

DESPATCHES

FROM THE

SECRETARY OF STATE FOR THE COLONIES

IN REFERENCE TO

ACTS OF GENERAL ASSEMBLY,

SESSION 1856.

*Presented to the Honourable the House of Representatives by command of His Excellency,
April 10th, 1858, and ordered to be printed.*

AUCKLAND:

1858.

Downing street
7th January, 1857.

SIR,—I have laid before the Queen the Act passed by the General Assembly of New Zealand on the 7th May, 1856, intituled “An Act to provide for the retirement of certain Officers of the Executive Government,” and which Act was transmitted with your despatch, No. 45, of the 8th of May, 1856, I have to inform you that that Act will be left to its operation.

I entirely concur in the propriety of the course which you adopted in this case. The Legislature having left it to myself to fix (within certain limits) the amount of the pensions to be awarded, I had no other guide to follow than the precedent afforded by the proceedings of the Australian Legislatures on the like occasion. That of New South Wales gave the retiring Officers pensions equivalent to their full salaries; that of Victoria, amounts varying from 4-5ths to 3-4ths of their salary.

I believe that the grant of the maximum amount by the Act now before me—that is, 2-3rds of the salary—will most nearly meet the analogy afforded by the above mentioned laws, and I am therefore to signify to you Her Majesty’s approval of that amount.

I have &c.,
(Signed) H. LABOUCHERE.

Governor Gore Browne, C. B.,
&c., &c.

EXTRACT FROM A DESPATCH, DATED 8TH MAY, 1857, No. 35.

“With regard to the Act No. 1, ‘To provide for the retirement of certain Officers of the Executive Government,’ which was previously transmitted in your despatch No. 45, of the 8th May, 1856, and which you were informed in my despatch, No. 1, of the 7th January last, was left to its operation, I have to acquaint you that I have had under my consideration the Memorandum of your Responsible Advisers in explanation of that and of the other Acts of the Session, together with the report relating to it of the Select Committee of the House of Representatives which accompanied your despatch No. 93, of the 20th of September, 1856.

“With reference to the Act No. 1 it is only necessary that I should refer you to the decision in respect of the amount of retiring allowance to be assigned under this Act contained in my despatch above adverted to, as I have been unable to find anything in the proceedings of the Committee which appears to me to justify a different conclusion to that already arrived at.”

I have &c.,
(Signed) H. LABOUCHERE.

Downing street,
8th May, 1857.

SIR,—I have received your despatch No. 99, of the 6th of October last, forwarding authenticated Copies of 36 Acts passed by the General Assembly of New Zealand during their last Session, to all of which you had assented in Her Majesty’s name, with the exception of the Acts Nos. 26 and 34 which you reserved for the notification of Her Majesty’s pleasure.

Nos. 2, 3, 5, 6, 7, 8, 9, 11, 12, 15, 16, 18, 19, 20, 21, 23, 24, 27, 28, 29, 30, 33, & 36. I have to acquaint you that I submitted to The Queen the Acts of this series of which the numbers, dates, and titles, will be found in the annexed List and that they will be left to their operation.

With regard to the Act No. 1, “To provide for the retirement of certain Officers of the Executive Government” which was previously transmitted in your despatch No. 45, of the 8th May, 1856, and which you were informed by my despatch No. 1, of the 7th of January last was left to its operation, I have to acquaint you that I have had under my consideration the Memorandum of your Responsible Advisers in explanation of that and of the other Acts of the Session, together with the report relating to it of the Select Committee of the House of Representatives which accompanied your despatch No. 93, of the 20th of September, 1856.

With reference to the Act No. 1. it is only necessary that I should refer to the decision in respect of the amount of Retiring allowance to be assigned under this Act contained in my despatch above adverted to, as I have been unable to find anything in the proceedings of the Committee which appears to me to justify a different conclusion to that already arrived at.

In connection with the Act No. 24 termed the “Privileges Act, 1856,” I have also to acknowledge the receipt of your despatches No. 83 and 87 of the 22nd and 26th of August last, and I shall

communicate with you further on the application contained in the Address to the Queen from the House of Representatives that Military and Naval Officers on full pay may be instructed to give evidence and lay Papers before the House whenever called upon by that Body to do so.

The remaining Acts, including the two Reserved Acts, are still under the consideration of Her Majesty's Government.

I have, &c.,
(Signed) H. LABOUCHERE.

Governor Gore Browne, C. B.,
&c., &c., &c.

Downing street,
9th May, 1857.

