

FURTHER PAPERS

RELATIVE TO THE

DISALLOWANCE OF PROVINCIAL BILLS.

In continuation of Papers presented 2nd September, 1869.

PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY, BY COMMAND OF
HIS EXCELLENCY.

WELLINGTON.

—
1870.

DISALLOWANCE OF PROVINCIAL BILLS.

No. 1.

His Honor W. ROLLESTON to the Hon. W. GISBORNE.

Superintendent's Office,

Christchurch, Canterbury, N.Z., 12th April, 1870.

SIR,—

I have the honor to forward herewith copies of the under-mentioned Ordinances passed by the Provincial Council at its last Session, and to which I have assented on behalf of His Excellency the Governor, viz. :—

“The Diversion of Roads Special Ordinance, 1870.”

“The Christchurch Municipal Corporation Reserves Ordinance, 1870.”

“The Educational Reserves Leasing Ordinance, 1870.”

“The Cemetery Reserves Management Ordinance, 1870.”

I have, &c.,

W. ROLLESTON,

Superintendent.

The Hon. the Colonial Secretary.

No. 2.

The Hon. W. GISBORNE to His Honor W. ROLLESTON.

Colonial Secretary's Office,

Wellington, 14th May, 1870.

SIR,—

Adverting to “The Christchurch Municipal Corporation Reserves Ordinance, 1870,” a transcript of which accompanied your Honor's letter, No. 224, of the 12th ultimo, I have the honor to state that this Ordinance ought to have been reserved for the Governor's assent, as expressly provided by “The Public Reserves Act Amendment Act, 1862.” I am advised that this Ordinance must therefore be disallowed, and His Excellency will be advised to issue a Proclamation of such disallowance accordingly.

I have, &c.,

W. GISBORNE.

His Honor the Superintendent, Canterbury.

No. 3.

His Honor J. MACANDREW to the Hon. W. GISBORNE.

Province of Otago, New Zealand,

Superintendent's Office, Dunedin, 11th January, 1870.

SIR,—

I do myself the honor to forward the enclosed Ordinances passed at the last Session of the Provincial Council, to which I have assented on behalf of His Excellency the Governor, viz. :—

“The Appropriation Ordinance (No. 2), 1869-70.”

“Cattle Trespass Ordinances Amendment Ordinance, 1869.”

“University of Otago Ordinance Amendment Ordinance, 1869.”

“Moeraki Lands Sale Ordinance, 1869.”

Also the following Bills, which I have reserved for the signification of His Excellency's pleasure thereon :—

“Education Reserves Management and Leasing Ordinance (No. 2), 1869.”

“Dunedin Reserves Management Ordinance, 1869.”

Would you be good enough to intimate His Excellency's decision in reference to the Dunedin Reserves Ordinance as early as possible.

I have, &c.,

J. MACANDREW,

Superintendent.

The Hon. the Colonial Secretary, Wellington.

No. 4.

The Hon. W. GISBORNE to His Honor J. MACANDREW.

Buildings, Wellington, 9th February, 1870.

(Telegram.)
With regard to Dunedin Reserves Management Bill, will you inform me whether the proceedings under the *scire facias* are not still pending, for, if so, Government will deem that an objection to the Governor's assent being given to the Bill, unless the prosecutors of the writ do not use due diligence.

His Honor the Superintendent of Otago.

GISBORNE.

No. 5.

His Honor J. MACANDREW to the Hon. W. GISBORNE.

Dunedin, 10th February, 1870.

(Telegram.)
No proceedings are pending except as regards the costs of the proceedings. The Court of Appeal approved the judgment of the Court below in favour of the Superintendent.

J. MACANDREW,

Superintendent.

Hon. Colonial Secretary, Wellington.

DISALLOWANCE OF PROVINCIAL BILLS.

No. 6.

The Hon. W. GISBORNE to His Honor J. MACANDREW.

(Telegram.)

Buildings, 15th February, 1870.

ADVERTING to your Honor's letter, No. 10,135, of the 11th January, I am advised that there is reason to think that you are mistaken as to the *scire facias*. Will you be good enough to procure and send copy of report of the solicitor as to state of the proceedings. I propose to ask solicitor on the other side to the same effect.

To Superintendent of Otago.

GISBORNE.

No. 7.

The Hon. W. GISBORNE to Mr. C. B. IZARD.

Colonial Secretary's Office,

Wellington, 15th February, 1870.

