

DISALLOWANCE OF PROVINCIAL BILLS.

No. 5.

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

Province of Otago, New Zealand,
Superintendent's Office, Dunedin, 19th August, 1871.

SIR,—

I do myself the honor to forward the enclosed Bills, passed at the last Session of the Provincial Council, which have been reserved for the signification of His Excellency the Governor's pleasure thereon, viz. :—

- “The Dunedin Drill Shed Reserves Management Bill, 1871.”
- “The Education Reserve, Jacob's River, Sale Bill, 1871.”
- “The Portobello School Glebe Exchange Bill, 1871.”
- “The Sale of Land to Dunedin City Validation Bill, 1871.”
- “The Dunedin Reserves Management Bill, 1871.”
- “The Clyde School Reserves Sale Bill, 1871.”
- “The Northern Agricultural and Pastoral Reserves Management Bill, 1871.”
- “The Ferry and Accommodation House Reserves Leasing Bill, 1871.”
- “The Blueskin Market Reserves Bill, 1871.”
- “The Invercargill Reserves Leasing Bill, 1871.”
- “The District Roads Compulsory Land Taking Bill, 1871.”
- “The Hampden Mechanics' Institute Reserve Management Bill, 1871.”
- “The Oamaru Drill Shed Reserves Management Bill, 1871.”
- “The Invercargill Athenæum Reserves Management Bill, 1871;” and
- “The Education Reserves Management and Leasing Bill, 1871.”

I have, &c.,

J. MACANDREW,

Superintendent.

The Hon. the Colonial Secretary, Wellington.

No. 6.

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

(No. 363.)

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

SIR,—

Adverting to my letter of this day's date, I have to inform your Honor that His Excellency the Governor has been advised to withhold his assent to the Bills entitled

- “The Dunedin Drill Shed Reserve Management Ordinance, 1871;”
- “The Education Reserves, Jacob's River Hundred, Sale Ordinance, 1871;” and
- “The Dunedin Reserves Management Ordinance, 1871,”

for the following reasons, namely :—

“The Dunedin Drill Shed Reserve Management Ordinance, 1871.”—The Government are advised that two of the sections of the land dealt with, being still Crown lands, cannot therefore be the subject of Provincial legislation, and that it will be necessary for your Honor to obtain Crown grants of these lands before the Provincial Council can deal with them. That, as to the section of land in the Third Schedule, it is vested in the Superintendent not for a public purpose; but, if legally vested in him at all, it is as Trustee for the Presbyterian Church, and a Provincial Ordinance ought not to be assented to which affects to authorize such a change of trusts.

With regard to “The Education Reserve, Jacob's River Hundred, Sale Ordinance, 1871,” the Government are advised that it is invalid, for it recites that the section is granted in trust, but that before the grant an application for purchase of a part had been made by one Brown; and that the application was granted, and he entered into possession. This would be good reason for repeal of the grant by *scire facias*; but so long as the grant remains uncanceled it is effective, and the Superintendent and Provincial Council can only deal with the land under the Public Reserves Act. They can authorize a sale to Brown—perhaps for a nominal sum, but still it must be a sale. The Council cannot deal with the land in the manner proposed—it must recognize the grant and authorize a sale to Brown.

With regard to “The Dunedin Reserves Management Ordinance, 1871,” the Government are advised that this Ordinance deals with the Princes Street Reserve, which it authorizes the Superintendent to vest in the Corporation. The question of the right of certain Natives to the land is still in litigation. Your Honor has pledged the Province to make good the rents received in the meanwhile, in case the decision of Courts of law should be against the validity of the grant; but that arrangement would not be binding on the Corporation if the land were made over to them, and to assent to the Ordinance at present might seem to be prejudicing the case.

I have, &c.,

W. GISBORNE.

His Honor the Superintendent, Otago.