

of 1858. This, therefore, seems to me to be a case of mere false description, and that the provision ought to be read as if the words "as set forth in the Schedule" were omitted from the provision.

This being my opinion, then, in my view the whole of the lands in the Bay of Islands Settlement may be dealt with under "The Auckland Waste Lands Act, 1870;" but this land being subject to an agreement for a lease, ought to be treated as subject to it still. But if the lease of the coal mine has not yet been granted, the question is, how can it now? The Governor's powers under "The Bay of Islands Act, 1858," are repealed without exception, and the Auckland Waste Land Laws contain no powers for leasing mineral lands, so far as I can find. The Act passed by the Provincial Council professes to deal with this land as ordinary waste lands in the Province reserved for public purposes.

But in the first place, under a power to reserve for public purposes, I do not see how it can be contended that land may be set aside for mining purposes; and moreover, even if well reserved, no Crown grant to the Superintendent has been made, and consequently the Province cannot legislate on the subject.

"The Bay of Islands Settlement Act, 1870," gives a power to compensate, in money or lands, persons having equitable claims on any of the lands in the Settlement. This power does not meet the case. Probably the best course is to assent to the Bill, and validate it next Session in the General Assembly, explaining, however, to the Superintendent that this must not form a precedent.

I would suggest, also, that the Auckland Waste Lands Acts should be amended so as to specify the purposes for which reserves may be made, and to enable leases of mineral lands to be made, and providing for the mode and terms of leasing.

23rd February, 1871.

J. PRENDERGAST.

Enclosure 2 in No. 10.

MEMORANDUM by the ATTORNEY-GENERAL.

The Auckland Harbour Act, 1871.

I THINK that the intention of the Legislature in passing subsection 8 of section 3 of "The Harbour Board Act, 1870," was to empower Provincial Legislatures to pass special Acts authorizing Superintendents to vest reserves in Harbour Boards. In the Bill now before me, the exercise of this power is in as general terms as those contained in the Harbour Boards Act. I think, therefore, that the Superintendent should be informed that Government is advised that the proper if not the only legal mode of legislating is by a special Act mentioning the lands to be vested or reclaimed: otherwise there is no legal objection to the Bill. I think, therefore, it should be assented to, but Superintendent informed of the objection.

10th March, 1871.

J. PRENDERGAST.

No. 11.

His Honor F. A. CARRINGTON to the Hon. W. GISBORNE.

SIR,— Superintendent's Office, New Plymouth, 25th April, 1871.

I have the honor to transmit herewith parchment copies of the following Ordinances (Taranaki), viz. :—

"The Town Buildings Roofing Ordinance Amendment Ordinance, 1871," to which I have assented on behalf of His Excellency the Governor; and also,

"The Town Board of New Plymouth Endowment Ordinance, 1871," which I have reserved for the signification of His Excellency the Governor's pleasure thereon.

I have, &c.,

F. A. CARRINGTON,
Superintendent.

The Hon. the Colonial Secretary.

No. 12.

His Honor F. A. CARRINGTON to the Hon. W. GISBORNE.

SIR,— Superintendent's Office, New Plymouth, 10th May, 1871.

I have the honor to transmit herewith parchment copy of "The Beach Road Stoppage Ordinance, 1871" (Taranaki), to which I have assented on behalf of His Excellency the Governor.

I have, &c.,

F. A. CARRINGTON.

The Hon. the Colonial Secretary, Wellington.

No. 13.

The Hon. W. GISBORNE to His Honor F. A. CARRINGTON.

SIR,— Colonial Secretary's Office, Wellington, 15th May, 1871.

I have the honor to acknowledge the receipt of your letter No. 31, of the 25th ultimo, enclosing "The Town Buildings Roofing Ordinance Amendment Ordinance, 1871," and "The Town Board of New Plymouth Endowment Ordinance, 1871," the former of which your Honor had assented