

intendent to obtain and furnish a report from the Provincial Solicitor. In the meantime, being informed by you that proceedings are pending, they desire to state that, should it appear that proceedings are pending but are not being diligently prosecuted, Government will not consider themselves justified in refusing to advise the Governor's assent being given to the Bill, unless the Government can be assured that the proceedings are being and will be diligently prosecuted.

C. B. Izard, Esq., Wellington.

I have, &c.,
W. GISBORNE.

No. 12.

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

(No. 10,135-10.)

SIR,—

Province of Otago, New Zealand,
Superintendent's Office, Dunedin, 4th March, 1870.
I have the honor to acknowledge the receipt of your letter of the number and date quoted in the margin, enclosing copy of correspondence which has taken place with Mr. Izard, solicitor, at Wellington, on the subject of the Dunedin Reserves Management Ordinance, passed by the Provincial Council of Otago at its last Session.

I have, &c.,
J. MACANDREW,
Superintendent.

The Hon. the Colonial Secretary, Wellington.

No. 13.

The Hon. W. GISBORNE to the Hon. W. MANTELL.

(No. 127.)

SIR,—

Colonial Secretary's Office,
Wellington, 5th March, 1870.
I have the honor to acknowledge the receipt of your letter of the 20th ultimo, referring to a letter which I had addressed to Mr. Izard relative to the Native Reserves at Dunedin, but which you state should have more properly been addressed to you "as the person in whose hands the direction of the case on behalf of the Natives has been placed."

I am advised that the letter in question was properly addressed to Mr. Izard, and that, even if you had been plaintiff in the cause, your solicitor would still have been the person to whom such a letter ought to have been addressed. But I do not understand your connection with this suit to be at all that of a plaintiff. The late Government advanced money to aid in the prosecution of the suit, and, on being informed that you would continue to watch the case in the interest of the Natives, authorized you to draw cheques on the account into which the money advanced was paid. I cannot find any communication made to the Government showing that the direction of the suit had been placed in your hands. There is nothing to show, as I am further advised, that you are clothed with any legal control over the suit,—and this appears to be your own view of the question, as you have not, so far as I can ascertain, replied to Mr. Richmond's letter to you of the 27th May last, asking you to furnish some report of the progress of the suit. Mr. Izard, on the other hand, is the legally constituted agent of the Natives in the suit, and is the most proper medium of communication between the Colonial Secretary and the Native suitors in matters relating thereto. That he has hitherto regarded himself in that light is apparent from the fact that he has received and answered previous communications relating to the suit and matters connected therewith,—for instance, the written and oral communications between Mr. Richmond and himself with respect to terms of settlement proposed by the Superintendent of Otago. The very letter, to the address of which you object, was in reply to one from Mr. Izard, which itself was an answer to another from me.

The question of Mr. Izard's costs is one between himself and his clients. The Government have, it is true, advanced funds to assist the Native suitors by providing a sum of £400 for their costs, but the Government do not pretend to say what costs connected with this matter shall or shall not be paid out of that fund. At all events, I do not think that the possible charge of a few shillings on that fund should prevent the Government from conducting the recent correspondence with the solicitor who, as they are advised, is the proper person to give the information required, and to receive the intimation that a Provincial Bill affecting the land in question is under the consideration of the Government.

I am surprised to learn that you consider the sum of £400 advanced by the late Government to be "very inadequate," as in a semi-official note addressed by you to the late Native Under Secretary on the 7th August, 1867, and filed with the papers, you designate the sum of £500, the amount required in the usual bond for payment of the defendants' costs, as excessive, and about five or ten times what was necessary.

Under these circumstances, I should wish that Mr. Izard should, on behalf of his clients, reply to my letter of the 25th ultimo, but the Government will be glad to receive any communication from you on the subject of that letter, which you may wish to make.

The Hon. Walter Mantell, Wellington.

I have, &c.,
W. GISBORNE.

No. 14.

The Hon. W. MANTELL to the Hon. W. GISBORNE.

SIR,—

Sidney Street, 10th March, 1870.
In reply to your letters of 25th February and 5th March, I have the honor to inform you that Mr. Izard, on behalf of the plaintiffs, was instructed, immediately after judgment was delivered in the Court of Appeal, to proceed with all due diligence to prepare an amended declaration; and that I have no reason to believe that that gentleman is not doing his utmost to carry out his instructions.