

under such limitations and restrictions as shall secure the full maintenance of the purposes for which such lands have been reserved. (*Vide* section 3 of "The Public Reserves Act, 1862.") Section 6 of this Ordinance empowers the Superintendent to convey to a Board, and section 9 provides that, subject to the "purposes and trusts for which the land shall be conveyed to them," the Board may let, &c., for twenty-one years. The reserve was made partly for purposes of a public park, and it is obvious—if the trusts in the conveyance from the Superintendent to the Board authorized the latter to divert the land from the original reservation, or in any way to interfere with the purposes for which the reserve was made—that they could not be maintained.

I have, &c.,

His Honor the Superintendent, Wellington.

DANIEL POLLEN.

No. 15.

His Honor the SUPERINTENDENT, Wellington, to the Hon. the COLONIAL SECRETARY.

SIR,—

Superintendent's Office, Wellington, 15th June, 1875.

I have the honor (referring to your letter of the 2nd instant, acknowledging the receipt of my letter covering the Acts passed during the last session of the Provincial Council) to inform you that I have taken the opinion of counsel upon that part of the letter which refers to the Sandon Public Park Management Act, and to inform you that I am advised as follows:—

"I am at a loss to see where this Act gives the power of sale mentioned in the Hon. Dr. Pollen's letter dated 2nd June instant. The defect in the Act consists in this: That it nowhere defines the trusts to be expressed in the conveyance to the trustees named. It would be well that there should be in the intended conveyance express trusts consistent with the purposes for which the land was set apart. The Hon. Dr. Pollen appears to suggest that the Superintendent may create trusts inconsistent with 'The Public Reserves Act, 1854,' and 'The Amendment Act, 1862;' but I imagine that he will be advised to grant such powers only as he is by law authorized to do. I presume that the object in granting power to lease for a term not exceeding twenty-one years is in furtherance of the object for which the reserves were made. (*Vide* section 3, 'Public Reserves Act Amendment Act, 1862.')

The error in the foot-note is merely a clerical one on the part of the Clerk of the Council, as I specially reserved the Act for His Excellency the Governor's assent in my Speech in proroguing the Council.

I have, &c.,

HENRY BUNNY,

Provincial Secretary
(for the Superintendent).

The Hon. the Colonial Secretary, Wellington.

P.S.—This letter was written on the 15th instant, but was unfortunately overlooked, and is only forwarded now, on the 24th.

No. 16.

The Hon. the COLONIAL SECRETARY to His Honor the SUPERINTENDENT, Wellington.

SIR,—

Colonial Secretary's Office, Wellington, 15th July, 1875.

I have the honor to acknowledge the receipt of your letter of the 15th ultimo, in which, in reply to mine of the 2nd, you forward counsel's opinion on the subject of "The Sandon Public Park Management Act, 1875," of the Provincial Council, and explain that the error in the note on the Act by which your Honor purports to have assented to it on the 12th of May, on behalf of the Governor, is merely a clerical one, as you specially reserved the Act for His Excellency's assent in your speech proroguing the Council.

Your Honor's letter admits the defect in the Ordinance, pointed out in my letter of the 2nd of June, with respect to the trusts on which the Sandon Park may be conveyed to trustees. It is true, as your Honor's adviser remarks, that there is no mention in the Ordinance of a power to sell; but if the Superintendent could convey on trusts at variance with the purposes of the original reserve, it is manifest the transaction would have all the effect of a sale. As it now stands, the Ordinance does not strictly comply with the third section of "The Public Reserves Act Amendment Act, 1862," inasmuch as it does not "secure the full maintenance of the purposes for which such lands shall have been reserved." However, as your Honor's attention has been called to the defect, I am not disposed to advise the Governor to withhold his assent from the Ordinance, if your Honor will give me an assurance that, in any conveyance to be made to trustees, the trusts shall be so defined as to secure the maintenance of the purposes for which the land was reserved. I hope to receive this assurance from your Honor at an early date.

I now proceed, in fulfilment of the promise made in my letter of the 2nd ultimo, to indicate the course the Government intend to pursue with reference to "The Wellington Harbour Reserves Sale Act, 1875," and "The Wanganui Reserves Management Act 1874 Amendment Act, 1875."

With regard to the first of these Ordinances, though a discrepancy has been observed in the description of the land contained in the schedule, which affects the land on which the Public