

*impound* the Land Fund for the instalments overdue. The Superintendent assented to this proposal in a telegram addressed to the Colonial Secretary, and dated 8th November, 1875.

Although the language used is not technical, I think it sufficiently expresses the intention of the parties that the Land Fund of the Province might be retained in case default was made in paying the instalments.

I take it the word "impound" was used as meaning "power to retain."

Although I do not understand that a question is raised as to the power of the Superintendent to make such an agreement affecting the land revenue of the province, it is perhaps better that I should state my view respecting it. Looked at from a strictly legal point of view, I think it doubtful whether the words of the Act of 1874 are strong enough to give such a power. On the other hand, the words used are wide: an advance was authorized to be made "on such terms and conditions as shall be agreed on between the Minister for Public Works and the Superintendent of the province."

Clearly the terms of repaying the advance might be stated in the agreement; and it may, I think, be fairly contended that the Legislature meant to give the parties full powers in the matter—not regarding it strictly as a matter of contract which could be enforced in a Court of law, but one of fair and reasonable arrangement between the Government of the colony and the Government of the province. Moreover, as the money was to be paid to the Provincial Account, it was subject to appropriation by the Provincial Legislature for the purposes intended, and, I presume, was so appropriated.

I may add that, although the correspondence referred to did not take place between the Minister for Public Works and the Superintendent, I gather from the papers that the former sanctioned what was done.

2. As to the second question: Subject to what has been stated above, I think the agreement would constitute a charge upon the Land Fund other than and separate from the permanent charges in clause 4 of "The Financial Arrangements Act, 1876."

3. The answer to the third question is contained in my answer to the first question.

4 and 5. These questions may be considered together. They affect the operation of two enactments apparently in conflict.

Section 12 of "The Financial Arrangements Act, 1876," purported to preserve charges upon the Land Fund, notwithstanding the specific alterations made in the disposition of that Fund by prior parts of the Act. The amending Act of 1877 (section 4), which made the Land Fund part of the consolidated revenue, preserved the operation of sections 11 and 12 of "The Financial Arrangements Act, 1876."

In the same session a Public Revenues Amendment Act was passed the 16th section of which required that the balance of Land Fund for the half-year ending 31st December should, "notwithstanding anything in 'The Financial Arrangements Act 1876 Amendment Act, 1877,' or this Act, be payable, and shall be paid, as provided in 'The Financial Arrangements Act, 1876,' within ninety days of the said 31st December."

The Public Revenues Act was passed on the 8th December, the Financial Arrangements Act of 1877 was passed on the 10th December, so that the former, in referring to the latter, referred to an Act that was not then law. The point is not important, because both Acts were declared to take effect on the 1st January, 1878, except in so far as it may help to an interpretation of the clause under consideration.

In my opinion the operation of section 12 of "The Financial Arrangements Act, 1876," is not interfered with by section 16 of the Public Revenues Act. The latter deals only with a balance of Land Fund for the half-year ending 31st December, and it would seem the object was that this specific portion of revenue should be secured to the local bodies, and paid within a stated time, as provided by section 9 of the Act of 1876—in fact, that the local bodies should, as to this half-year's Land Fund, be protected from the possible action of the Legislature in passing the Financial Arrangements Act of 1877, a measure the final terms of which could not then be known.

It is a general rule of construction that a Statute will not be presumed to have intended to alter the law beyond its immediate scope and object; and I think this principle is applicable in the present case, and that the scope and object of section 16 of "The Public Revenues Act, 1877," is limited to the particular matter provided for. If the contrary could be held, then the many Acts setting aside blocks of land as special security for advances, or making agreements for the repayment of such advances, would in like manner be affected; and sections 11 and 12 of "The Financial Arrangements Act, 1876," would have no operation.

The Chairman, Public Accounts Committee.

W. S. REID.