SIR,—With reference to my despatch, No. 35, of the 8th instant, I transmit to you herewith an Order of the Queen in Council confirming the Reserved Act of the Legislature of New Zealand "To extend the powers in certain cases of Superintendents and Provincial Councils."

I have &c.,
(Signed) H. LABOUCHERE.

Governor Gore Browne, C. B.,
&c., &c., &c.

Downing street,
18th June, 1857.

SIR,—With reference to my despatch No. 35, of the 8th ultimo, I have to acquaint you that I have submitted to The Queen the Act of the General Assembly of New Zealand, No. 25, Session 4, entitled "An Act to alter the Duties of Customs," and that it will be left to its operation.

I have, &c.,
(Signed) H. LABOUCHERE.

Governor Gore Browne, C. B.,
&c., &c., &c.

Downing street,
9th July, 1857.

SIR,—I have to acknowledge your Despatch No. 86, of 25th August last, transmitting for the sanction of Her Majesty the "Land Claims Settlement Act, 1856," together with the Report of a Select Committee thereon, and to inform you that this Act will be left to its operation.

I have, &c.,
(Signed) H. LABOUCHERE.

Governor Gore Browne, C. B.,
New Zealand.

Downing street,
16th December, 1857.

SIR,—I have had under my consideration the Act of the New Zealand Legislature entitled the "Native Reserves Act" of 1856, transmitted with your Despatch No. 88, of the 28th August of that year.

Referring to my other Despatches of even date herewith on the subject of the administration of Native affairs, I have to inform you that this Act will be left to its operation by her Majesty's Government, because although it would appear in legal strickness to bind the Governor to a closer dependence on his Council in carrying out its own provisions, than is consistent with the agreements of April and August, 1856, between yourself and your responsible advisers, they do not see sufficient reason for doubting that it may be made to work in harmony with the general principle of those agreements.

I have, &c.,
(Signed) H. LABOUCHERE.

Governor Thomas Gore Browne, C.B.,
&c., &c., &c.

Downing street,
16th December, 1857.

SIR,—I have had for some time under my consideration an Act of the New Zealand Legislature entitled the "Waste Lands Act, 1856," transmitted with other Acts of the Session of last year in your Despatch No. 97, 24th September, 1856.

This Act appears to me to exceed the powers of the Legislature. The Constitutional Act of 1852 renders it unlawful for the Superintendents and Provincial Councils to do what they are by this local Act empowered to do, namely, make laws affecting the Waste Lands of the Crown. And supposing that under Section 69 of the Constitutional Act the general Legislature could delegate this power to the Provincial Councils, it could only do so by Bill reserved for the signification of Her Majesty's pleasure, which this has not been. It is true that by the (reserved) Provincial Waste Lands Act, of 1854, the Assembly purports to confer on itself the authority to delegate this power to the Provincial Councils. But it neither did, nor in my view could, get rid of the restriction imposed on itself by the Constitutional Act, namely, that any such increase of the powers of the Provincial Councils as this delegation implies, could be by reserved Act only.

But whether or not this illegality would have been sufficient to induce Her Majesty's Government to advise its disallowance, that measure is at all events now rendered necessary by the financial transactions which have since taken place. The Act of Parliament "To guarantee a loan for the service of New Zealand" in accordance with the Local New Zealand Loan Act, 1856, fixes the interest of the loan guaranteed by Parliament on the general Revenue of the Colony, which is expressly stated to include the revenue arising from the Waste Lands of the Crown. That guarantee would be seriously impaired, if the power of regulating the sale and disposal of Waste Lands and the revenue thence derivable were lodged in the Provincial Legislatures instead of the central.

I have therefore to inform you that Her Majesty has been advised to disallow the Waste Lands Act of 1856, and that the order in Council for that purpose will be shortly despatched to you.*

I have, &c.,

(Signed) H. LABOUCHERE.

Governor Gore Browne, C. B.
&c., &c., &c.

Downing street,
10th April, 1858.

SIR,—With reference to my Predecessor's Despatch, No. 35, of the 8th of May last, I have to inform you that I have submitted to the Queen the Act of the Legislature of New Zealand, No. 31, Session iv., entitled "An Act to define and settle the rights of holders of Land Orders and Scrip," and that it will be left to its operation.

I have, &c.,

(Signed) STANLEY.

Governor Gore Browne, C.B.
&c., &c., &c., *

* Disallowance proclaimed in the "New Zealand Gazette," 4th June, 1858.