appropriated to the purposes of, or used as a site for, a telegraph station, nothing more was necessary than a surrender by your Honor under the authority of the second section of “The Public Buildings Reserve Act, 1867,” which surrender may be made without reference to the Provincial Council.

The Government is further advised that as in the Ordinance the words “dispose of” follow the words “sell and let,” it is open to question whether, read by the light of the Public Reserves Act, a surrender to the Queen without consideration is authorized by it. However, the more serious objection is that it undoubtedly authorizes the Superintendent to sell what he is (under arrangement already made by Government) to surrender gratuitously to the Crown; and as the Superintendent has power to make the surrender without Ordinance, the Ordinance has not been properly framed.

His Excellency has been consequently advised to withhold his assent.

I have, &c.,

His Honor the Superintendent, Canterbury.

G. M. WATERHOUSE.