

1. That the Ordinance of 1870 referred to, is identical in its provisions to those passed almost annually by the Provincial Council of Otago, and that the clause as to the surrendering of the new road, &c., objected to as *ultra vires*, is copied *verbatim et literatim* from the Otago Ordinances. It seems, therefore, strange that provisions which are valid when passed in Otago become *ultra vires* when applied to Taranaki; and I cannot see that the geographical position of a place should be the cause of an alteration in the interpretation of its statutes.

On my pointing out that the provisions objected to as *ultra vires* had already and repeatedly been sanctioned by the Government in Otago Ordinances, "The Roads Diversion Ordinance, 1870," was left to its operation.

2. No provision is made in "The Beach Road Stoppage Ordinance, 1871," for the surrender of a new road, because no road is to be made to replace the beach road proposed to be stopped up. The object of stopping it is simply because it is a nuisance if kept open; that it serves no purpose of public utility, save on the rare occasions when stone is required from the beach; and that, so long as it remains open, great injury is done to the Turnpike Trust, which is constantly evaded by this road. In clause 2 provision is made for dealing with the road stopped up in such a manner as will secure the right of the public in respect of drawing stone for road-making and other purposes of public utility, as it is not thought advisable to convey the land absolutely without reserving such right. So long as the road remains open, so long will the turnpike gate be, to a large extent, evaded, to the great loss of the Province in the important matter of road extension; and I therefore trust that, on consideration of the circumstances, His Excellency will be advised to allow the Ordinance to be left to its operation.

I have, &c.,

FRED. A. CARRINGTON,
Superintendent.

The Hon. the Colonial Secretary, Wellington.

No. 16.

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

SIR,—

Colonial Secretary's Office, Wellington, 11th July, 1871.

I have to acknowledge the receipt of your Honor's letter, No. 42, of the 5th ultimo, upon the subject of "The Town Board of New Plymouth Endowment Ordinance, 1871," and "The Beach Road Stoppage Ordinance, 1871," his assent to which His Excellency the Governor had been advised to withhold.

In reference to the Town Board Endowment Ordinance, I find that your Honor's statement, that in 1867 an Ordinance with similar provisions was assented to, is strictly true. You also point out that the land, though spoken of as a racecourse, had never been appropriated or reserved for the purpose. This removes one objection to the Ordinance.

As to the other objection pointed out in my letter of the 15th May, though the Government are still advised that the endowment of a municipality is not for a public purpose within the meaning of the Public Reserves Act, still, as the Ordinance of 1867 was assented to, as this objection has not been allowed to prevail in other cases, and as the appropriation for the purpose does not seem excessive, His Excellency will not be advised to refuse his assent to a similar Ordinance to that under consideration, if passed by the Provincial Council in a future Session.

Regarding "The Beach Road Stoppage Ordinance, 1871," I find that your Honor is correct in saying that the provisions which are stated to be invalid appear in the legislation of Otago and in "The Taranaki Roads Diversion Ordinance, 1870." But you omit to notice that the Government points out to you the invalid provision, and also stated that such provision was not to be acted on.

The same course was taken in corresponding with the Superintendent of Otago in reference to the Roads Diversion Ordinance of that Province, and His Honor was given to understand that the invalid provision was not to be acted on. I regret that this was not pointed out to your Honor when writing to you on the subject of the Ordinance of last year.

I need scarcely add, that the provision which has been pronounced invalid in Taranaki, is equally so in Otago, and is not acted on in the latter Province.

On the understanding, that your Honor will not make any conveyance under the second Section, His Excellency will not be advised to exercise his power of disallowance with respect to this Ordinance, though it is doubtful how far the provisions of the third Section are valid.

I have, &c.,

W. GISBORNE.

His Honor the Superintendent, Taranaki.

No. 17.

His Honor W. FITZHERBERT to Sir G. F. BOWEN, G.C.M.G.

SIR,—

Superintendent's Office, Wellington, 7th July, 1871.

I do myself the honor to forward to your Excellency the following Acts, passed by the Provincial Council of Wellington, during their present Session [Sess. XXI.], to which I have assented on your Excellency's behalf, viz.:—

"An Act to appropriate the Revenue of the Province of Wellington for a term commencing on the 1st day of April, 1871, and ending on the 31st day of May, 1871."

"An Act to amend the First Clause of the Licensing Amendment Act, Session XIII., No. 10."

"An Act to grant a piece of Land at Wanganui to the Freemasons."

"An Act to amend and consolidate the Law relating to District Highways."

"An Act to provide for the erection of Toll-Gates on Main Roads in the Province of Wellington."