



NEW ZEALAND GOVERNMENT GAZETTE.

(PROVINCE OF NEW MUNSTER.)

Published by Authority.

All Public Notifications which appear in this Gazette, with any Official Signature thereunto annexed, are to be considered as Official Communications made to those Persons to whom they may relate, and are to be obeyed accordingly.

By His Excellency's Command,

ALFRED DOMETT, Colonial Secretary.

VOL. II.]

WELLINGTON, MONDAY, AUGUST 27, 1849.

[No. 21.]

Colonial Secretary's Office,
Wellington, 14th August, 1849.

HIS EXCELLENCY THE LIEUTENANT-GOVERNOR has been pleased to appoint

GEORGE RAZZ, Esquire,

to be Coroner for the District of Wanganui, the appointment to bear date the 13th instant.

By His Excellency's Command,

ALFRED DOMETT,
Colonial Secretary.

Colonial Secretary's Office,
Wellington, 15th August, 1849.

HIS EXCELLENCY THE LIEUTENANT-GOVERNOR has been pleased to appoint (provisionally)

MR. BERNARD GAFFER,

to be Acting Landing Waiter at the Port of Nelson, vice Mr. Charles Logie, appointed Acting Sub-Collector of the same Port.

The appointment to bear date the 1st of July last.

By His Excellency's Command,

ALFRED DOMETT,
Colonial Secretary.

Colonial Secretary's Office,
Wellington, 16th August, 1849.

HIS EXCELLENCY THE LIEUTENANT-GOVERNOR has been pleased to appoint the following Native Chiefs to be Native Assessors for the Upper Wanganui District:—

PHEM TUROK,

of the "Pututokotoko," at Wanganui;

WIREMU KINEZ,

of the "Ngatitua Whiti," at Utapu;

HAKARARA KORANA,

of the "Ngapoteare," at Parakina; and

HOANI WIREMU HIPANGO,

of the "Ngatimanga," at Pukekura, for the Lower Wanganui District.

The appointments to take effect from this date.

By his Excellency's Command,

ALFRED DOMETT,
Colonial Secretary.

Poneke, 16 o Akuhata, 1849.

WHAKARONGO.—No naitanei anei ta-
ngata i whakaritea ai e te Kawana
hei Kai Whakawa Maori, mo roto o Wha-
nganui:—

Ko Pahi Turoa,

no te "Patutokotoko,"—tona kainga, ko
Manganuiatapu;

Ko Wiremu Kingi,

no "Ngatitua-whiri,"—tona kainga, ko Uta-
pu,

Ko Hakarai Koraka,

no "Ngapotama,"—tona kainga, ko Pare-
kino;

Ko Hoani Wiremu Hanganu,

no "Ngatimango,"—tona kainga, ko
Pahikawharanui.

Na te Kawana tenei whakaritanga.

ALFRED DOMETT,
Colonial Secretary.

Colonial Secretary's Office,

Wellington, 14th August, 1849.

**HIS EXCELLENCY THE LIEUTE-
NANT-GOVERNOR** has been pleased
to direct the publication of the following
Reports for general information:

By His Excellency's Command,

ALFRED DOMETT,
Colonial Secretary.

Pasadena, 26th July, 1849.

Sir,

I have the honor to transmit herewith
for the information of his Excellency the
Lieutenant-Governor, the usual Quarterly
Return of work and expenditure to 30th
June.

The progress has been great compared
with the number of workmen, a further re-
duction of half the force having immediately
succeeded my last report.

The obstacles which I then mentioned
having been removed a dray may now be
taken through from Wellington to the coast,
but the quantity of rain which has fallen,
and the herds of cattle which have passed
up and down, and have grazed upon the
lime, have made the unmetalled roads nearly
impassable for wheels in wet weather. One
of the drovers has himself rated the injury
done in this manner at £50 every time he
passes with a drove of cattle.

The metalling will however now proceed
as rapidly as the force at my disposal will
permit, and should I receive any considera-

ble increase of funds, my next report will, I
trust, announce the completion of the work.

I have the honor to be,

Sir,

Your most obedient servant,

A. HAMILTON RUSSELL
Captain 58th Regiment,
Superintendent Military Roads.

The Honorable Colonial Secretary,
Wellington.

Wellington, 4th August, 1849.