SIR,—

I am informed that the proceedings under the writ of *scire facias* lately sued out by you on behalf of certain clients, for the purpose of cancelling the Crown Grant of the Princes Street Reserves, have been abandoned by you on behalf of your clients. Will you be so good as to inform me whether you admit this to be so?

C. B. Izard, Esq., Wellington.

I have, &c.,

W. GISBORNE.

No. 8.

Mr. IZARD to the Hon. W. GISBORNE.

Wellington, 18th February, 1870.

SIR,—

I beg to acknowledge the receipt of your letter of the 15th instant, inquiring whether the proceedings under the writ of *scire facias* for the purpose of cancelling the grant of the Princes Street Reserve in Dunedin have been abandoned. In reply, I beg to say that you have been misinformed on the subject, and that the proceedings in question have not been abandoned.

The Hon. the Colonial Secretary, Wellington.

I have, &c.,

CHARLES B. IZARD.

No. 9.

Hon. W. MANTELL to the Hon. W. GISBORNE.

Sidney Street, Wellington, 20th February, 1870.

SIR,—

Mr. Izard has referred to me your letter to him of the 25th instant, relative to the Native Reserve, Dunedin; a letter which would have more properly been addressed to me, as the person in whose hands the direction of the case on behalf of the Natives has been placed.

I am willing to accept and reply to that letter as addressed to myself on your expressing a wish that I should do so.

If, however, the Government desires to correspond on this or any other subject with Mr. Izard, I offer no objection to its doing so, provided that Mr. Izard's costs for such correspondence be not charged against the very inadequate funds intrusted to me for a purpose which such correspondence could not reasonably be expected to assist.

The Hon. Colonial Secretary, &c.

I have, &c.,

WALTER MANTELL.

No. 10.

The Hon. W. GISBORNE to His Honor J. MACANDREW.

(No. 73.)

Colonial Secretary's Office,

Wellington, 25th February, 1870.

SIR,—

With reference to the Dunedin Reserves Management Ordinance, forwarded in your Honor's letter (No. 10,135-6) of the 11th ultimo, I have the honor to transmit for your information the accompanying copy of a correspondence, noted in the margin, which has taken place with Mr. Izard, solicitor, of Wellington, on the subject.

His Honor the Superintendent, Otago.

I have, &c.,

W. GISBORNE.

Col. Secretary to
C. B. Izard, Esq.,
15 Feb., 1870;
C. B. Izard, Esq.,
to Col. Secretary,
18 Feb., 1870;
Col. Secretary to
C. B. Izard, Esq.,
25 Feb., 1870.

No. 11.

The Hon. W. GISBORNE to Mr. C. B. IZARD.

Colonial Secretary's Office,

Wellington, 25th February, 1870.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 18th instant, respecting the proceedings under the writ of *scire facias* for cancelling the grant of the Princes Street Reserve, and, in reply, to inform you that a Bill has been passed by the Provincial Council of Otago, under the powers contained in "The Public Reserves Act, 1856," and the Amendment Act of 1862, for vesting the Princes Street Reserves in the Corporation of Dunedin.

The Government are advised that the Governor's assent should not be given to the Bill so long as the proceedings in the *scire facias* are pending, provided they be prosecuted with due diligence.

On inquiry of the Superintendent, the Government were informed that no proceedings were pending, but, in order that there should be no mistake, the Government have requested the Super-

intendent to obtain and furnish a report from the Provincial Solicitor. In the meantime, being informed by you that proceedings are pending, they desire to state that, should it appear that proceedings are pending but are not being diligently prosecuted, Government will not consider themselves justified in refusing to advise the Governor's assent being given to the Bill, unless the Government can be assured that the proceedings are being and will be diligently prosecuted.

C. B. Izard, Esq., Wellington.

I have, &c.,
W. GISBORNE.

No. 12.

His Honor J. MACANDREW to the Hon. W. GISBORNE.

(No. 10,135-10.)

Province of Otago, New Zealand,
Superintendent's Office, Dunedin, 4th March, 1870.

SIR,—

I have the honor to acknowledge the receipt of your letter of the number and date quoted in the margin, enclosing copy of correspondence which has taken place with Mr. Izard, solicitor, at Wellington, on the subject of the Dunedin Reserves Management Ordinance, passed by the Provincial Council of Otago at its last Session.

I have, &c.,
J. MACANDREW,
Superintendent.

The Hon. the Colonial Secretary, Wellington.

No. 13.

