



NEW ZEALAND GOVERNMENT GAZETTE.

(PROVINCE OF NEW MUNSTER.)

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By His Excellency's Command,

ALFRED DOMETT, *Colonial Secretary.*

WELLINGTON, TUESDAY, DECEMBER 28, 1852.

JOURNAL OF THE PROCEEDINGS OF THE GENERAL LEGISLATIVE COUNCIL OF THE ISLANDS OF NEW ZEALAND.

Wellington, Wednesday, Dec. 22, 1852.

PRESENT :—

His Excellency Sir George Grey,
K.C.B., Governor-in-Chief.

His Excellency Edward John Eyre,
Lieutenant-Governor of New Munster.

The Honorable Lieutenant-Colonel
McCleverty, Senior Military Officer.

The Honorable Alfred Domett, the
Colonial Secretary for New Munster.

The Honorable Daniel Wakefield, the
Attorney-General for New Munster.

The Honorable Henry William Petre,
Colonial Treasurer.

The Honorable Francis Dillon Bell,
the Commissioner for Crown Lands.

The Honorable Stephen Carkeek, the
Collector of Customs.

The Honorable William Mein Smith.

The Council met pursuant to summons.

The Rev. the Colonial Chaplain being in attendance, read prayers.

His Excellency the Governor-in-Chief then opened the Council by reading the following address :—

Gentlemen of the Legislative Council—

At the close of the recent session of the Imperial Parliament an Act was passed to Grant a Representative Constitution to the Colony of New Zealand. I have been in daily expectation of receiving the official copy of that Act, accompanied by the Instructions necessary to enable me to bring it into immediate operation ; and I was consequently anxious, if practicable, not to have assembled the Legislative Council until it was in my power to have laid before you the Instructions, which would have possessed so high a degree of interest both for yourselves, and for the entire Colony.

Handwritten notes:
1850
Canterbury Association

The Ordinance for the appropriation of the revenue expires, however, at the close of this month; and after that time, unless it is renewed with your sanction, no ordinance will be in force under the authority of which the current expenditure could be conducted. A sudden cessation of that expenditure, and a consequent stoppage of the entire machinery of Government would, however, inflict such injury upon the various settlements established in these islands, that I have felt it to be my duty, although at a shorter notice than I could have desired, to request your attendance at Wellington, as the most central point, for the purpose of submitting to your consideration the propriety of re-enacting the existing Appropriation Ordinance, and of authorising the continuance of its operation for such a period of time as may permit of provision being made for the appropriation of the revenues by the Legislatures to be constituted under the authority of the recent Constitutional Act.

In addition to the Appropriation Ordinance, I propose to submit for your consideration a few other Bills, which relate to subjects of pressing importance. But I shall be careful to propose to you only such measures as are absolutely necessary for the welfare and progress of the entire Islands; because I am anxious that the rights and functions of the Provincial Legislatures, which are so shortly to be elected, may not even appear to be in any manner unnecessarily interfered with.

There is also the less reason for our entering upon any extensive system of legislation during the present session of the Council; because, although it is not in my power upon this occasion to lay before you the instructions which will accompany the recent Act of Parliament conferring Representative Institutions upon this colony, I am enabled to state that those Instructions were, at the date of my latest advices from England, in course of preparation; and that both Her Majesty's Government and the local authorities will make every effort to introduce them into full operation in the colony with as little delay as is consistent with the care and attention which the importance of the subject requires.

A Bill has been prepared for your consideration, which provides for the Registration of Deeds and Instruments affecting real Property within the Canterbury

settlement. From an oversight upon the part of the framers of the Act of Parliament to empower the Canterbury Association to dispose of certain lands in New Zealand (13th and 14th Victoria, cap. 70, 1850) no provision was made for the registration, in conformity with the terms of the local Ordinance, of such conveyances as the agent of the Canterbury Association might issue to their purchasers. The Bill which has been prepared provides a remedy for that omission; and I have no doubt that you will cordially co-operate with the government in its efforts to render the titles to property in the Canterbury settlement more secure, and to facilitate the transfer of such property.

A correspondence will be laid before you which has passed between the Principal Secretary of State for the Colonial Department and the Lords Commissioners of Her Majesty's Treasury, upon the subject of the Bank Charters Ordinance of last Session. You will find from that correspondence, that some slight amendment in that Ordinance will probably be necessary before it can be brought into beneficial operation.

By the terms of the Naturalization Ordinance, Session XI, No. 9, it is requisite that I should submit to you a Bill for the final Naturalization of those persons who have been declared in the interval which has elapsed since the last Session of the Legislative Council, by the proclamations which I have issued for that purpose, to be free from the disabilities to which aliens are by law subject. A measure for this purpose has been therefore prepared, and will be laid before you.