Sir,

I have the honor to enclose the usual
General Abstract of the Expenditure on the
Wairarapa Road for the Quarter ending
30th June last. As the road works were
almost all stopped at the end of April but
little has been done since that period, except
a part of the sea wall to the road near Nga-
hauranga, the piling round one of the piers
of the Hutt Bridge, and the repairs neces-
sary to keep the road passable at different
places. As the parties under Messrs. Stilling
& Swainson only worked during a part of the
month of April, I of course have no Super-
intendent's report to forward along with my
own for the Quarter. I have given however
in the abstract a detail of the different works
that have been performed at each division of
the road, which has been carefully prepared.
The total amount of £766 6s. 7d. does not
include the sums paid to the natives in April
for work performed during the months of
January, February, and March, which was
included in statements of expenditure given
in my report for the Quarter ending 31st
March, 1849.

On the Porirua Road, during the month
of April, £45 17s. 6d. was expended in wi-
dening and repairing a part of the road be-
tween the junction of the new and old roads
and Captain Daniell's section, and since then
a further sum of £15 1s. has been spent in
executing such temporary repairs as are
necessary to keep the road open, the lower
part of it being now in a very bad state and
in many places nearly impassable. Great
anxiety is evinced by the native labourers
who were employed during last summer to
know when they will be taken on again, as
the greater number of them have but little
chance of earning money in any other way.

I have the honor to be,

Sir,

Your most obedient servant,

T. H. FITZGERALD.

The Honorable Colonial Secretary,
Wellington.

ABSTRACT OF LABOR EMPLOYED, WORK DONE, AND EXPENSE INCURRED IN THE CONSTRUCTION OF THE NORTH ROAD, UNDER CAPTAIN A. H. RUSSELL, 58th REGIMENT, SUPERINTENDENT OF MILITARY ROADS, FROM 1ST APRIL TO 30th JUNE, 1949.

NAME AND SITUATION OF ROAD PARTY,	ANN NAME AND RANK OF PERSON SUPERINTENDING IT.	Number and description of persons employed in connection with the work, the actual numbers employed of each class being indicated as to being of one day employed for the day.	PARTICULARS RELATING TO THE WORK		
			CHAINS.	MILITARY.	
CAPTAIN RUSSELL, 58th Regt., Superintendent of Military Roads NORTH ROAD.	Superintendents.	106	Civilian	Military	
	Foremen.	"			
	Overseers.	1914			
	Mechanics.	"			
	25 working overseers at 3s. 6d. 156 repairing Porirua Road at 3s.	Labourers.	Total 181	Military	
	44	Superintendents	55½ having general charge, at 2s. 181½ at 1s. 6d.		Total 237
	3547½ at 1s.	Labourers.			
	283 at 2s.	Mechanics.			
		Mechanics.			
	38 at 3s., 2444 7-16, at 2s., total 3472.	Labourers.		Masons, Carters	
	1 Government Horse and Cart.	Number of Carts employed.			
	5½ Miles.	Length of Road.		CARTS.	
	11 to 15 Feet.	Width of the Road.			
	10 to 30 Chains.	Distance the carts have to go for stone or timber.			
	Sidewalks, Stone, etc., Excavating, Embanking, Levelling, Saw-logs, Hoisting, Transporting, Clearing off slips, and keeping open miles of Porirua Road in repair.	General character and description of the work performed during the Quarter.		Character, size and extent of any Particular portion of the work which have been completed during the Quarter.	
	Road made, with the exception of metal, 91 chains 48 links; Road raised with timber 4 chains; metalled (road previously made) 56 chains 66 links, 15 feet wide; centre of road, do., 151 chains from 4 to 5 feet wide; causeway raised with coping stone and installed, 8 chains, 10 feet wide; completed 6 cross drains, 30 chains of sides of drains; repaired Government Road, 30 wheel harrows and chains for Military Road Party.				
£198 : 5 : 3, including pay and forage allowance of Superintendent of Military Roads and Clerk.	Pay of Superintendents, Foremen and Overseers.				
£7 : 17 : 0.	Pay of Mechanics.				
Military, £177 : 7 : 9; Civilian, £24 : 15 : 6; Native, £548 : 13 : 9 Total, £553 : 17 : 0	Pay of Labourers.				
	Payment for Cartage.				
£56 : 12 : 5½	Payment for Contingencies and Contracts.				
£811 : 16 : 8½	Total Payments.		GENERAL REMARKS.		