The Hon. W. GISBORNE to the Hon. W. MANTELL.

(No. 127.)

Colonial Secretary's Office,
Wellington, 5th March, 1870.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 20th ultimo, referring to a letter which I had addressed to Mr. Izard relative to the Native Reserves at Dunedin, but which you state should have more properly been addressed to you "as the person in whose hands the direction of the case on behalf of the Natives has been placed."

I am advised that the letter in question was properly addressed to Mr. Izard, and that, even if you had been plaintiff in the cause, your solicitor would still have been the person to whom such a letter ought to have been addressed. But I do not understand your connection with this suit to be at all that of a plaintiff. The late Government advanced money to aid in the prosecution of the suit, and, on being informed that you would continue to watch the case in the interest of the Natives, authorized you to draw cheques on the account into which the money advanced was paid. I cannot find any communication made to the Government showing that the direction of the suit had been placed in your hands. There is nothing to show, as I am further advised, that you are clothed with any legal control over the suit,—and this appears to be your own view of the question, as you have not, so far as I can ascertain, replied to Mr. Richmond's letter to you of the 27th May last, asking you to furnish some report of the progress of the suit. Mr. Izard, on the other hand, is the legally constituted agent of the Natives in the suit, and is the most proper medium of communication between the Colonial Secretary and the Native suitors in matters relating thereto. That he has hitherto regarded himself in that light is apparent from the fact that he has received and answered previous communications relating to the suit and matters connected therewith,—for instance, the written and oral communications between Mr. Richmond and himself with respect to terms of settlement proposed by the Superintendent of Otago. The very letter, to the address of which you object, was in reply to one from Mr. Izard, which itself was an answer to another from me.

The question of Mr. Izard's costs is one between himself and his clients. The Government have, it is true, advanced funds to assist the Native suitors by providing a sum of £400 for their costs, but the Government do not pretend to say what costs connected with this matter shall or shall not be paid out of that fund. At all events, I do not think that the possible charge of a few shillings on that fund should prevent the Government from conducting the recent correspondence with the solicitor who, as they are advised, is the proper person to give the information required, and to receive the intimation that a Provincial Bill affecting the land in question is under the consideration of the Government.

I am surprised to learn that you consider the sum of £400 advanced by the late Government to be "very inadequate," as in a semi-official note addressed by you to the late Native Under Secretary on the 7th August, 1867, and filed with the papers, you designate the sum of £500, the amount required in the usual bond for payment of the defendants' costs, as excessive, and about five or ten times what was necessary.

Under these circumstances, I should wish that Mr. Izard should, on behalf of his clients, reply to my letter of the 25th ultimo, but the Government will be glad to receive any communication from you on the subject of that letter, which you may wish to make.

The Hon. Walter Mantell, Wellington.

I have, &c.,
W. GISBORNE.

No. 14.

The Hon. W. MANTELL to the Hon. W. GISBORNE.

SIR,—

Sidney Street, 10th March, 1870.

In reply to your letters of 25th February and 5th March, I have the honor to inform you that Mr. Izard, on behalf of the plaintiffs, was instructed, immediately after judgment was delivered in the Court of Appeal, to proceed with all due diligence to prepare an amended declaration; and that I have no reason to believe that that gentleman is not doing his utmost to carry out his instructions.

But the ground of objection taken to the declaration by the Court—that the allegation that the reserve was duly made does not involve the assertion that the steps necessary to its being duly made were taken by the Governor, namely, the obtaining the advice and consent of his Executive Council—not only renders research necessary into old transactions, the records of which are probably imperfect and not easy of access, but also necessitates a reference to Sir George Grey, who, as you are aware, is now in England. No amount of diligence can therefore, I fear, obviate a considerable delay in the preparation of the amended document.

With respect to the Bill of the Otago Provincial Council mentioned in your letter, I am informed by Mr. Izard that he has not been favoured by you with a copy of that Bill. I would therefore venture to request that you would either furnish me with such copy for his information, or that you would inform me to what extent and in what manner you are advised that the Bill, if assented to, would prejudice his clients.

I have restricted my reply to the more essential parts of your letters; but I may add, that although I deferred my reply to Mr. Richmond's letter, any necessity for a written answer was eventually superseded by a personal interview with Mr. Bell, at which I gave him the fullest information.

I have, &c.,

WALTER MANTELL.

The Hon. the Colonial Secretary.

No. 15.

His Honor J. MACANDREW to the Hon. W. GISBORNE.

(No. 10,135-13.)

