



# NEW ZEALAND GOVERNMENT GAZETTE.

(PROVINCE OF NEW MUNSTER.)

Published by Authority.

*All Public Notifications which appear in this Gazette, with any Official Signatures 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.

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VOL. IV.] WELLINGTON, TUESDAY, JANUARY 14, 1851. [No. 2.

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Colonial Secretary's Office,  
Wellington, 8th January, 1851.

**HIS EXCELLENCY THE GOVERNOR-IN-CHIEF** has been pleased to direct the publication of the following Despatch, with its enclosures, for general information.

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

No. 48.

Downing Street, 5th August, 1850.

SIR,

I transmit to you a correspondence which has taken place between myself and the Directors of the New Zealand Company.

2. You will observe that in consequence of the Directors having given this notice on the 5th of July, the last day allowed by the Act, it has been impossible to make any previous arrangements respecting the mode of the transfer of their lands to the Crown. Those lands actually became demesne lands on the 5th July, by virtue of the Act, and on the same day the Instructions of 1846, respecting the Crown lands, became again in force in the Southern Province.

3. Under these circumstances, it is not possible for me as yet to convey to you more than the general direction, that it is the wish of Her Majesty's Government that any *bond fide* dealings which may have taken place with those lands, since the 5th of July, under the management of the Company's Agents, and which may be at variance with the Instructions in question, should be, as far as possible, respected, and such measures taken to legalize them as may appear necessary, referring to me for directions whenever it does not appear to you that the local authorities possess the necessary powers for this purpose.

4. As the cessation of the Company's powers on the 5th of July was a contingency which must have contemplation of all parties to such dealings, it is not probable that much has been done in this way which will require to be thus rendered valid; nor is it my wish to give you any positive orders upon the subject until further information reaches me, but to indicate only the general views which are to be followed.

5. As the whole of the Company's lands, under the terms of the Act, became, on the 5th of July, "demesne lands," and consequently subject to the Instructions, I have thought it advisable, in order to remove any

doubts which might arise to cause a modification to take place in those Instructions, so as to exempt from the operation of the Regulations relative to sales by auction, all the lands comprised in the Company's various settlements, and the amended Instruction will reach you as soon as it can be formally past.

I have the honor to be,

Sir,

Your obedient Servant,

(Signed) GREY.

(COPY.)

No. 1.

New Zealand House,  
4th July, 1850.

MY LORD,

By desire of the Court of Directors of the New Zealand Company, I do myself the honor to transmit to your Lordship the undermentioned documents, viz. :-

1. An Extract from the Resolutions adopted at to day's adjourned Annual General Court of the Proprietors of the Company: and,

2. A Notice under the Company's corporate seal in pursuance of the provisions of the 19th Section of the Act 10 and 11 Victoria, Chapter 112.

I have, &c., &c.

(Signed)

T. C. HARRINGTON.

The Right Honorable,

The Earl Grey,

&c., &c., &c.

COPY.

(EXTRACT.)

At an adjourned General Court of the Proprietors of the New Zealand Company held at the Company's House, in Broad Street Buildings, London, on Thursday the 4th day of July, 1850.

HENRY AGLIONBY AGLIONBY, Esq., M.P.,  
Deputy-Governor, in the Chair.

Resolved,

That in accordance with the recommendation contained in the Directors' Report, the Court of Directors be empowered and required to give notice to Her Majesty's Principal Secretary of State for the Colonies, that the Company is ready to surrender its Charters to Her Majesty as provided for by the 19th Section of the Act 10 and 11 Victoria, Chapter 112, and subject to the provisions and conditions therein contained.

That in giving the notice an earnest representation be addressed to Her Majesty's Government on the following points:—

1st. That the surrender of the Company's Charters on the terms the 10 and 11 Victoria, Chapter 112, Section 19, is a course forced on the Shareholders by a hard and cruel necessity, which from causes beyond their control admit no delay, and precludes all opportunity for those explanations which they believe would, if fairly considered, induce Her Majesty's Government to abstain from availing themselves of the powers vested in them by law.

2nd. That the abandonment or suspension of such power and the adoption of the course suggested by the Directors in their letter of the 18th ultimo, is equally demanded by a consideration of the interests of the Colonists and by justice to the Company.

3rd. That the refusal to comply with that suggestion, contained in the reply of Mr. Hawes of 1st July, is apparently founded on a misapprehension

by Earl Grey, of the real nature of the request submitted, as well as of the intentions of the Directors as expressed in their letter, inasmuch as it was not an application for positive pecuniary assistance, but for a contingent guarantee only.

4th. That for these and other reasons, the Shareholders confidently rely that Her Majesty's Government will not avail themselves of the legal formality which compels the Shareholders for their protection to intimate *this day* their readiness to surrender their Charter, but will receive in a candid spirit a further explanation of the causes that have prevented the realisation of the expectations on which the Agreement of 1847 was founded, and will enter frankly into an equitable re-consideration of the whole case, before they proceed to the exercise of the powers with which they become legally invested by the notice now resolved to be given.