A. HAMILTON RUSSELL, CAPTAIN 58th REGIMENT,
SUPERINTENDENT OF MILITARY ROADS.

ABSTRACT OF LABOUR EMPLOYED, WORK DONE, AND EXPENSE INCURRED ON THE WAIRARAPA ROAD-PARTY, UNDER MR. T. H. FITZGERALD,

FROM THE 1ST APRIL TO THE 30TH JUNE, 1849.

NAME AND SITUATION OF ROAD PARTY, AND NAME AND RANK OF THE PERSON IMMEDIATELY SUPERINTENDING IT.	NUMBERS and description of persons employed in connection with the Party, the actual number employed of each class being calculated as so many of that class employed for one day.												PARTICULARS RELATING TO THE WORK.					COST.					GENERAL REMARKS.										
	EUROPEANS.												Length of Road on which the party has been employed.	Width of the Road.	Distance the Carts have to go for Stones or Timber.	General character and description of the Work performed during the above mentioned period.	Character, size, extent, &c., of any particular portions of the Work which have been completed during the above mentioned period.	Pay of Superintendants & Foremen.	Pay of Mechanics.	Pay of Labourers.	Payments for Carriage.	Payment for contingencies or Contracts.		Total Payments.									
	CIVILIANS.						MILITARY.			Maories.	Carters.																						
	Superintendants.	Foremen.	Overseers.	Mechanics.	Labourers.	Superintendants.	Employed as Overseers.	Labourers.	Mechanics.	Mechanics.	Labourers.	Number of Carts employed for one day.																					
Kaiwarra Road	26½	..	..	60½	..	..	..	..	..	2½	64	¼ of a mile	24 & 13ft.	Metal ¼ mile.	Repairing the Road.	2 of a mile thoroughly repaired, ½ mile slightly.	£ 14 3	..	..	9 6 6	3 5 0	..	..	18 8 9	This party were employed in the month of May only.	
Road between Kaiwarra & Ngauranga .....	..	24	..	66	..	..	..	..	..	37	..	1½ mile	24 & 13ft.	..	Repairing road and filling in a 156 lineal yards of high wall, and building wall.	156 lineal yards of wall completed.	4 5 0	..	..	12 12 0	..	..	110 18 8	128 14 8	This party of men were employed in April only, the foundations of the wall were afterwards prepared by the men repairing the road.	
Men in charge of Road between Kaiwarra and the Gorge.....	..	..	..	548½	..	..	..	..	..	..	..	16 miles	24 & 13ft.	..	Repairing the Road.	..	..	..	..	..	..	..	..	82 5 6	82 5 6	..
Party at the Gorge under Mr. Stilling.....	30	24	24	24	51	..	..	..	..	..	386	24	1 mile	24 & 14ft.	1 mile for drain and Metal	Widening 16 chains of road completely finished.	16 chains of road completely finished.	18 12 0	7 4 0	46 5 0	12 0 0	..	..	84 1 0	84 1 0	This party was only employed in the beginning of April.
Party at Pakuratahi under Mr. Swainson.....	30	48	120	..	96	..	..	..	..	5	1332	..	2½ miles	14ft.	..	Side cutting & filling.	No part completed.	40 16 0	3 0 6	147 12 0	..	..	14 12 2	206 0 8	206 0 8	..	
Party beyond the Pakuratahi under Mr. Grindell..	..	24	..	..	83	..	..	..	..	..	108	..	5 miles	6ft.	..	Repairing pathway over the Rimutaka.	..	..	..	..	..	..	..	28 13 0	28 13 0	This party was only employed during May in repairing the pathway for the winter.
Party employed on new line over the Rimutaka Range .....	..	78	9	..	167½	..	..	..	..	..	..	..	2 miles	100ft.	..	Cutting bush 1½ mile bush cut 100 feet wide, ½ mile cleared.	1½ mile bush cut 100 feet wide, ½ mile cleared.	19 2 6	..	..	25 2 6	..	..	41 6 0	85 11 0	To the total amount stated of £638 14s. 7d. must be added £33 12s. for tools, pay of clerks, &c., and a further sum of £100 paid for repairs to pier of Hutti Bridge, making in all a sum of £766 8s. 7d. as the total expenditure during the quarter.
Daily average, exclusive Sundays.....	60	94 1 9	10 4 6	347 8 6	15 5 0	166 16 10	633 14 7	..

