

No. 14.

His Honor W. S. MOORHOUSE to the Hon. E. W. STAFFORD.

(No. 205.)

SIR,—

Superintendent's Office,

Christchurch, Canterbury, N.Z., 6th May, 1868.

I have the honor to transmit herewith copies of the undermentioned Ordinances, passed by the Provincial Council, and to which I have assented on behalf of His Excellency the Governor, viz. :—

* * * * *

"The Interpretation Ordinance, 1868."

* * * * *

I have, &c.,

The Hon. the Colonial Secretary.

W. S. MOORHOUSE,
Superintendent.

No. 15.

The Hon. E. W. STAFFORD to His Honor W. ROLLESTON.

(No. 285.)

SIR,—

Colonial Secretary's Office,

Wellington, 9th June, 1868.

"The Interpretation Ordinance, 1868," which accompanied your predecessor's letter, No. 205, of the 6th ultimo, has been under the consideration of Government; and I have to inform your Honor that they will be obliged to recommend His Excellency to disallow it, in consequence of the following legal objections, which they are advised it contains :—

The first section provides that the Provincial Ordinances of Canterbury shall be deemed "Public Ordinances." If Provincial Ordinances are not now by law considered "Public," they cannot be made so by Provincial legislation. His Honor Mr. Justice Johnston, I believe, has decided that Provincial Ordinances are not "Public" Ordinances, and that therefore Courts of law do not take judicial notice of them, but require them to be pleaded and proved. The other Judges of the Supreme Court apparently entertain the same view, inasmuch as they lately made a Rule of Court regulating the manner of pleading Provincial Ordinances. Moreover, "The Official Documents Evidence Act, 1860" (section 7), by providing for the proof of Provincial Ordinances, impliedly determines that they require proof; and if they require proof they are not taken notice of judicially, and are not "Public" Acts or Ordinances.

The third section is also objectionable in point of law. The time when such Ordinances as those referred to therein come into operation cannot be fixed by a Provincial Legislature. The Constitution Act fixes the time; and though such time is the date of assent, and similar to the provision in the third section, yet it is not proper that a provision purporting to exercise power which is *ultra vires* should appear in the Provincial Statute Book.

There is a clerical error in the last line of the sixth section, "revising" instead of "reviving."

The definition of Province, in the eighth section, should refer to the boundaries "for the time being" fixed by law.

I have, &c.,

His Honor the Superintendent of Canterbury.

E. W. STAFFORD.

No. 16.

His Honor W. ROLLESTON to the Hon. E. W. STAFFORD.

(No. 341.)

SIR,—

Superintendent's Office,

Christchurch, Canterbury, N.Z., 13th June, 1868.

I have the honor to acknowledge the receipt of your letter of the number and date quoted in the margin, in which you inform me that in consequence of certain legal objections the Government will be obliged to advise His Excellency to disallow "The Interpretation Ordinance, 1868."

No. 285.
June 9, 1868.

I have, &c.,

The Hon. the Colonial Secretary.

W. ROLLESTON,
Superintendent.

No. 17.

His Honor D. McLEAN to the Hon. E. W. STAFFORD.

Superintendent's Office,

SIR,—

Napier, July 4th, 1868.

I have the honor to transmit six Acts, as per margin, passed by the Provincial Council of Hawke's Bay during its late sitting, and to request you will be kind enough to recommend His Excellency to assent to the same.

"Volunteers and Militia Remission Certificate Act, 1868," Session XIII., No. 1;

"Overdraft Bill, 1868," Session XIII., No. 2;

"Credit Act," Session XIII., No. 3;

"Appropriation," Session XIII., No. 4;

"Loan Appropriation Act Amendment Act, 1868," Session XIII., No. 5;

"Education Rate Act, 1868," Session XIII., No. 6.

I have, &c.,

The Hon. the Colonial Secretary, Wellington.

DONALD McLEAN,
Superintendent.