

(No. 475.)

MR. FOX TO THE SUPERINTENDENT, TARANAKI.

Colonial Secretary's Office,
Auckland, 9th May, 1863.

SIR,—

Public Reserves Ordinance, No. 61, 1
Cattle Ownership Ordinance, 1862.
Scotch Thistle Ordinance, 1862.
Weights and Measures Ordinance, 1862.

I have the honor to acknowledge the receipt of your Honor's letter, No. 25, of the 24th ult., transmitting the four Ordinances named in the margin, passed by the Provincial Council of Taranaki and assented to by your honor.

With reference to the "Public Reserves Ordinance, 1861," I have to request your honor to inform me whether all the reserves referred to therein have been granted to the Superintendent of Taranaki under the "Public Reserves Act, 1854," as, otherwise it would not be competent to the Provincial Legislature to pass such an Ordinance.

His Excellency the Governor will be advised to leave the "Cattle Ownership Ordinance, 1862," and the "Scotch Thistle Ordinance, 1862," to their operation.

The "Weights and Measures Ordinance, 1862," is however, in direct contravention of the 4th sub-section of the 19th section of the Constitution Act, which forbids a Provincial Legislature to make any law for regulating the Weights and Measures to be used in a Province or in any part thereof; His Excellency has, therefore, necessarily been advised to disallow that Ordinance, and Proclamation to that effect will be issued accordingly.

I have, &c.,

WILLIAM FOX.

His Honor the Superintendent
Taranaki.

No. 5.

HAWKE'S BAY.

THE SUPERINTENDENT, HAWKE'S BAY TO THE COLONIAL SECRETARY.

Superintendent's Office,
Napier, Feb. 8th, 1862.

SIR,—

Athenæum Trustees Act,
Provincial Auditor's Salary Act.

I have the honour to transmit two Acts, as noted in the margin, passed by the Provincial Council of Hawkes Bay, during the present Session, and which Acts have been reserved by me for the signification of his Excellency's pleasure thereon.

I have &c.,
J. C. LAMBTON CARTER,
Superintendent.

The Honourable the Colonial Secretary,
Auckland.

No. 6.

(No. 235.)

MR SEWELL TO THE SUPERINTENDENT, HAWKE'S BAY.

Colonial Secretary's Office,
Auckland, 6th March, 1862.

SIR,—

Referring to the Athenæum Trustees Act, enclosed in your Honor's letter, of the 8th ultimo, and reserved for the signification of the Governor's pleasure thereon, I regret to inform your Honor that this Bill is open to the following, legal objections which have compelled me reluctantly to advise his Excellency to withhold his assent to it.

Under the "Public Reserves Act, 1854," land set apart as Reserves for specific purposes, is to be vested in the *Superintendent* and *his successors* in trust, to manage the same subject to the provisions of the Act.

The Reserve may be *sold, mortgaged or leased* by authority of a Provincial Ordinance, or its purpose may be *changed* by a like authority.

But the Superintendent cannot (and the Provincial Council cannot authorise him to) transfer the Reserve Trust to other persons;—that would be to frustrate the provisions of the Public Reserves' Act. A Trustee cannot constitute other persons to be Trustees in his place except under special provision for that purpose.

The Trust in this case is besides defective in other respects.

The Superintendent is to convey the Reserve to three Trustees, but to whom? and how to be appointed? They are to hold to themselves and their successors, but they cannot hold in succession and there is no provision for appointing new Trustees upon death or other change.

I have, &c.,

HENRY SEWELL,
For the Colonial Secretary.His Honor the Superintendent,
Napier.