

## No. 18.

The Hon. W. GISBORNE to Mr. C. B. IZARD.

(No. 206.)

Colonial Secretary's Office,

SIR,—

Wellington, 31st March, 1870.

Adverting to my letter of yesterday's date on the subject of the Provincial Bill now under consideration of the Government, relative to the Dunedin Princes Street Reserve, I have the honor to inform you that the Government require to be satisfied that legal proceedings are pending and are being diligently prosecuted in respect of that reserve, and that they consider that, unless they are so satisfied, the Bill should be assented to by the Governor.

I have therefore to request you to be good enough to furnish to the Attorney-General such evidence as you may think necessary to satisfy him on the point in question. As the time within which His Excellency can be advised to assent to the Bill is drawing to a close, it will be necessary that such evidence should be laid before the Attorney-General within a week from this date.

I have, &amp;c.,

W. GISBORNE.

C. B. Izard, Esq., Wellington.

## No. 19.

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

(No. 10,135-14.)

Province of Otago, New Zealand,

SIR,—

Superintendent's Office, Dunedin, 1st April, 1870.

I have the honor to forward herewith, agreeably to your request, two copies of "The Dunedin Reserves Management Ordinance, 1869," passed at the last Session of the Provincial Council.

I have, &amp;c.,

J. MACANDREW,

Superintendent.

The Hon. the Colonial Secretary, Wellington.

## No. 20.

Mr. C. B. IZARD to the Hon. the ATTORNEY-GENERAL.

Wellington, April 6, 1870.

SIR,—

I have received a letter from Mr. Gisborne, dated the 31st day of March last, on the subject of the Provincial Bill now under consideration of the Government, relative to the Dunedin Princes Street Reserve, and informing me that the Government require to be satisfied that legal proceedings are pending and are being diligently prosecuted in respect of that reserve, and that they consider that unless they are so satisfied, the Bill should be assented to by the Governor. In the same letter I am requested to furnish you with such evidence as I may think fit, to satisfy you on the point in question.

I have now the honor to inform you that I have received positive instructions to appeal to the Privy Council from the late decision of the Court of Appeal. Further study of the terms of the Royal Instructions of 1846, has satisfied us that the Governor, in making the reserve claimed, was not in law bound at all to consult his Executive Council; and as the Court of Appeal decided the case against us on the narrow ground that the writ and declaration did not allege the reserve to have been made with the consent of the Executive, I have advised an appeal. I am now, in pursuance of my instructions, preparing the petition of appeal, and am taking the necessary steps to forward the case. I shall be happy to furnish you with any further information on the subject you may desire.

I have, &amp;c.,

CHARLES B. IZARD.

The Hon. the Attorney-General.

## No. 21.

Mr. J. PRENDERGAST to Mr. C. B. IZARD.

Attorney-General's Office,

Wellington, 9th April, 1870.

SIR,—

Referring to your letter of the 6th instant, relative to the Princes Street Reserves (Dunedin), will you be so good as to inform me what you conceive to be the first step to be taken on your appeal. I have no book at hand containing the rules regulating petitions for leave to appeal. Are not the giving notice and security necessary conditions?

I have, &amp;c.,

JAMES PRENDERGAST,

Attorney-General.

C. B. Izard, Esq., Barrister-at-Law,  
Wellington.

## No. 22.

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

(No. 164.)

Colonial Secretary's Office,

Wellington, 20th April, 1870.

SIR,—

Adverting to my telegram of the 31st ultimo, respecting the Bill entitled "Dunedin Reserves Management Ordinance, 1869," I have the honor to enclose a copy of a letter dated the 6th instant, received from Mr. Izard on the subject, and to state that the Attorney-General is satisfied that Mr. Izard is in good faith taking proceedings for appeal to the Privy Council against the judgment of the Court of Appeal.

Under these circumstances, His Excellency has been advised to withhold his assent to the Bill in question.

I have, &amp;c.,

W. GISBORNE.

His Honor the Superintendent, Otago.