T. H. FITZGERALD, SURVEYOR.

Colonial Secretary's Office,
Wellington, August 21, 1849.

HIS EXCELLENCY THE LIEUTENANT-GOVERNOR has been pleased to direct the re-publication, from the *New Ulster Government Gazette*, of the following additional instructions under the Royal Sign Manual and Signet, also of a Proclamation referring to the Act to provide for the carriage of Passengers by sea, for general information.

By His Excellency's Command,
ALFRED DOMETT,
Colonial Secretary.

ADDITIONAL INSTRUCTIONS to our Governor-in-Chief of New Zealand, or to the Officer exercising the said office of Governor-in-Chief for the time being: To our Governor and Commander-in-Chief in and over the Province of New Ulster, or to the Officer exercising the said office of Governor and Commander-in-Chief for the time being; To our Governor and Commander-in-Chief in and over the Province of New Munster, or to the Officer exercising the said office of Governor and Commander-in-Chief for the time being: or to our Lieutenant-Governor of the Province of New Ulster, or to the Officer exercising the said office of Lieutenant-Governor for the time being: or to our Lieutenant-Governor of the Province of New Munster, or to the Officer exercising the said office of Lieutenant-Governor for the time being. Given at our Court at Windsor, the twenty-seventh day of January, 1849, in the twelfth year of our Reign.

WHEREAS, in pursuance of an Act of Parliament made and enacted in the ninth and tenth years of our reign, intituled "An Act to make farther Provision for the Government of the New Zealand Islands," We did by certain letters patent under the Great Seal of our United Kingdom, bearing date at Westminster the twenty-third day of December, one thousand eight hundred and forty-six, in the tenth year of Our Reign, execute certain of the powers in Us by the said Act vested: **AND WHEREAS**, in further pursuance of the said Act and exercise of the powers thereby in Us vested, and in exercise of all and every other the powers in Us in that behalf vested, We did further issue certain Instructions under Our Sign Manual and Signet, approved in Our Privy Council, being the Instructions accompanying or referred

to in such Letters Patent as relation being had unto the said Letters Patent and Instructions will more fully and at large appear: **AND WHEREAS** it is directed by the twenty-second section of the thirteenth chapter of the said Instructions, being the chapter entitled "On the settlement of the Waste Lands of the Crown," that "no rural allotment within the said demesne shall exceed in extent one square mile; but it shall be competent to any such Governor or Lieutenant-Governor to divide any such allotment for the purpose of such alienation aforesaid into allotments of one-half or of one-quarter of a square mile:" **AND WHEREAS** it is further directed by the Twenty-fourth Section of the said chapter, that "no part of the demesne of Us in right of Our Crown in New Zealand shall be alienated, either in perpetuity or otherwise, either absolutely or conditionally, until after the same shall first have been put up to sale at a Public Auction, of which Auction three calendar months' notice shall first have been given by such Proclamation as aforesaid:" **And whereas** it is further directed by the Twenty-eighth Section of the said Chapter, that "It shall be competent to any person within three calendar months next after any such Auction to become, without any further Auction, the purchaser of any lands so put up to sale as aforesaid, and not then sold, by offering and paying for the same the upset price at which the same may have been so put up to Sale:" **And whereas** by the said recited Act it is enacted that it shall be lawful for Us from time to time to amend, and for that purpose to add to, or if necessary repeal any such Instructions as aforesaid: **And whereas** it hath appeared to Us expedient to amend our said Instructions by repealing the said recited provisions and substituting others for them respectively:—

Now therefore, by virtue of the power in us by the said Act vested, We do hereby declare Our Will and Pleasure that the said recited provisions shall be, and they are hereby respectively repealed.

And that in lieu of the said recited Twenty second Section the following directions shall be and the same is hereby added to the said Instructions:—"It shall be competent for the Governor or Lieutenant-Governor of any such Province, with the advice of his Executive Council, to determine the size of rural allotments within the said demesne, provided that no such allotment shall exceed the size of one square mile."

And that in lieu of the said recited Twenty fourth Section, the following directions shall be and the same is hereby added to the said Instructions:—"No part of the demesne of Us in right of Our Crown in New Zealand shall be alienated, either in perpetuity or otherwise, either absolutely or conditionally,

until the same shall first have been put up to sale at a Public Auction. And it shall be competent to such Governor, or Lieutenant Governor with such advice as aforesaid, to fix the time at which any such Auction shall take place, provided that notice of such Auction shall be given by such Proclamation as aforesaid, not more than three months, nor less than one month, before the same shall take place.

