

tions were granted, but only 441 acres were taken up. The applicants for most of the land had gone to the Gold fields.

A reflux will no doubt occur shortly, and the Debentures will be issued only in event of the Revenue being inadequate. At this moment about 200,000 acres of good arable land are open for selection in this Province. Since the first day of this month above 3,000 acres have been applied for.

The other Ordinances do not require any comment.

Duplicate copies of the Ordinances are forwarded separately by this mail.

I regret that all these Ordinances are not printed as finally passed, owing to the limited power in the printing office; all, however, are certified, and other copies will be forwarded when all are printed.

A copy of certain Resolutions of the Provincial Council respecting the Eastern boundary are contained in this Enclosure.

I have, &c.,

The Hon. the Colonial Secretary,
Auckland.

JAMES R. MENZIES.

No. 70.

No. 908.

MR. FOX TO THE SUPERINTENDENT OF SOUTHLAND.

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

SIR,—

I have the honor to acquaint you with the Governor's decision in reference to the under-mentioned Bills:—

The Loan Ordinance, 1861,

The Provincial Government Ordinance, 1861, and

The Diseased Cattle Ordinance, 1861,

—which Bills were transmitted by your Honor, with others, in your letter dated the 29th August last.

It is matter of regret that Ministers have not been able, for the following reasons, to advise His Excellency the Governor to assent to these Bills.

The object of the "Loan Ordinance" is to raise the sum £10,000, primarily for the purposes of Immigration, though including other objects of public utility. It is obvious that under the present circumstances of the neighbouring Province of Otago, expenditure upon Immigration would be an unprofitable outlay, which would not warrant the creation of a permanent charge on the Revenue; but the Government is aware that the same circumstances may occasion your Honor embarrassment in the conduct of the affairs of the Province unless you have means of providing employment on public works.

If, therefore, your Honor and the Provincial Council should desire to obtain power to contract a loan to the extent of £10,000, for specific objects of that kind, the Governor's Advisers will be prepared to recommend His Excellency to give such a measure a favourable consideration. You should, however, specify distinctly the nature and extent of the proposed works, and any other particulars. I would also request you to be good enough to state, for His Excellency's information, the present amount of Revenue and Expenditure of the Province.

The "Provincial Government Ordinance, 1861," is open to legal objection. By section 13 any Member of the Provincial Council accepting an office of emolument, is made to vacate his seat, thus creating a disqualification not provided for by the Constitution Act, of which the 10th section defines the cases in which seats in Provincial Councils shall become vacant. By the 19th section of the proposed Ordinance, copies of the *Provincial Gazette* are made evidence in all Courts, and this provision, which affects the law of evidence in the Supreme Court, and the practice and procedure of that Court, is beyond the power of a Provincial Legislature. The "Official Documents Evidence Act, 1860," passed by the General Assembly, defines the law of evidence in such matters.

With respect to the "Diseased Cattle Ordinance, 1861," I need only observe that the necessity for it has been superseded by the Act of the General Assembly on the same subject, under which, and His Excellency's delegation of powers, your Honor has all the requisite authority.

I have, &c.,

His Honor the Superintendent,
Southland.

WILLIAM FOX.

No. 71.

No. 71.

THE SUPERINTENDENT, SOUTHLAND, TO THE COLONIAL SECRETARY.

Superintendent's Office, Southland,
22nd November, 1861.

SIR,—

I have the honor to draw your attention to the fact that the Bills passed in the first Session of the Provincial Council of Southland, of which three different sets were forwarded to your office—the first set having been sent 29th August, the second set 15th September, and the third set (two sets) 27th September—have not been noticed in any of your communications; even their receipt