

No. 73.

MR. FOX TO THE SUPERINTENDENT OF SOUTHLAND.

Colonial Secretary's Office,
Auckland, 27th January, 1862.

SIR,—

I regret that your Honor should express dissatisfaction with the decision arrived at by His Excellency under the advice of Ministers with respect to the "Loan and Provincial Council Ordinances."

As regards the first, it is a source of much satisfaction to the Government to find that the emergency which it appeared in your Honor's judgment to render it advisable to contract a loan has passed away.

As regards the Provincial Council Ordinance, I fear that I have not made clear the ground on which it has been necessary to disallow it, as repugnant to the Constitution Act.

The 6th section of the "Constitution Act" enacts that every person qualified as an elector shall be qualified to be elected a member of the Provincial Council, and the 10th section declares expressly in what cases the members' seat in the Council shall become vacant.

It is not, in the opinion of the Attorney General, competent to any Provincial Council to add disqualifying conditions to those expressly provided for by the Constitution Act.

Such has been the view taken by former Governments, and it has been frequently recognized and acted on in other Provinces. Your Honor will observe on consideration, that the Otago Ordinance referred to by you does not touch the present question.

I have, &c.,

WILLIAM FOX.

His Honor the Superintendent,
Southland.

No. 74.

THE SUPERINTENDENT, SOUTHLAND, TO THE COLONIAL SECRETARY.

Superintendent's Office,
Southland, 1st March, 1862.

SIR,—

I have the honor to acknowledge the receipt of your communication of date 27th January, referring to reasons which led to the disallowance of the Southland Loan and Provincial Government Ordinances.

After perusing your letter and reconsidering the clauses in the other Ordinances referred to, I can see no reason for departing from the opinion expressed in my letter of the 24th December, and must express my regret that I am unable to concur in your views.

I have, &c.,

JAS. R. MENZIES,
Superintendent.The Honorable the Colonial Secretary,
Auckland.

No. 75.

No. 352.

MR. FOX TO THE SUPERINTENDENT OF SOUTHLAND.

Colonial Secretary's Office,
Auckland, 3rd April, 1862.

SIR,—

I have the honor to acknowledge the receipt of your letter of the number and date quoted in the margin.

I have, &c.,

WILLIAM FOX.

His Honor the Superintendent,
Southland.