And that in lieu of the said recited Twenty eighth Section, the following directions shall be and the same is hereby added to the said Instructions:—“It shall be competent to any person, within three years next after any such Auction, to become, without any further Auction, the purchaser of any lands so put up to sale as aforesaid and not then sold, by offering and paying for the same the upset price at which the same may have been put up to sale:—Provided always that it shall be competent for such Governor or Lieutenant Governor as aforesaid, with such advice as aforesaid, instead of permitting such lands to be so purchased by any person applying for them as aforesaid, to put up the same again to auction, giving such notice thereof as is hereinbefore provided.”

V. R.

PROCLAMATION.

By His Excellency SIR GEORGE GAY, K.C.B., Governor-in-Chief in and over the Islands of New Zealand, and Governor of the Provinces of New Ulster and New Munster, and Vice Admiral of the same, &c., &c., &c.

WHEREAS an Act was passed in the session of Parliament holden in the 5th and 6th years of the reign of Her present Majesty, intitled “An Act for regulating the carriage of passengers in Merchant vessels:” And whereas an Act was passed in the Session of Parliament holden in the 10th and 11th years of the reign of Her present Majesty, intitled “An Act to amend the Passengers’ Act, and to make further provision for the carriage of Passengers by Sea:” And whereas by the Act first hereinbefore referred to it is enacted that it shall be lawful for the Governor of any British colony, other than the British West Indies, to declare by Proclamation that the said Act shall be extended and shall apply to the carriage of passengers by sea from such colony to such places as may by him be named for the purpose in such Proclamation; and that thereupon the said Act shall be thenceforth so extended and shall so apply accordingly: Now, therefore, I, the said Governor-in-Chief, by virtue of the authority in me for that purpose vested as aforesaid, do hereby proclaim and declare that the said recited Acts of Parliament shall be extended

and shall apply to the carriage of passengers by sea from the said Colony of New Zealand to all Ports and places lying between the 70th and 175th degree of longitude west of Greenwich. And whereas by the said first recited Act it is further enacted that it shall be lawful for the Governor of any such Colony as aforesaid, by Proclamation, to declare the rule of computation by which the length of the voyage of any ship carrying passengers from such colony to any other place shall be estimated for the purposes of the said Act: Now, therefore, I, the said Governor-in-Chief, pursuant to such authority as aforesaid, do hereby further proclaim and declare that the number of weeks deemed to be necessary for the voyage of any such ship shall be as follows, that is to say:—

For a voyage to any Islands in the Pacific Ocean	} Five weeks.
For a voyage to any place on the coast of North or South America	

Given under my hand, and issued under the Public Seal of the Islands of New Zealand, at Auckland, in the Province of New Ulster, this twenty-ninth day of June, in the Year of our Lord one thousand eight hundred and forty-nine.

G. GREY,
Governor.

By His Excellency’s Command,
C. A. DILLON,
Civil Secretary.

God Save the Queen!

Colonial Secretary’s Office,
Wellington, 21st August, 1849.

HIS EXCELLENCY THE LIEUTENANT-GOVERNOR has been pleased to direct the republication of the following address, delivered by His Excellency the Governor-in-Chief on the opening of the General Legislative Council of New Zealand at Auckland, on the 1st instant.

By His Excellency’s command,
ALFRED DOMETT,
Colonial Secretary.

GENTLEMEN OF THE LEGISLATIVE COUNCIL,—I have assembled you for the purpose of bringing under your consideration matters of more than ordinary importance, and in reference to which, you may, by a judicious exercise of the powers with which you are entrusted, be the means of conferring benefits of no ordinary kind upon this Province.

It has appeared to me that the recent decision of the Supreme Court upon several points connected with the validity of titles to land in this colony, has been such as to justify me in

proposing for your adoption a comprehensive and complete plan for the removal of the doubts which have been entertained as to the validity of numerous Crown grants, and for the general settlement of the land question, the prevailing uncertainty regarding which has for so many years proved so serious a detriment to the interests of this Province, although probably neither the extent of the evil, nor the difficulties of adjusting it have been either generally known or appreciated.

