

No. 14.

THE SUPERINTENDENT, MARLBOROUGH, TO THE COLONIAL SECRETARY. (No. 157.)

Superintendent's Office,
Picton, May 22nd, 1861.

SIR,—

I have the honor to send you three copies of the "Alteration of Roads Amendment Bill," for the Governor's assent. I have had this Bill amended in accordance with your request.

I have also the honor to send you three copies of the "Dog Nuisance Abatement Bill," for the assent of His Excellency. This Bill is, with a very slight alteration, similar to the Bill I had the honor to forward to you last year, and His Excellency declined to assent to the same because it made the Natives amenable to its enactments: that objection is removed in the present Bill.

I have also the honor to send you for the assent of His Excellency, three copies of the Appropriation Bill for this Province for the Year ending the 30th June, 1862.

I trust these Bills will meet with His Excellency's approval, and that you will have the goodness to return them to me as soon as possible.

I have, &c.,
WILLIAM ADAMS,
Superintendent.

The Honorable the Colonial Secretary,
Auckland.

No. 15.

MR. FOX, TO THE SUPERINTENDENT, MARLBOROUGH. (No. 423.)

Colonial Secretary's Office,
Auckland, 6th August, 1861.

SIR,—

With reference to the "Alteration of Roads Amendment Act, 1861," (enclosed among other Bills in your predecessor's letter the 22nd May last), passed by the Provincial Council of Marlborough, and reserved for the signification of the Governor's pleasure thereon. I have the honor to state, that that Bill takes power to interfere with lands of the Crown. By virtue of its prerogative, Waste Lands of the Crown, and private lands of individuals, and the powers of compulsory taking, extend over these lands without any definition or specification. "The Highways and Water-courses Diversion Act, 1858," empowers Provincial Legislatures to direct or stop-up Highways; but the intention of that is clear, that such diversion or stopping-up must be the subject of a Provincial Act in which the proposed alterations are defined. The powers proposed to be taken by the Bill under consideration are more extensive, and comprehend, in fact, all the lands of the Province.

Under these circumstances it has appeared to the Government that the Bill is *ultra vires*, and His Excellency has been advised to withhold his assent to it.

I have, however, to request your Honor to be good enough to submit to the Provincial Council the propriety of repealing the "Alteration of Roads Act, 1860," which (as was explained in the Colonial Secretary's letter No. 477, of the 11th December, 1860), is full of objections, and was assented to by mistake.

I will address you in separate letters on the subject of the "Dog Nuisance Abatement Act, 1861," and the "Appropriation Act," respectively, which were also enclosed in your letter.

I have, &c.,
WILLIAM FOX.

His Honor the Superintendent,
Marlborough.

No. 16.

MR. GOULTER TO THE COLONIAL SECRETARY. (No. 197.)

Superintendent's Office,
Picton, 21st August, 1861.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 6th instant, informing me that His Excellency the Governor has been advised to withhold his assent to the "Alteration of Roads Amendment Act, 1861."

In accordance with your request, I will submit to the Provincial Council the propriety of repealing the "Alteration of Roads Act, 1860," but must draw your attention to the absolute necessity of some such Act as the one you advise should be repealed. The roads of this Province having been originally laid out without the slightest regard to their being either available or convenient are now where in use; and the trespass tracks long established by the general traffic are now being fenced across