The most recent despatches I have received from the Lieutenant-Governor of New Ulster, upon the subject of the discovery of gold in the valley of the Thames in that Province, will be laid before you. From these you will gather that the Lieutenant-Governor is given to understand that there can be no doubt that an available Gold Field has been discovered in several places in the mountain ranges which separate the river Thames from the Eastern Coast of the Northern Island. Should these anticipations be fully realized, there can be little doubt that a source of great wealth and prosperity will be laid open for the Northern Province of New Zealand, which will afford a fair earnest of the mineral wealth of the entire New Zealand Islands, and justly encourage hopes

that other and richer discoveries may hereafter be made, when the interior of these Islands has been more fully explored.

In the meantime Lieutenant-Governor Wynyard has, with very great promptitude and energy, addressed himself to the difficult task of making and enforcing those regulations which are necessary for the preservation of the tranquillity and good order of the country in the neighbourhood of the point where Gold has been discovered.

Undoubtedly the discovery of Gold in Islands, circumstanced as these of New Zealand are, may—if unjust and injudicious acts are committed—be the means of creating great embarrassments; but I think that, by availing ourselves, with justice and wisdom, of a source of wealth which a bounteous Providence appears thus unexpectedly to have placed at our disposal, we may, by our good conduct, deserve and ultimately draw from it those great benefits which, rightly used, it is capable of conferring upon both the European and Maori race.

The discovery of valuable mines of Copper and Coal in the vicinity of Nelson will, I hope, prove productive of great and permanent advantages to that settlement. The Government has done its utmost to enable the inhabitants of Nelson to develop advantageously the mineral riches thus placed at their disposal, by permitting the mines to be worked under very advantageous conditions. The correspondence relating to this subject will be laid before you.

A despatch I have received from the Secretary of State, upon the subject of the proposed discontinuance of their operations by the Canterbury Association, will, by my directions, be laid upon the table. From that despatch you will perceive that it was proposed that the Association should, from the 30th September last, suspend its functions, for the purpose of presenting to the Provincial Council of the Province the option of taking a transfer; of the Association's functions, together with its admitted liabilities, which appear on the 14th of June last to have been about £12,215. In reference to this subject, I have directed that a correspondence between the Local Government and the Agent of the Canterbury Association should be submitted to you. It contains the details of an arrangement under which I sanctioned advances, not exceeding in the whole the

sum of two thousand pounds, from the revenue, to the Agent of the Association, to enable him to execute certain public works in the Canterbury district. A sum of seventeen hundred pounds has actually been advanced on this account to the Agent of the Association; this amount therefore, forms another liability of which the Association were not aware when they made the statement of their affairs contained in their Secretary's letter of the 14th June.

But as the Government understand that the Agent of the Canterbury Association has disposed of lands at Canterbury since that advance was made, and as it appears that a decided revival had taken place in England in the prospect of land sales by the Association, it is to be hoped that the advances made by the Local Government will speedily be repaid under the terms of the arrangement entered into with the Agent of the Association.

I have directed that a copy of a communication, which has recently been received from the Right Honorable the Post-Master-General, should be laid before you. From that communication it will be found that the Postal arrangements have now been finally agreed upon, under which letters may hereafter be pre-paid in New Zealand to any part of Great Britain, or in that country to any part of New Zealand, and by which printed books and pamphlets may be transmitted by Post. I have recently received a communication from the Governor-General of Australia, proposing the establishment of a similar system of inter-colonial Postal arrangements between Australia and New Zealand: every effort shall be made by this Government to conclude satisfactorily an arrangement which would be so beneficial for both groups of Colonies.

Her Majesty's Government have not yet informed me whether or not it is their intention to advise her Majesty to confirm the New Zealand Company's Land Claimants' Ordinance, Session XI, No. 15; and, in the mean time, as that Ordinance is, in parts, repugnant to the Act of Parliament "for regulating the affairs of the Company's Settlements," 14th and 15th Victoria, cap. 86, it has only been possible to proceed, under the Local Ordinance, with those claims the investigation and adjustment of which involved no principle adverse to the abovenamed Act of Parliament. Seven hundred and

twenty-eight claims of this nature have been made in the Wellington district, six hundred and fifty-six of which have already been finally disposed of; and six hundred and three Grants have been prepared for issue to the claimants. In the Nelson district, in like manner, all those claims which, under the existing state of the law, can be adjusted, have been disposed of, with the exception of a few which are attended by peculiar circumstances; and five hundred and seventy grants have been prepared for issue to the claimants in the Nelson district. Great progress has therefore been made in putting titles to land in the New Zealand Company's settlements upon a satisfactory footing.