Since the establishment of the Northern settlements various laws and regulations for the disposal of land have been in force, and these have been frequently altered. During this period, no less a number than 1670 grants have been made. Partly from the difficulty of ascertaining what the binding rule was, and partly, apparently, from an opinion that an adherence to the rules prescribed on the subject was not essential to the validity of a grant, a large number of the grants issued have not been made in conformity with the laws and regulations. The greater number of these grants have been issued in pursuance of the provisions of the Land Claims Ordinance, yet but very few of them have been made in strict conformity with the general requirements of that ordinance, the great majority being irregular in a variety of ways, some of which will be illustrated from the returns which will be laid upon the table.

In some cases these grants convey portions of lands, described by exactly the same boundaries, to two or more claimants: the great majority of them contain no particular description of the specific parcel of land intended to be granted; some of them recite that a Commissioner had reported that the grantee was entitled to receive the grant of land conveyed to him, when, in fact—in some of these instances—the Commissioner had recommended that no grant should be made, and in others the claim had not been heard by a Commissioner; some of these grants purport to convey land in compliance with the recommendation of a Commissioner, although the Commissioner had reported either that the claimant had not shown that the land had been purchased from the natives—or that it had not been purchased from the natives until after the issue of the proclamation prohibiting such purchases. Some of these grants are believed to convey quantities of land very largely in excess of that which it is stated in the recital that the grantee is entitled to receive. Many of them contain such vague descriptions of the land granted that it is difficult to tell what land is intended to be conveyed by them, and in the case of grants of adjoining land to several individuals, or of reservations made of certain portions out of a whole tract said to be granted, the description given is so vague, that it will be almost impossible to determine the re-

spective rights of the various persons interested.

Moreover the Commissioner who had heard the claims to land, previously to the issue of the Crown grants alluded to, wrote to the government stating that he had frequently regulated the extent of land he had recommended to be granted to the claimants by the quantity of land which, after making a fair allowance for the claims of opposing native rights, it appeared probable to him that the native sellers had been clearly free to dispose of—and he at the same time stated that he believed that the native title to some of the tracts of land about to be granted had never been fully extinguished—that the Commissioner could in very few instances obtain an accurate description of the boundaries claimed, and that if the Crown grants should be issued in the manner which has been adopted, either mischief would ensue to the settlers if the natives were strong, or if they were weak and isolated, then the natives would suffer injustice.

Hitherto, in the great majority of cases, the lands so granted have been either left unoccupied, or only small portions of them have been occupied; and no person yet knows accurately the extent or position of the lands which have been granted by the Crown, but instances have already occurred in which, when these lands have been attempted to be taken possession of, the representations made by the commissioner who heard the claims to which I have alluded, have been fully borne out by the circumstances of the case.

Under circumstances such as I have above detailed, doubts were naturally entertained as to the validity of these grants. By lawyers many of them were deemed to be certainly invalid, and this opinion was coincided in by the home authorities.

However strong was the opinion entertained as to the illegality of many of these grants, it would, nevertheless, have been difficult, in the absence of any judicial decision, to have removed these doubts by declaring them, by means of a local ordinance, to be invalid and illegal. More than once within the last two years, the expediency of sending home some person with a competent knowledge of the matter, specially commissioned to press upon the Home Government the necessity of dealing conclusively with the subject by Act of Parliament, has been considered by the local Government. But in the absence of any judicial opinion, and especially after the instructions to try the question at law in the colony, it would probably have been said that the proper course was to refer, in the first instance, to the courts of the country as a necessary preliminary for the guidance of Parliament. It thus appearing that, without trying the validity of these grants, no hope existed of a general settlement of the question, recourse was

had to proceedings at law in the Supreme Court with a view to this object, and two cases which, from their irregularity, and for other reasons, appeared suitable for the purpose, were selected. From the infrequency of communication between the Northern and Southern Provinces, and the importance of the questions involved, these proceedings have occupied a considerable time, but, on the part of the Government, they were prosecuted with all possible despatch.

At last the judgment of the Court—given in both cases at great length—has been obtained, and it has now become necessary to determine upon the course the Government should pursue.

It appears that three courses of proceeding are open for the adoption of the Government.

1stly. As the judgments which declare the validity of the grants in question are contrary to the general opinion, the Government could appeal against such judgment with a view to obtain the opinion of the highest tribunal, previously to moving further in the matter.