Province of Otago, New Zealand,

SIR,—

Superintendent's Office, Dunedin, 18th March, 1870.

Referring to my letter, No. 10,135-10, of the 4th instant, in reply to yours, No. 73, of the 25th ultimo, with accompanying correspondence relative to the Princes Street Reserve, I have the honor to state that the question of "pending proceedings" has been again referred to the Provincial Solicitor, who intimates that my telegram to you of 10th February expresses the actual position of the case. Seeing, therefore, that there are no proceedings pending as regards the main question, and that it is of the utmost importance, in the interests of the public, that His Excellency's assent should be given to "The Dunedin Reserves Management Ordinance, 1869," I venture to hope that such assent may be given without further delay. It is evident that Mr. Izard's clients have no case, and have no intention of prosecuting the matter further.

So perfectly satisfied is the Provincial Government, both as to the law and equity of the case, that had an adverse decision been given, we should have appealed to the Court of final jurisdiction.

I may observe, that at present the reserve, which ought to be yielding a good rental, is occupied by parties who are paying no rent at all; and that the longer the question of administration is allowed to remain in abeyance, the more complicated and unsatisfactory is the position of those interested.

I have, &c.,

J. MACANDREW,

Superintendent.

The Hon. the Colonial Secretary, Wellington.

No. 16.

Mr. BIRCH to the Hon. W. GISBORNE.

(Telegram.)

Dunedin, 28.3.70.

MEMBERS of Corporation exceedingly anxious to know what position Princes Street Reserve is in; whether General Government has advised the Governor to give his assent to Bill passed at last Session of Provincial Council, placing reserve in control of municipality. Would General Government sanction Corporation asking Provincial Government for the £6,000 in their possession, on the Corporation handing over bonds as security for same while settlement of question is pending?

The Colonial Secretary, Wellington.

BIRCH, Mayor.

No. 17.

The Hon. W. GISBORNE to Mr. BIRCH.

(Telegram.)

Wellington, 31st March, 1870.

In reply to your telegram of 28th instant, I send you copy of my telegram to Superintendent on subject of Dunedin Princes Street Reserves Bill.

The Mayor of Dunedin.

W. GISBORNE.

The Hon. W. GISBORNE to His Honor J. MACANDREW.

(Telegram.)

Wellington, 31st March, 1870.

UNLESS the Attorney-General is satisfied within a week by Mr. Izard that legal proceedings are pending, and are being diligently prosecuted, in respect of the Dunedin Princes Street Reserve, Governor will be advised to assent to "Dunedin Reserves Management Ordinance, 1869." Please send me by first opportunity two more copies of the Bill. With respect to the transfer of the £6,000 to the Corporation, Government are advised that, as the Superintendent has undertaken to the General Government to restore that money whenever the title under the Crown Grant issued to the Superintendent shall be declared by a Court of law invalid, the General Government should not either sanction, or refuse to sanction, or express any opinion on, this proposal. It is a matter for the Province to decide upon, both as regards transfer and security, and not the General Government. I will communicate this telegram to Mayor of Dunedin, who telegraphed to me on the subject.

His Honor the Superintendent, Dunedin.

W. GISBORNE.

No. 18.

The Hon. W. GISBORNE to Mr. C. B. IZARD.

(No. 206.)

Colonial Secretary's Office,
Wellington, 31st March, 1870.

SIR,—

Adverting to my letter of yesterday's date on the subject of the Provincial Bill now under consideration of the Government, relative to the Dunedin Princes Street Reserve, I have the honor to inform you that the Government require to be satisfied that legal proceedings are pending and are being diligently prosecuted in respect of that reserve, and that they consider that, unless they are so satisfied, the Bill should be assented to by the Governor.

I have therefore to request you to be good enough to furnish to the Attorney-General such evidence as you may think necessary to satisfy him on the point in question. As the time within which His Excellency can be advised to assent to the Bill is drawing to a close, it will be necessary that such evidence should be laid before the Attorney-General within a week from this date.

I have, &c.,

W. GISBORNE.

C. B. Izard, Esq., Wellington.

No. 19.

His Honor J. MACANDREW to the Hon. W. GISBORNE.

(No. 10,135-14.)

Province of Otago, New Zealand,

SIR,—

Superintendent's Office, Dunedin, 1st April, 1870.

I have the honor to forward herewith, agreeably to your request, two copies of "The Dunedin Reserves Management Ordinance, 1869," passed at the last Session of the Provincial Council.

