

No. 45.

No. 157.

THE SUPERINTENDENT, OTAGO, TO THE COLONIAL SECRETARY.

Superintendent's Office,
Dunedin, 4th October, 1861.

SIR,—

I have the honor to forward the following Ordinances, passed by the Provincial Council of the Province of Otago, in its twelfth Session, and assented to by me on behalf of the Governor.

I regret that I have been unable to forward them earlier, but shall take measures to prevent such delay in future.

"Appropriation Ordinance, 1861, (No. 2) "
 "The Executive Council Ordinance, 1861."
 "Trigonometrical Station Ordinance, 1861."
 "Sheep Ordinance Amendment Ordinance, 1861."
 "American Blight Prevention Ordinance, 1861."
 "The Education Ordinance."
 "The Roads Ordinance, 1861."
 "Diseased Cattle Ordinance, 1861."

I have, &c.,

J. RICHARDSON.

The Hon. the Colonial Secretary.

No. 46.

No. 884.

MR. FOX TO THE SUPERINTENDENT, OTAGO.

Colonial Secretary's Office,
Auckland, 5th Dec., 1861.

SIR,—

Referring to the "Diseased Cattle Ordinance, 1861," (transmitted in your Honor's letter, dated the 4th October last), which had been passed by the Provincial Council of Otago, and to which your Honor had assented, I have to inform you that as the objects of this Ordinance have been provided for by an Act of the General Assembly, it is necessary that the Provincial Ordinance should be disallowed, and accordingly a Proclamation by His Excellency the Governor, of such disallowance, will be issued forthwith.

I have, &c.,

WILLIAM FOX.

His Honor the Superintendent,
Otago.

No. 47.

No. 901.

MR. FOX TO THE SUPERINTENDENT, OTAGO.

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

SIR,—

The Government has had under its consideration, "The Roads Ordinance, 1861," (enclosed in your Honor's letter of the 4th October last, No. 157) which had been passed by the Otago Provincial Council, and to which your Honor had assented, and I regret, for the following reasons, Ministers have been compelled to advise His Excellency to disallow this Ordinance.

Section 2 is in contravention of the 10th Section of the "Constitution Act," as affecting lands of the Crown. The effect of it being to divest the title to the soil of all roads from the Crown, and to vest the same in the Superintendent.

Section 3 is in excess of the power of the Provincial Council, and is at variance with regulation 16 of the Waste Lands Regulations. This section is also at variance with the "Highways and Watercourses Act, 1858."

Section 11 gives the Superintendent power, without limit or qualification, to open and make new roads (making compensation to owners) but without their consent. This is an extension of the power of taking land from private owners beyond the usual and proper limits of such powers.

I have, &c.,

WILLIAM FOX.

His Honor the Superintendent,
Otago.