2dly. The Government could accept the decision of the Supreme Court, but move no further in the matter; or,

3rdly. At once adopting the judgment of the Supreme Court, it may attempt a general and final settlement of the whole question by a Legislative enactment.

If the Government were to adopt the first of the above-mentioned courses, two more years of doubt and uncertainty would probably elapse before the final decision of the Judicial Committee of the Privy Council could be obtained. It is quite possible that the judgments of our Courts might then be reversed, but in that case, at the distance of two years from the present time, the question would be as far from a settlement as ever, with a greatly diminished probability of any general measure being assented to which would render these grants valid.

The adoption of the second line of proceeding to which I have above alluded, viz., merely to accept the recent decisions of the Supreme Court, without moving further in the matter, would not, in any degree, advance the general settlement of the question; because these decisions, in fact, only practically decide the two cases which were submitted to the court, and leave those grants entirely unprovided for which, in accordance with the recent judgments, are probably void from uncertainty, and which are at least practically valueless for want of a description of the land intended to be conveyed by them. Many doubts would also still hang over a great number of grants, the points on which their validity appears doubtful being very various; and a change in the judges to others holding different views on points which are admittedly very obscure and doubtful ones, might at any time re-open the question and perpetuate the evil.

The difficulty in which the Government has hitherto been placed may be said to have been, that whilst strong feelings were, on the one hand, entertained of the absolute necessity which existed for a final settlement of the land question at the earliest possible period, yet there appeared, upon the other hand, almost insuperable difficulties to be overcome, such as taking land from one class of the Queen's subjects to give it to another; interfering arbitrarily with private rights; acting upon an uncertain and unascertained rule, which let in some and excluded others; throwing upon the public revenues a charge, and again mortgaging the land revenue to secure private interests.

It may even now be said that the Government is placed in a position which compels it to incur the responsibility of either having the question still unsettled for an indefinite period of time, or of incurring the responsibility of proposing to the Legislature a measure which must be open to some of the objections above stated. I feel, however, so strongly the vast importance of a speedy, general, and conclusive removal of those doubts which hang over nearly all the titles to land in this province, that, without expressing otherwise my opinion upon the recent judgments, which—on account of the important questions they involve, and for future guidance—it may still be necessary to appeal against, I have determined to adopt them, and to propose for your consideration an Ordinance declaring valid and effectual all grants to land which have been made by Her Majesty's Representative under the public seal of the colony.

I have further felt that, in thus adopting, as a rule for guidance, the recent decisions of the Supreme Court, a useful precedent will probably be established, as it is not unlikely that hereafter very important differences may from time to time arise between the Government and large sections of the community, which may involve opposing interests of different classes of the Queen's subjects, which differences may be of such a nature that the decision of the Supreme Court may be obtained regarding them, and I cannot but think that the interest of the community at large will, in such cases, be generally best served by both parties adopting as their rule of guidance that interpretation of the law which may be placed upon it by its proper expositors.

I have purposely refrained from introducing into the measure I am about to submit for your consideration, some details, which it will probably be found essential to adopt into it, to secure its beneficial working in practice; because I thought it better, in these points, to rely upon the wisdom of the Council, for such improvements in the measure as their practical knowledge of the country may enable them to suggest. Such as the means by which, in

the case of conflicting claims between grantees as to particular tracts of land, or as to specific boundaries, their several rights are to be adjudicated upon and adjusted, and by what standard priority of choice is to be determined. As also under what regulations main lines of road and lands, otherwise essential for public purposes, are to be reserved in cases where large contiguous tracts of country are granted away, and such like questions which will naturally suggest themselves as the measure passes through the Council.

It will be observed, however, that the Government have in the measure to which I have alluded apparently aimed at something more extensive than a mere plan for affirming the validity of the grants connected with the old land claims. I should therefore explicitly state to the Council that doubts, different from those I have already stated, hang over the validity of nearly all the grants which were issued in the early days of the Colony, and that, after bestowing the most careful consideration upon the subject, I think that there are such serious doubts regarding the validity of the great majority of these grants, that the Legislature will act wisely in putting this most important question finally and conclusively at rest, by passing an Ordinance which will effectually quiet such doubts.