In conformity with the terms of the Education Ordinance, Sess. VIII. No. 10, Inspectors have been appointed for those schools which are supported by public funds. The reports of those Inspectors, in so far as they have been received, shall be laid before you: from those reports you will find that the Industrial Schools established in various parts of New Zealand, for the benefit of the Native race, have been far more successful than could have been reasonably anticipated, and that there is now every reason to hope confidently that they will exercise a most important and useful influence upon the future of this country.

I am happy at being able to congratulate you upon the continued tranquillity which still prevails throughout New Zealand, and which I hope may, by judicious measures, be uninterruptedly maintained. The progress which these Islands continue to make in wealth and prosperity is most satisfactory. The Native population are making daily advances in the accumulation of wealth, and in the pursuits of industry; various instances have recently occurred in which they have purchased valuable pieces of land from Europeans for very considerable sums; they also now produce such large quantities of wheat, that the supplies which they thus afford have become a most important article of trade for the colony.

The European population have also, in many parts of the colony, largely extended their agricultural operations. There can, therefore, be little doubt that the exports of agricultural produce from New Zealand in the year 1853 will greatly exceed those of any previous year, whilst our exports of every kind also continue rapidly to increase; the demand for many

of them in the neighbouring colonies is also greater than at any former period; and the prices they realize are far higher than was ever anticipated. A great stimulus has thus been given to production of every kind; and a vast amount of wealth will, it may therefore be reasonably anticipated, pour into these Islands.

If, then, we review the present circumstances of the colony, I think that every heart interested in the welfare of New Zealand must feel deeply imbued with gratitude to Divine Providence for the past, and full of hope for the future.

Within a few years we have seen war succeeded by permanent and lasting peace,—a discontented population in a state of rebellion become attached and industrious citizens. In the place of disaster, discontent, and want, we now see upon all sides prosperity, wealth, and comfort; and at the time that the peace and welfare of the colony appear thus consolidated, and it is therefore so well fitted to undergo political changes, new institutions of the most liberal character are conferred upon it, which, in so far as human sagacity can form an opinion upon the subject, appear likely to confirm and strengthen the present happiness of the country, and to assure its future progress and welfare.

This Council may, Gentlemen, during the short period it still has to exist, do much to promote the present prosperity, and to prepare the way for the more popular Legislatures which are to succeed it. You will, I am sure, feel the importance of, and earnestly strive to execute well this last task; and in the performance of this duty, which possesses a more than ordinary degree of interest, you may rely upon receiving my most cordial co-operation and assistance.

G. GREY.

*Council Chamber,
December 22, 1852.*

On the motion of the Attorney-General, seconded by the Colonial Secretary, the Address was ordered to be printed.

His Excellency laid on the Table "A Bill to appropriate the Revenue of the Provinces of New Ulster and New Munster for months, from the 1st day of January 1853."

Also "A Bill to provide for the Registration of Deeds and Instruments affecting Real Property, within the Canterbury Settlement."

Also, a copy of a Despatch from the Lieutenant-Governor of New Ulster, accompanied with samples of Gold found in that Province, and some drawings connected with the subject.

The Colonial Secretary for New Munster gave notice that to-morrow he would move the first reading of the "Appropriation Bill."

The Attorney-General for New Munster gave notice that to-morrow he would move the first reading of the "Canterbury Deeds Registration Bill."

His Excellency then adjourned the Council at 20 minutes to 4 o'clock P. M., to Thursday the 23rd instant, at 3 o'clock.

THURSDAY, DEC. 23.

Present:—

His Excellency the Governor-in-Chief and the Members as on yesterday.

The Council met pursuant to adjournment.

The Rev. the Colonial Chaplain read prayers.

The minutes of last meeting read and confirmed.

The Colonial Secretary moved the order of the day for the first reading of "Appropriation Bill."

Motion was seconded by Colonel McCleverty and agreed to.

Bill read a first time accordingly.

On the motion of the Attorney General, seconded by Capt. Smith, "the Canterbury Deeds Registration Bill" read first time.

His Excellency laid on the Table the following despatch from the Right Hon. the Minister for the Colonies, together with an Act to grant a Representative Constitution to the Colony of New Zealand.

Also papers relating to the Australian Colonies.

No. 32.

Downing-street, 16th July, 1852.

SIR, I have now to transmit to you the Act "to grant a Representative Constitution to the Colony of New Zealand," which has received the Royal Assent.

2. When the seals of this Department were committed to me in the early part of the Session of Parliament which has just terminated, I found the heads of a Bill for the same purpose already in preparation under the directions of my predecessor, Earl Grey, and on full consideration of the subject, her Majesty's

Government did not hesitate to adopt the general outlines of the measure thus originated, which appeared to them calculated to fulfil the expectations of the people of New Zealand, and to confer on them Constitutional rights in a form the most adapted to their peculiar circumstances.

