

MARLBOROUGH.

No. 7.

THE SUPERINTENDENT, MARLBOROUGH, TO THE COLONIAL SECRETARY.

Superintendent's Office,
Marlborough, August 24th, 1860.

SIR,—

I have the honor to send you "Auctioneer's Licensing Bill" passed the Provincial Council of this Province on the 25th July, 1860, and the "Alteration of Roads Bill" passed the 1st day of August instant.

I have the honor to send these Bills for the signification of his Excellency's pleasure therein.

I have &c,

WILLIAM ADAMS,
Superintendent.The Honorable the Colonial Secretary,
Auckland.

No. 8.

MR. STAFFORD TO THE SUPERINTENDENT, MARLBOROUGH. (No. 414.)

Colonial Secretary's Office,
Auckland, November 23rd, 1860.

SIR,—

I have the honor to inform you that the Bills (forwarded in your Honor's letter of the 24th, August last) passed by the Provincial Council of Marlborough, intituled "The Alteration of Roads Act, 1860," and "Auctioneers' Licensing Act, 1860," and reserved by you for the signification of the Governor's pleasure thereon, have been laid before his Excellency, who has been pleased to assent to the same.

Your Honor's attention is directed to the second section of the "Provincial Reserved Bills Act," which provides that no Bills reserved for the signification of the Governor's pleasure shall have any force within the Province until the Superintendent shall signify as therein specified, that it has been laid before the Governor and that His Excellency has assented to the same.

As only one copy of the Bill in question was received with your letter under reply, I have to request your Honor to forward to me a second copy of each, in order that it may be submitted for the Governor's signature and returned to you in the usual manner, and for the future you will be good enough to transmit all Bills in duplicate, one being required for record in this office and one to be returned to you.

I have &c.,

E. W. STAFFORD.

His Honor the Superintendent,
Marlborough.

No. 9.

MR. STAFFORD TO THE SUPERINTENDENT, MARLBOROUGH. (No. 477.)

Colonial Secretary's Office,
Auckland, 11th December, 1860.

SIR,—

With reference to my letter, No. 414, of the 23rd ultimo, notifying to your Honor the assent of his Excellency the Governor to a Bill passed by the Provincial Council intituled "The Alteration of Roads Act, 1860," I have to inform you that since that date my attention has been drawn to the circumstance that the Ordinance of the Legislative Council, Session II, No. 5, was repealed by an Act of the last session of the General Assembly. "The Justices of the Peace Act, 1858." The 21st clause of the Marlborough Act is consequently void, and it is accordingly, expedient in order to avoid confusion and doubt, that your Honor should submit to the Council an amended Bill omitting the clause in question. There are also some other objectionable provisions in the Act which I will point out to your Honor with a view to their reconsideration in reference to the proposed amending Bill; for example, clause 10 empowers incapacitated parties to sell, &c., lands for certain purposes. This is an interference with the jurisdiction of the Supreme Court. Clause 15 is also liable to the latter objection; clause 17 affects land covered with tidal water, which land is in the Crown, and cannot be legislated upon by Provincial Legislatures.

The Act also generally confers in certain cases a power of compulsorily taking lands, a power which is one which is considered should only be exercised by the supreme Legislature of the Colony.

I have, &c.,

E. W. STAFFORD.

His Honor the Superintendent,
Marlborough.