

Enclosure in No. 45.

MEMORANDUM by Mr. HALL.

Wellington, 8th May, 1868.

His Grace the Duke of Buckingham and Chandos in his Despatch No. 20, of the 25th of February last, encloses a draft of a Bill which it is proposed to introduce into the Imperial Parliament for the purpose of removing doubts as to the validity of the Act of the General Assembly, entitled "The County of Westland Act, 1867," and of giving further powers to the General Assembly to enable it to make any alterations in the existing Provincial Institutions which circumstances may render necessary. His Grace also desires to be informed whether, in the opinion of the Government of New Zealand, this Bill, if passed into law, would meet the requirements of the case.

Ministers having considered this Bill, enclose a Memorandum from the Attorney-General suggesting certain verbal alterations in it, and respectfully request that these amendments may be introduced into it before it becomes law. Ministers trust that the proposed Imperial Act may be passed without delay, as its further postponement after the opinion which has been given by the law officers of the Crown in England, would be productive of the most serious consequences to the public interests in this Colony.

As your Excellency is at present absent from Wellington, and as the loss of the opportunity which the mails this month, *via* Panama and *via* Suez, present of transmitting this Memorandum to the Secretary of State, might prevent the enactment of the proposed law during the present session of the Imperial Parliament, Ministers take the liberty of forwarding a copy of it direct to His Grace, and trust that your Excellency will consider them, under the circumstances, justified in adopting that course.

JOHN HALL,

For His Excellency the Governor.

In the absence of Mr. Stafford.

Sub-Enclosure to Enclosure in No. 45.

MEMORANDUM by the ATTORNEY-GENERAL.

Telegram.

Hokitika, 7th May, 1868.

I THINK it would be well to request that the words "declared and" should be introduced after "therefore" and before "enacted." I think that as this is a declaratory or validating Bill it should, in its phraseology, assume that the Westland County Act was valid from the time of passing of that Act, consequently as the Westland County Act withdrew territory from a Province which does not now exist, that is, as Canterbury Province is not now identical with the Province known as "Canterbury Province" at the time of passing the English Act in 1862, nor at the time of passing the Westland Act, the words "now or hereafter established" should be "at any time heretofore established, or which may hereafter be established." If the word "now" remained, it seems to me that the effect of the Bill, as validating the Westland Act, would be open to grave question. The Westland Act did not withdraw territory from the present Province of Canterbury but from a Province not now existing and consequently not "now established." With regard to the words "since the passing of the aforementioned Act," they seem to me sufficient. The Westland Act was passed since the passing of the English Act of 1862, and that is the aforementioned Act.

I think it would be advisable to ask that the following words might be added at the end of the section:—"And from time to time to make such provision as it shall think fit relating to the effect and operation of any such withdrawals of territory on or with respect to the Province from which such territory shall have been withdrawn, and the Superintendent and Members of the Provincial Council thereof for the time being in office and the laws in force in such Province at the time of such withdrawal of territory therefrom."

I have no other observation to make.

JAMES PRENDERGAST,
Attorney-General.

No. 46.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to His Grace the Duke of BUCKINGHAM.

(No. 39.)

Government House, Auckland,

MY LORD DUKE,—

15th May, 1868.

I have the honor to forward herewith the accounts given in the local journals of my public reception on the 13th instant, at Otahuhu, a town and agricultural settlement situated about nine miles from Auckland.

2. It will be seen that I had been invited to preside at the inauguration of the Monument erected at Otahuhu to the memory of the late Colonel Nixon, formerly an officer of the 39th Regiment, and afterwards a highly esteemed settler in New Zealand; who fell mortally wounded while commanding the Colonial forces in action at Rangiawhia, on the 21st February, 1864.

3. Copies of the addresses presented to me on this interesting occasion, and of my replies, will be found in the enclosures. It will be perceived that the proceedings of the day were very enthusiastic and successful.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. F. BOWEN.

See *New Zealand Herald*, May 14, 1868.

See *Daily Southern Cross*, May 14, 1868.