

It is with regret that the Government observes that this Bill fails to fulfil the promise made by the Provincial Government of Otago, in November, 1858, to the effect, that the arrangement then entered into with the General Government, with respect to the erection of a Native Hostel at Dunedin, should be effectuated by law.

On the faith of this arrangement, funds have been provided for the erection of an Hostel on the land agreed upon, being a portion of a Reserve for public purposes, recently handed over by the Crown to the Superintendent, and it cannot now be but a matter of surprise and disappointment to the Government, to find that the Bill under consideration, would substitute entirely different conditions as regards this building, to those originally agreed upon.

Independently, however, of this consideration, the Bill is in itself objectionable on other grounds; inasmuch as the Governor not being a Corporate Officer, no lease could be made to him of the nature proposed in the first clause.

The third clause, also would exonerate the Province of Otago from any share of the cost of erecting and maintaining the Building in question. It is presumed that the Council did not however mean to do this, but merely to assert that the charges of the Building should be General or Colonial, and not Provincial or Local.

For the above reasons the Governor has been advised not to assent to this Bill, and his Excellency's Assent has consequently been withheld.

I have, &c.,
(Signed) E. W. STAFFORD.

His Honor the Superintendent,
Otago.

MR. STAFFORD, TO SUPERINTENDENT, OTAGO.

(89.)

Colonial Secretary's Office,
Auckland, 6th February, 1860.

SIR,—

I have under my consideration the Bill passed by the Provincial Council of Otago, entitled the "Provincial Council Enlargement Ordinance, 1859," and reserved by you for the Governor's Assent.

If this Bill were assented to now, no practical object would be gained, as its 2nd and 4th sections, which comprise the main provisions of the Bill are inoperative, until after the next *dissolution* of the Provincial Council—an event not likely to take place before the Council now in process of election, would have an opportunity of further considering the question. It was also not apparent whether the words "After the next dissolution" would effect what was desired, inasmuch as they would preclude any action under the Bill, if the present, like the late Council, had expired from a flux of time.

As for these reasons it was likely that the Council would wish to reconsider the question, I have advised the Governor to withhold his Assent to this Bill, and His Excellency has been pleased to act accordingly.

I have, &c.,
(Signed) E. W. STAFFORD.

His Honor the Superintendent,
Otago.

MR. STAFFORD, TO SUPERINTENDENT, CANTERBURY.

(163.)

Colonial Secretary's Office,
Auckland, 24th March, 1860.

SIR,—

I have the honor to acknowledge the receipt of your Despatch of the 10th ultimo, forwarding copies of eleven Ordinances passed by the Provincial Council of Canterbury during its last Session, to which you had assented on behalf of the Governor, as also the Peacock Wharf Extension Ordinance, reserved by you for the signification of His Excellency's pleasure.

I have to inform you that His Excellency will be advised to leave to their operation the following Ordinances,—“The Loan Ordinance Amendment Ordinance, Sess. XI, No. 1.” “The Diversion of Roads Ordinance, Sess. XI, No. 3.” “The Cathedral Square Ordinance Amendment Ordinance, Sess. XI, No. 4.” “Public Hospital Ordinance, Sess. XI, No. 5.” “Church Property Trust Amendment Ordinance, Sess. XI, No. 6.” “The Race Course Reserve Ordinance, Sess. XI, No. 7.” “The Sheep Ordinance Amendment Ordinance, Sess. XI, No. 11.” “Appropriation Ordinance 1859-60, Sess. XI, No. 15.”

With reference to the remaining Ordinances, No. 2, the “Lunatic Asylum and Gravel-pit Reserves Sales Ordinance” appears to have been passed under the misconception that the Public Reserves Act confers the powers with the respect to Public Reserves, before they have been granted by the Crown, which only apply to such lands after they have been granted under that Act.

The Proclamation of a Reserve by the late Superintendent of Canterbury did not divest the Crown of the legal estate therein, and it not being competent to the Provincial Legislature to pass Laws affecting Crown Lands; this Ordinance is in excess of its powers. Number 8, the “Ship Building Reserve Lease Ordinance,” is open to the same objections.