

10. "Northern Trunk Roads Lands Ordinance, 1864."

11. "Caversham and Green Island District Roads Lands Ordinance, 1864."

I have, &c.,

J. HYDE HARRIS,

Superintendent.

The Honorable
The Colonial Secretary,
Auckland.

No. 7.

THE HONORABLE COLONIAL SECRETARY TO THE SUPERINTENDENT OTAGO.

Colonial Secretary's Office,
Auckland, 17th September, 1864.

SIR,—

I have to acknowledge the receipt of your Honor's letter, No. 3529, of the 22nd ultimo, transmitting eleven Ordinances passed at the last Session of the Provincial Council of Otago, to which you had assented on behalf of His Excellency the Governor.

There is no legal objection to the two following Ordinances, which His Excellency the Governor will be advised to leave to their operation:—

"The Superintendent's Indemnity Ordinance, 1864," and "The Kerosene and Paraffine Oils Ordinance, 1864."

I regret to inform your Honor that there are fatal objections to the other nine Ordinances, which compel Ministers to advise their disallowance by His Excellency the Governor.

I proceed to state those objections as they respectively relate to the Ordinances in question.

"Education Reserves Ordinance, 1864: Section 2 in this Ordinance refers to a schedule which is omitted. Section 3 is very objectionable, if not altogether illegal. The Provincial Legislature cannot pass an Ordinance conferring power on itself. Moreover, the power of dealing with Reserves is given by the authority recited in the Preamble, and any further authority is unnecessary. Section 4 is also unnecessary, and will create confusion. If a grant be made the land would, it is presumed, come under the "Public Reserves Act, 1864," and then there would ensue the anomaly of a Reserve made under the regulations and power, self-conferred, or attempted to be self-conferred, by the Provincial Legislature, to deal with it, and yet still a Reserve subject to the operation, after being granted, of the provisions of the "Public Reserves Act, 1864." It is difficult to predict the effect of this complication.

Under the land laws of Otago, the correct mode of dealing with a Reserve is simply to set it apart by one Ordinance, and to pass another for its management, or perhaps one Ordinance could legally effect both objects.

The disallowance of this Ordinance of course renders necessary the refusal of the Governor's assent to the Ordinance founded on it, entitled "The Education Reserves Management and Leasing Ordinance, 1864," transmitted in your letter No. 3529, of the 25th of June last.

"Hawkesbury Road Lands Ordinance, 1864." Sections 5 and 6 of this Ordinance are beyond the power of the Provincial Legislature. Section 5 professes to authorise land to be dealt with in the manner provided by the "Highways and Water-courses Act, 1858," passed by the General Assembly; whereas, in fact, that section provides for a different mode of dealing. Section 6 appropriates revenue arising from the sale of land in a manner inconsistent with another Act of the General Assembly entitled the "Land Revenue Appropriation Act, 1858." These inconsistencies of the Provincial Ordinance with the legislation of the General Assembly render the Ordinance illegal.

The same objections which I have specified with respect to the "Hawkesbury Roads Lands Ordinance, 1864," apply to the seven following Ordinances, namely—

"Southern Trunk Road Lands Ordinance, 1864."

"Kaikora District Roads Land's Ordinance, 1864."

"Anderson's Bay District Roads Lands Ordinance, 1864."

"Tokomairiro District Roads Lands Ordinance, 1864."

"Taieari District Roads Lands Ordinance, 1864."

"Northern Trunk Roads Lands Ordinance, 1864."

"And "Caversham and Green Island District Roads Lands Ordinance, 1864."

A Proclamation disallowing the nine Ordinances in question will be published in the *New Zealand Gazette* as soon as practicable.

I have, &c.,

WILLIAM FOX.

His Honor
The Superintendent of Otago.

SOUTHLAND.

No. 1.

SUPERINTENDENT SOUTHLAND TO THE HONORABLE COLONIAL SECRETARY.

Superintendent's Office,
Southland, 27th October, 1863.

SIR,—

I have the honor to enclose herewith in duplicate copies of seven Bills, names noted in the margin, which have been passed by the Provincial Council of Southland in its Fifth Session.