

The Housekeepers' Ordinance -	-	-	-	-	Sess. XVII, No.	2.
Dog Nuisance -	-	-	-	-	" " "	3.
Superintendent's Salary -	-	-	-	-	" " "	5.
Volunteer Service -	-	-	-	-	" " "	7.
Provincial Auditor and Deputy Auditor's Salary Ordinance -	-	-	-	-	" " "	8.
Lyttelton and Christchurch Railway Loan Appropriation -	-	-	-	-	" " "	9.
Lyttelton Municipal Council Revenues -	-	-	-	-	" " "	10.
Railway Severance Ordinance, 1861 -	-	-	-	-	" " "	11.
Canterbury Police Amendment Ordinance, 1862 -	-	-	-	-	" " "	12.
Trespass of Cattle Ordinance, No. 2 -	-	-	-	-	" " "	13.
Appropriation Ordinance -	-	-	-	-	" " "	14.

I have, &c.,

W. S. MOOHOUSE.

The Honourable the Colonial Secretary,
&c. &c. &c.

No. 25.

MR. SEWELL TO THE SUPERINTENDENT, CANTERBURY.

Colonial Secretary's Office,
Auckland, March 7th, 1862.

SIR,—

I have been compelled to defer advising His Excellency to allow the Ordinance specified in the margin on the following ground.

The Railway Severance Ordinance, Sess. 17, No. 11.

The Ordinance professes to enable the Superintendent to dispose of certain lands acquired for the purposes of the Lyttelton and Christchurch Railway—the lands in question not being wanted for the purposes of the Railway.

But the 7th section of the Lyttelton and Christchurch Railway Act, 1860, passed by the General Assembly enacts that all property real and personal of what description soever belonging to or appertaining to the Railway shall be vested in the Superintendent for the time being and shall be held by him in *Trust* for the *Public Service of the Province*.

The object of the proposed Ordinance appears to be reasonable and one to which the General Assembly would no doubt give effect but I entertain doubts whether the General Assembly having declared that the lands *shall be held* in trust for the Public Service of the Province it is competent to the Superintendent and Provincial Council by Ordinance to authorise a sale thereof.

The case of lands not required for the purposes of the Railway appears not to have been provided for by the Act of the General Assembly.

If section 127 of the "Land Clauses Consolidation Act, 1845," were considered as applicable to the case, the present Ordinance, so far as it agrees with the Imperial Act, would be superfluous, and, so far as it conflicts therewith, would be inoperative.

I submit these questions for the consideration of your Honor's legal advisers and shall be glad to be informed of their views thereon before tendering to His Excellency my final advice in reference to the disallowance of the Ordinance.

I have, &c.,

HENRY SEWELL,

for the Colonial Secretary.

His Honor the Superintendent,
Canterbury.

No. 26.

MR. SEWELL TO THE SUPERINTENDENT, CANTERBURY.

(No. 260.)

Colonial Secretary's Office,
Auckland, 7th March, 1862.

SIR,—

I have been obliged to defer recommending His Excellency to assent to the Ordinance specified in the margin forwarded in your Honor's letter, No. 49 of the 21st ultimo, on the following grounds:—

The Lyttelton Municipal Reserves Ordinance, 17, No. 10.

1st. That it does not appear that the Reserves in question have been granted under the "Public Reserves Act."

2nd. If such were the case, the proposed Ordinance, which transfers the management of them to the Municipal Council of Lyttelton, would, in my opinion, be at variance with the "Public Reserves Act," which prescribes the mode in which they are to be managed, viz., by the Superintendent acting in certain cases with the authority of the Provincial Council.

It appears to me that further legislation is required to enable Reserves of this nature to be handed over to new Boards of Management. There seems no objection in point of policy to such a provision being made, and it may be expedient to introduce a measure to that effect in the next Session of the General Assembly.