5th. That in accordance with the suggestion in the Directors' Report a Committee be appointed to co-operate with the Directors for the purpose of urging the legal and equitable claims and rights of the Company upon Her Majesty's Government, and that Messrs. Buckle, Drane, Frederick Young, Watson and General Briggs constitute such Committee.

6th. That all expenses of the establishments of the New Zealand Company cease from the present time except those absolutely necessary for carrying on the functions for which the Company will continue to exist, and that the requisite instructions be sent to the Principal Agent by the "*Phoebe Dunbar*."

That this Meeting be adjourned to Tuesday the 16th instant, at Twelve o'clock at this place, for the purpose of receiving the Report of the Committee and for filling up the vacancies in the Direction, if at such adjourned Meeting the Shareholders shall think proper so to do.

True Extract.

(Signed)

H. A. AGLIONBY,  
Chairman.

(COPY.)

To the Right Honorable the Earl Grey, Her Majesty's Principal Secretary of State for the Colonies.

The Directors of the New Zealand Company in exercise of the power in that behalf given and reserved by the Act of the 10th and 11th Victoria, Chapter 112, intituled "An Act to promote Colonization in New Zealand, and to authorize a Loan to the New Zealand Company," do by this present Instrument in writing under the Seal of the New Zealand Company give notice to Her Majesty's Principal Secretary of State for the Colonies, that they are ready to surrender the Charters of this Company to Her Majesty and all claim and title to the lands granted or awarded to them in New Zealand.

Sealed this 4th day of July, }  
1850. (Seal.)

By Order of the Court,

(Signed)

THOMAS CUTHBERT HARRINGTON,  
Secretary.

(COPY.)

No. 2.

New Zealand House,  
5th July, 1850.

MY LORD,

By desire of the Directors of the New Zealand Company, I do myself the honor to enclose for your Lordship's information, a copy of the instructions which it is intended to transmit—by the ships "*Phoebe Dunbar*," and "*Camilla*," now under despatch—to the Company's Agents in New Zealand, directing them to give effect to the Notice under the 19th Section of the Act 10th and 11th Victoria, c.

112, which I had the honor to forward to your Lordship yesterday.

I have, &c.,  
(Signed) T. C. HARRINGTON.  
The Right Honorable,  
The Earl Grey,  
&c., &c., &c.

(Copy.)  
WELLINGTON.

New Zealand House,  
Broad Street Buildings,  
5th July, 1850.

SIR,

By my previous communications, more especially by the Despatches of 1st of February, and 1st of June last, Wellington Nos. 5—50, 35—50, you will have been prepared for the possible discontinuance of the colonizing operations of the Company, as, on this day, the copy which I have now the honor to enclose, of the proceedings at the adjourned General Court of Proprietors yesterday will show you. I am sorry to say that this event has actually taken place. In compliance with the Resolutions then adopted a notice was yesterday transmitted to the Secretary of State for the Colonies (a copy of which is enclosed), in pursuance of the provisions of the 19th Section of the Act 10 and 11 Victoria, c. 112.

You will be pleased therefore immediately on receipt of this Despatch to take steps for bringing every open transaction to a close, taking care to incur no expense which can be legally avoided, and no new expense whatever.

The shortness of the time has not permitted any communication of the wishes of Lord Grey as to the manner in which the lands of the Company are to be placed at the disposal of the Crown, but all expenses attending such proceeding will of course be defrayed by the Government.

It is scarcely necessary to add that the notice above referred to will, of course, have determined the powers held by yourself and the other Agents of the Company, under your respective appointments, except so far as may be necessary for carrying out the instructions contained in this Despatch.

So far also as the Directors can at present see, the whole of the Salaries must cease on the 31st of December next, and you must therefore consider them as ceasing accordingly.

On the subject of Conveyances I shall have the honor of addressing you separately after learning the views of the professional advisers of the Crown.

I have, &c.,  
(Signed) T. C. HARRINGTON,  
Secretary.

P.S.—A Copy of this Despatch is transmitted to each of the Resident Agents at Nelson, New Plymouth, and Otago, with instructions to give it immediate effect.

William Fox, Esq.,  
Principal Agent of the  
New Zealand Company,  
Wellington.

(Copy.)

Colonial Office,  
13th July, 1850.

SIR,

I am directed by Earl Grey to acknowledge your letter of the 5th of this month, inclosing a letter addressed by you under the orders of the Directors of the New Zealand Company, announcing their delivery of the notice of the intended surrender of their Charter to the Secretary of State.

2. Lord Grey thinks it necessary to point out to the Directors that the statement of that letter that

the expenses attending the transfer of the Company's land to the Crown "will, of course, be defrayed by the Government," is one to which he cannot pledge Her Majesty's Government by the apparent consent which would be involved in a simple acknowledgment, until this and other questions pending between Her Majesty's Government and the Company have been investigated.