I have, &c.,

J. MACANDREW,

Superintendent.

The Hon. the Colonial Secretary, Wellington.

No. 20.

Mr. C. B. IZARD to the Hon. the ATTORNEY-GENERAL.

Wellington, April 6, 1870.

SIR,—

I have received a letter from Mr. Gisborne, dated the 31st day of March last, on the subject of the Provincial Bill now under consideration of the Government, relative to the Dunedin Princes Street Reserve, and informing me that the Government require to be satisfied that legal proceedings are pending and are being diligently prosecuted in respect of that reserve, and that they consider that unless they are so satisfied, the Bill should be assented to by the Governor. In the same letter I am requested to furnish you with such evidence as I may think fit, to satisfy you on the point in question.

I have now the honor to inform you that I have received positive instructions to appeal to the Privy Council from the late decision of the Court of Appeal. Further study of the terms of the Royal Instructions of 1846, has satisfied us that the Governor, in making the reserve claimed, was not in law bound at all to consult his Executive Council; and as the Court of Appeal decided the case against us on the narrow ground that the writ and declaration did not allege the reserve to have been made with the consent of the Executive, I have advised an appeal. I am now, in pursuance of my instructions, preparing the petition of appeal, and am taking the necessary steps to forward the case. I shall be happy to furnish you with any further information on the subject you may desire.

I have, &c.,

CHARLES B. IZARD.

The Hon. the Attorney-General.

No. 21.

Mr. J. PRENDERGAST to Mr. C. B. IZARD.

Attorney-General's Office,

Wellington, 9th April, 1870.

SIR,—

Referring to your letter of the 6th instant, relative to the Princes Street Reserves (Dunedin), will you be so good as to inform me what you conceive to be the first step to be taken on your appeal. I have no book at hand containing the rules regulating petitions for leave to appeal. Are not the giving notice and security necessary conditions?

I have, &c.,

JAMES PRENDERGAST,

Attorney-General.

C. B. Izard, Esq., Barrister-at-Law,
Wellington.

No. 22.

The Hon. W. GISBORNE to His Honor J. MACANDREW.

(No. 164.)

Colonial Secretary's Office,

Wellington, 20th April, 1870.

SIR,—

Adverting to my telegram of the 31st ultimo, respecting the Bill entitled "Dunedin Reserves Management Ordinance, 1869," I have the honor to enclose a copy of a letter dated the 6th instant, received from Mr. Izard on the subject, and to state that the Attorney-General is satisfied that Mr. Izard is in good faith taking proceedings for appeal to the Privy Council against the judgment of the Court of Appeal.

Under these circumstances, His Excellency has been advised to withhold his assent to the Bill in question.

I have, &c.,

W. GISBORNE.

His Honor the Superintendent, Otago.

DISALLOWANCE OF PROVINCIAL BILLS.

No. 23.

His Honor W. WOOD to the Hon. W. GISBORNE.

SIR,—

Superintendent's Office, Southland, 4th January, 1870.

I have the honor to enclose herewith copy (in duplicate) of the Bill passed by the Provincial Council of Southland during its last Session, and reserved for the signification of His Excellency's pleasure thereon—"The Sheep Ordinance, 1866, Amendment Ordinance, 1869."

I have, &c.,

WILLIAM WOOD,
Superintendent.

The Hon. the Colonial Secretary, Wellington.

No. 24.

The Hon. W. GISBORNE to His Honor W. WOOD.

SIR,—

Colonial Secretary's Office, Wellington, 18th February, 1870.

I have the honor to acknowledge the receipt of your letter of the 4th ultimo, enclosing "The Sheep Ordinance, 1866, Amendment Ordinance, 1869," which your Honor had reserved for the signification of the Governor's pleasure thereon, and, in reply, to inform you that the Government is advised that the Ordinance is open to legal objection, and cannot properly be assented to. As the law at present stands, all the fines and penalties referred to in this Bill are paid into the Public Account of the Province by the Clerks of the Court and others "to whom they are legally payable;" but the Bill would render such clerks and others liable to a fine of one hundred pounds under it if they performed their duty under "The Diseased Sheep Fines Appropriation Act, 1867," (passed by the General Assembly,) because the Bill provides that such persons shall pay fines and penalties into a bank named by the Superintendent on the recommendation of the Sheep Board.

