

provision, the Government are advised, is invalid, because under the empowering Act of the General Assembly the Provincial Council has itself to determine the conditions upon which the railway is to be disposed of. In this point of view it is clear that there ought to be provision in the Bill for the proper working of the railway, and that the disposition of the land ought to be subject to a condition for the proper working as well as for the completion of the railway.

If the Bill is again submitted to the Provincial Council, and amendments made which will remove these legal objections to it, the Government will be glad to advise the Governor to assent to it in such amended form.

His Honor the Superintendent, Auckland.

I have, &c.,  
E. W. STAFFORD.

## No. 10.

His Honor J. P. TAYLOR to the Hon. E. W. STAFFORD.

SIR,—

Superintendent's Office, Southland, 7th May, 1868.

Oreti Ferry Leasing Ordinance, 1868.

I have the honor to enclose herewith copies in duplicate of the Bill named in the margin, and to request that you will be good enough to obtain the assent of His Excellency the Governor thereto.

I have, &c.,  
JOHN P. TAYLOR,  
Superintendent.

The Hon. the Colonial Secretary, Wellington.

## No. 11.

The Hon. E. W. STAFFORD to His Honor J. P. TAYLOR.

(No. 298.)

Colonial Secretary's Office,

SIR,—

Wellington, 15th June, 1868.

I have to acknowledge the receipt of your Honor's letter of the 7th ultimo, transmitting the reserved Bill, entitled "Oreti Ferry Leasing Ordinance, 1868."

I regret to state that I am unable to advise His Excellency to assent to this Bill, which, I am advised, is *ultra vires*, inasmuch as it deals with land not granted by the Crown to the Superintendent.

Before this land can be dealt with by the Provincial Legislature, it must be first brought under "The Public Reserves Act, 1854."

His Honor the Superintendent, Southland.

I have, &c.,  
E. W. STAFFORD.

## No. 12.

His Honor W. H. EYES to the Hon. E. W. STAFFORD.

(No. 37-138.)

Superintendent's Office,

SIR,—

Blenheim, 7th May, 1868.

The Appropriation Act 1868-9.  
The Public Reserves Sale Act 1868.

I have the honor to enclose herewith three copies of each of the Acts named in the margin, which were passed during the last session of the Provincial Council of Marlborough, and to request that you will lay the same before His Excellency the Governor, and advise him to give his assent thereto.

I have, &c.,  
W. H. EYES,  
Superintendent.

The Hon. the Colonial Secretary, Wellington.

## No. 13.

The Hon. E. W. STAFFORD to His Honor W. H. EYES.

(No. 316)

Colonial Secretary's Office,

SIR,—

Wellington, 22nd June, 1868.

The Bill entitled "The Public Reserves Sale Act, 1868," which was enclosed in your Honor's letter, No. 37-138, of the 7th ultimo, has been under the consideration of the Government, and for the undermentioned reasons I have been unable to advise the Governor to assent to it.

In the Schedule to the Bill one of the lots authorized to be sold is designated as part of section 49, "Fairfield Downs." I understand that the Council intended "Wakefield Downs," but the error is not of that clerical kind which could be corrected after the Bill left the Council, and the land as it is now designated has not been granted under the Public Reserves Act, and cannot be dealt with by a Provincial Legislature.

There is a more serious objection to the Bill, and which involves an important principle. The Bill authorises the Superintendent to sell the reserves specified in it under the provisions of "The Marlborough Waste Lands Act, 1867," and states that the proceeds of such sale shall be paid to the Provincial Treasurer and become Provincial Revenue. If the reserves are thus converted into Waste Lands, as to all intents and purposes they must be, in order to come under the provisions of "The Marlborough Waste Lands Act, 1867," the proceeds of such sale should be subject to the sixth section of "The Public Reserves Act, 1867," and be treated accordingly. Otherwise by converting reserves into Waste Lands, a Provincial Legislature could indirectly avoid the liabilities imposed by the Colonial Legislature on Provincial Land Revenue.

His Honor the Superintendent, Marlborough.

I have, &c.,  
E. W. STAFFORD.