3. He is also not aware of the particular point to which the last paragraph of the letter applies, as no questions have as yet been addressed by him to the professional advisers of the Crown on the subject of Conveyances, nor has he received any application from the Directors to do so.

4. With these exceptions Lord Grey has no observation to make on your letter, and proposes to transmit a copy of this correspondence to the Governor of New Zealand with a Despatch of which he encloses a copy for the information of the Directors and for any remarks on their part, but which he is anxious to send by the earliest opportunity.

I have, &c.,  
T. C. Harrington, Esq.

(Copy.)

Colonial Office,  
13th July, 1850.

SIR,

I am directed by Earl Grey to acknowledge your letter of the 4th of this month, enclosing a notice under the Seal of the New Zealand Company, that they are ready to surrender the Charter of the Company to Her Majesty and all claim or title to the lands granted or awarded to them in New Zealand: and to state that his Lordship is ready to receive the Charters on the part of Her Majesty whenever they are delivered to him by the officers of the Company to whom that duty is committed.

2. In reference to the Resolutions enclosed in this letter expressing hopes that Her Majesty's Government will receive and pay their attention to further explanations of the causes which have prevented the realization of those expectations on which the agreement of 1847 was founded, I am to request that you will convey to the Directors Lord Grey's assurance that he will not fail to give any statements on that subject which he may receive from the Directors, or other authorized parties, his best consideration.

3. But inasmuch as by the mere effect of the Act, certain duties and liabilities appear to become at once imposed on Her Majesty's Government by the receipt of the notice at the latest period which the Act allowed, it appears to his Lordship essential that he should ascertain with as little delay as possible the actual position in which Her Majesty's Government is placed thereby.

4. Under Section 19 of the Act the lands of the Company revert to the Crown, "subject to any contracts which shall then be subsisting in regard to any of the said lands." Lord Grey would therefore be glad to receive an account whenever the Directors are able to complete the necessary investigation of the contracts with other parties besides Her Majesty's Government, to which any of these lands are (in the view of the Directors) now subject.

5. Under the same Section and under the agreement of April 1847, Her Majesty's Government become on the one hand subject to the condition of satisfying any liabilities to which the Company may be liable under the existing engagements, with reference to the settlement at Nelson, or any liabilities contracted with the consent of the Commissioner: and on the other hand, Her Majesty's Government take the Company's assets. Lord Grey would therefore be glad to be furnished in the same manner, as soon as the Directors find it in their power so to

assist him, with an account of those liabilities and of these assets.

B. Lord Grey would further propose that so long as the Directors continue to exercise the power with which Section 10 invests them, for the purpose of raising or discharging of the Government some guarantee should be placed by his Lordship upon the communication with them in order to facilitate those arrangements for which the consent of the Secretary of State may need to be required, or of which it is essential that Her Majesty's Government should be kept informed. Of course, gentlemen so authorized could exercise no power, nor would his Lordship suggest that he should in any way interfere with the proceedings of the Directors or be present at their deliberations, except when they themselves think it advisable for the administrative purposes. And as Lord Grey is to be understood that Mr. Cox has performed the duties of Her Majesty's Commissioner so long as they lasted in a manner satisfactory to the Directors, he proposes that Mr. Cox should for the present continue to afford his services in the manner here specified.

I have, &c.,

(Signed)

T. C. Harrington Esq.

Colonial Secretary's Office,  
Wellington, 9th January, 1851.

**HIS EXCELLENCY THE GOVERNOR-IN-CHIEF** has been pleased to appoint

**EDWARD JERNINGHAM WAREFIELD,**

and

**HENRY JOHN TAYLOR, Esquire,**

of Port Victoria, to be Magistrates of the Province of New Munster.

By His Excellency's command,

**ALFRED DOUGLAS,**

Colonial Secretary

Resident Magistrate's Court,  
Wellington, January 9, 1851.

**NOTICE** is hereby given, that a Meeting of Magistrates for this District will be held at this Court, on Tuesday, the first day

of February next, at the hour of 12 o'clock, for the purpose of forming the Jury List, and also for taking into consideration applications for Licensed Slaughter-houses beyond the limits of the Town of Wellington.

Notice of intention to apply must be left with the Clerk of the Bench ten days before the said 1st day of February next.

**JOHN E. SMITH,**

Clerk to the Bench.

Total amount of Notes in circulation at the Office of the Colonial Bank of Issue at Wellington, on the 11th day of January, 1851:—

Amount of Notes in circulation on 11th day of January, being the close of the preceding four weeks:—

£5 and upwards.....	2,855
Under £5 .....	3,046

Total..... £3,901

Total amount of Coin held by the same Office on the same day:—

Gold .....	£ 55
Silver .....	3,846

Total..... £3,901

I, Henry W. Petre, the Colonial Treasurer, do hereby certify that the above is a true account as required by the Ordinance, No. 16, Session 8.

For **HENRY W. PETRE,**

Colonial Treasurer,

**J. FELSON,**

Chief Clerk.

Dated this 13th day of January, 1851;  
Colonial Treasury, Wellington.

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