"The Diseased Sheep Fines Appropriation Act, 1867," certainly provides that such fines and penalties shall be Provincial Revenue; but this, in effect, is a provision that Clerks of Courts shall pay to Provincial Account at the Bank where the Provincial Account is kept. The provision, therefore, in the Bill, should have been simply an appropriation of the moneys received as fines and penalties under "The Diseased Sheep Fines Appropriation Act, 1867."

I have therefore been compelled to advise His Excellency to withhold his assent to this Bill.

I have, &c.,

W. GISBORNE.

His Honor the Superintendent, Southland.

No. 25.

His Honor O. CURTIS to the Hon. COLONIAL SECRETARY.

(No. 31.)

Superintendent's Office,

SIR,—

Nelson, 28th June, 1870.

I have the honor to forward herewith the under-mentioned Acts, passed by the Provincial Council of this Province, to which I have given my assent, on behalf of His Excellency the Governor, viz. :—

"An Act to repeal the Executive Government Ordinance, and to make other provisions in lieu thereof."

"An Act to appropriate the Revenue of the Province of Nelson for the year ending 31st March, 1871."

I have also the honor to forward the under-mentioned Acts (in duplicate), passed by the Provincial Council, which I have reserved for the signification of His Excellency's pleasure thereon, viz. :—

"An Act to enable the Nelson Board of Works to raise the sum of Four Thousand Pounds by the issue of Debentures."

"An Act to amend the Nelson Water Works Act."

"An Act to further amend 'An Act to authorize the Superintendent to guarantee Interest upon the Capital to be expended in the construction of a Patent Slip or Dry Dock in the Port of Nelson.'"

I also enclose copies of two letters signed by the Speaker of the Provincial Council relative to the unauthorized expenditure during the year ended 31st March, 1870, in compliance with the provisions of the fourteenth section of "The Provincial Audit Act."

I have, &c.,

OSWALD CURTIS,
Superintendent.

The Hon. the Colonial Secretary, Wellington.

No. 26.

The Hon. W. GISBORNE to His Honor O. CURTIS.

(70-1,723.)

Colonial Secretary's Office,

SIR,—

Wellington, 21st July, 1870.

Adverting to my letter of this day's date, I have to inform your Honor that the Government is advised that the reserved Bill passed by the Nelson Provincial Council, entitled "The Patent Slip Act, 1870," is *ultra vires*, inasmuch as it extends for three years the operation of the former Ordinance (authorizing a guarantee), and thus infringes the prohibition contained in the eleventh section of "The Consolidated Loan Act, 1867." His Excellency has therefore been advised to withhold his assent to this Bill.

I have, &c.,

W. GISBORNE.

His Honor the Superintendent, Nelson.

No. 27.

His Honor J. D. ORMOND to the Hon. the COLONIAL SECRETARY.

SIR,— Superintendent's Office, Napier, 13th June, 1870.
 I have the honor to transmit the under-mentioned Acts in duplicate, and trust you will advise His Excellency the Governor to assent to the same:—

- "Odd Fellows Hall Bill." No. 1.
- "Diversion of Roads Act." No. 2.
- "Sheep and Scab Act, 1870." No. 3.
- "Clyde Public Hall Bill." No. 4.
- "Impounding Act Amendment Act." No. 5.
- "Police Act Amendment Act." No. 6.
- "Credit Act, 1870." No. 7.
- "Licensing Act, 1870." No. 8.
- "Appropriation Act, 1870." No. 9.

I have, &c.,
 J. D. ORMOND,
 Superintendent.

The Hon. the Colonial Secretary, Wellington.

No. 28.

The Hon. W. GISBORNE to His Honor J. D. ORMOND.

(No. 184.) Colonial Secretary's Office,
 Wellington, 29th July, 1870.
 SIR,— Adverting to my letter of this day's date, I have to inform your Honor that the Government are advised that "The Odd Fellows Hall Act, 1870," and "The Clyde Public Hall Act, 1870," are invalid for the following reasons, namely:—

The purpose of "The Odd Fellows Hall Act, 1870," is not in law a purpose of public utility, but one of a purely private nature. The land cannot be given away, but may be sold even for a nominal sum, although such disposal would not be proper.

In the case of "The Clyde Public Hall Act, 1870," the land has not been granted; and if it had been, it is invalid for the same reason as that stated in the case of "The Odd Fellows Hall Act, 1870."

His Excellency the Governor has therefore been advised to withhold his assent to these Bills.
 I have, &c.,
 W. GISBORNE.

His Honor the Superintendent, Hawke's Bay.