The foregoing are the causes which have led me to propose for your adoption an Ordinance which, whilst it relates to a subject beset with difficulties, I still regard as a measure of the very first necessity for the future prosperity of this country, and from which, if it is wisely matured by your experience, I believe that the most lasting benefits will be secured to this Province. In the hope of attaining such an end, I have resorted to you for assistance and advice, in the full certainty that these will, upon so important a subject, be afforded me in the same spirit of confidence and readiness with which I have sought them at your hands.

Another measure connected with the administration of the Waste Lands of the Crown in the Province of New Ulster has been by my directions prepared for the purpose of being laid before you. The object proposed to be attained by this measure is to give the force of law to certain rules which in conformity with the powers vested in me by the Charter and Royal Instructions I have issued for the regulation of pasturage upon Waste Lands belonging to the Crown.

In framing the regulations which are embodied in the Ordinance to which I am alluding, I attempted to give the inhabitants of this Province some share in the administration of the Waste Lands of the Crown, and that in relation to points which most nearly concern the welfare and prosperity of the middling and humbler classes of society. I hoped that the result of this would be that

they would soon perceive how dependent their own future interests and those of their children are upon the prudent administration by the Government of the public lands, and that they would be brought to understand that the Government simply administer these lands as a trustee for the public benefit, and that its only desire is to maintain the rights of the public in relation to them.

The management of the Waste Lands of a Hundred, and of the funds raised from those who depasture stock upon them, are also subjects in which nearly every colonist must be interested, and I cannot but think that the entrusting the settlers with the necessary powers for these purposes, will have the effect of creating much public spirit in the colony, and of gradually inducing the people to take a far greater degree of interest in the affairs of the neighbourhood in which they reside, than they do at present.

Upon the whole I think, that although this measure may not be so striking in its features as that which I have submitted to your consideration for the purpose of quieting titles to land in New Ulster, yet that it will hereafter be regarded as a measure of great importance, which will secure very valuable privileges to the inhabitants of this country.

It is only necessary for me to call your attention to one other subject.

No immediate necessity having hitherto arisen for legislating on matters of interest peculiar to New Ulster, and which were within the jurisdiction of a Provincial Council, no such Council has yet been constituted for this Province. It was my intention, however, about this time to have constituted such a Council, to have assembled it for the appropriation of the revenue for the ensuing year, for the despatch of business. The preliminary arrangements for this purpose had been already completed; when, from the circumstances I have before explained, a necessity arose which appeared to call for the immediate enactment of some measure to provide for the quieting of titles to land. This, whilst it was a subject of the greatest importance, was not within the jurisdiction of a Provincial Council, and yet it was a matter of only provincial interest.

Under these circumstances, I felt justified in deferring for the present, the assembling of a Provincial Council, and determined to summon a General Council, composed altogether of gentlemen of this Province, no other persons having yet been called to this Council. I did not think it necessary to summon for this special purpose gentlemen from distant portions of New Zealand, the matters to be submitted to you relating wholly to New Ulster, and being only of provincial interest.

I feel it necessary to enter into these explanations upon this point, as I should be

sorry to do any thing which might be drawn into a dangerous precedent, and in order to prevent the possibility of such an evil arising, I shall only submit for your consideration two other measures in addition to those I have already named. One, for the appropriation of the revenue for the ensuing year, as it is necessary that an Ordinance for that purpose should be transmitted to England, without delay, to enable the home Government to make the requisite financial arrangements—and another measure to provide some relief for those persons employed under the Civil Government who were severely wounded during the northern rebellion.

Resident Magistrate's Court,
Wellington, August 13th, 1849.

NOTICE IS HEREBY GIVEN, that a Special Meeting of the Justices of the Peace for this District will be holden at this Court on Tuesday, the 4th day of September next, at twelve o'clock, for the purpose

of taking into consideration applications for the transfer of Publican's Licenses.

JOHN E. SMITH,
Clerk to the Magistrates.

Colonial Secretary's Office,
Wellington, 21st August, 1849.

TENDERS in Duplicate, will be received at this Office, on or before Saturday the 1st September, for the supply of the undermentioned Articles of Office Furniture—

One Table with Drawers—4 feet by 4 ft. 6 inches.
Three Chairs.
One Office Press.

Further particulars, if necessary, may be obtained on application at this Office.

Tenders to be Sealed and Endorsed "*Tenders for Office Furniture.*"

By His Excellency's Command,
ALFRED DOWSETT,
Colonial Secretary.