

No. 12.

THE HONORABLE COLONIAL SECRETARY TO THE SUPERINTENDENT SOUTHLAND.

Colonial Secretary's Office,
Auckland, 2nd May, 1864.

SIR,—

I have to acknowledge the receipt of your Honor's letter of the 10th ultimo, transmitting the "Church of England Cemetery Ordinance, 1863," passed by the Provincial Council of Southland on the 19th of October last, and reserved by your Honor for the signification of the Governor's pleasure thereon.

The copy of this Ordinance to which you refer as having been previously sent, has never reached this office.

This Ordinance is altogether incomprehensible in its present shape, and I presume some clerical mistakes have occurred in it. There is no allusion whatever in the body of the Ordinance to Schedule B, or the land described in it. The Ordinance speaks only of one Schedule, and one parcel of land.

The description in Schedule B, appears to have been copied and added by mistake, while in the copying the *habendum* in the Grant, (probably) from which the description was taken, has been included by another mistake. The phrase at the end of Schedule B, if it means anything, will destroy the effect of the previous enactment.

Upon enquiry, I find that there is a Registered Grant of a piece of land as a Cemetery to the Superintendent of Otago, from a comparison of the plan on which with the description in Schedule A, of this Ordinance, it appears that the piece in the Schedule is the southern portion (20 acres) in that Grant. If this supposition is correct, the Ordinance would not seem to be of any effect.

If legislation in this matter is intended, under the Public Reserves Act, 1854, the provisions of that Act should be carefully complied with.

His Excellency has been advised to withhold his assent to this Ordinance, and I would suggest, if another Ordinance be passed, that, with respect to the proposed trust, the Bishop of Christchurch should be consulted, as the operation of the trust in his favor is, in its present shape, not very intelligible and can scarcely be intended.

I have, &c.,
Wm. Fox,His Honor the Superintendent,
Southland.

No. 13.

SUPERINTENDENT SOUTHLAND TO THE HONORABLE COLONIAL SECRETARY.

Superintendent's Office,
Southland, 26th May, 1864.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 2nd instant, informing me that the "Church of England Cemetery Ordinance, 1863," had not been assented to by His Excellency the Governor.

I have &c.,

JOSEPH HEALE,
Deputy Superintendent.The Honorable
The Colonial Secretary,
Auckland.