3. The intentions with which that measure was framed were explained by my predecessor in a draft despatch intended to accompany it: that draft has been printed for Parliament with a view to the discussions on this Bill: and I fully adopt the views set forth in the first 13 paragraphs of that draft, explaining the general purposes of the Bill, and the relation in which the Central Legislature will stand to the Provincial Councils: the only difference which it is necessary to note being that her Majesty's Government have thought it advisable to add New Plymouth to the number of separate Provinces.

4. It has appeared, however, to her Majesty's Government that the almost necessary effect of this subdivision into six Provinces, when effected, will be to supersede the present division into two Provinces, and, along with it, the existing two Lieutenant Governorships. The commission and instructions issued to you under the present Act will be framed with a view to this change. I do not offer any opinion whether the present system has worked in a satisfactory manner; but it was in its nature temporary only, and New Zealand will, as far as I am able to judge, be better governed in future under a single head, with the assistance of local officers in the several settlements only. This change will, at all events, have the effect of diminishing, in some degree, the civil expenditure of the colony, a result which I am anxious to effect.

5. In the remaining portions of the Act there are some important differences from the scheme of the late government; and without entering into these in great detail I shall proceed to give some explanation of the measure in the shape which it has now assumed.

6. It has been thought advisable that the Provincial Councils should consist of a single Chamber, consisting wholly of elected members. They have been led to this conclusion by the comparatively unimportant nature of the functions of these Councils; which will be limited to local objects, such as would be considered here to be of a municipal character, rather

than partaking of the higher attributes of Legislation.

7. For the same reason, her Majesty's Government determined on submitting to Parliament another suggestion originated by yourself, although not actually reduced by you into practice; that of rendering the Superintendents of Provinces elective. They are aware that this is an innovation on ordinary usage, inasmuch as these officers have one function at least of a higher and more independent character than the elective chief magistrate of an English municipality—being, that they are to possess a negative voice in the passing of Local Ordinances. But they have not, on this account, thought it necessary to withhold what, they have every reason to believe, will be regarded by the colonists as a valuable concession; while they feel a confident hope that the electors will form the best judgment as to the persons qualified to serve the public interest in offices for which a knowledge of the wants and circumstances of each particular locality is peculiarly requisite.

8. After the best consideration which her Majesty's Government have been able to give the subject, Parliament has determined, under their advice, to insert in the Act no provision respecting the payment of the Superintendents; considering it a subject best left to the decision of the Provincial Councils. I may here add, that they have in a similar way omitted all provision for payment of members either of the Provincial Councils or House of Representatives, not from having formed any judgment adverse to such a regulation, but from feeling satisfied that the manner and amount of such payment, if any is thought necessary, will be best settled by those respective bodies.

9. Nor have provisions been inserted giving executive authority of any kind, to the Superintendents. This is a point on which her Majesty's Government did not feel that they had sufficient information to adopt any definite course, while the general prerogative of the Crown and the power of the General and Local Legislatures, seemed amply sufficient to provide whatever might be ultimately deemed advisable.

10. It is, however, my wish that any such Executive Powers as may be found necessary in order to carry on the functions of Government in the respective settlements, may be entrusted to these officers. This may be done by your own authority,

as representing the Crown, or by Act of the Central Legislature, as the case may require; but they should, at all events, be always included in the Commission of the Peace for their respective localities.

11. Another point in which you will observe that your own suggestions have been adopted, is the leaving the power of allowance and disallowance of Provincial Ordinances in the Governor instead of the Crown.

12. I now proceed to the Constitution of the General Assembly, in respect of which the principal deviation introduced by her Majesty's Government from the scheme of their predecessors is, that a Legislative Council of Members nominated by the Crown is maintained according to the ordinary model of Colonial Governments, except that, as in Canada to which a somewhat similar constitution was granted by Act of Parliament, their nomination is for life. I need not here enter into the particulars of the reasons for this change, which will be readily collected from the Parliamentary debates which have taken place on the subject.

13. The number of the Council is limited by a minimum only, in order that it may be hereafter expanded as the exigencies of the public service may, from time to time, require; but, for the present, it is proposed to limit it by your Instructions so as not to exceed fifteen. The Instructions will accordingly empower you to nominate not less than ten, nor more than fifteen, persons to the office of Legislative Counsellor. And it is desirable that, without waiting for those Instructions, you should at once proceed to make your selection, and report it immediately to her Majesty's Government.

14. It has been thought, upon the whole, most convenient to leave it to the House of Representatives to make, on its first meeting, all the rules which may appear expedient for its own management, even to the appointment of a quorum for the conduct of business.

15. It has been the object of Parliament to give to the General Legislature, thus constituted, powers as extensive as it was possible to confer, consistently with the maintenance of the prerogatives of the Crown. Accordingly there is no restriction on those powers introduced into the Act on which I think it necessary to make any observations, except the reservation of certain sums for specific services, ordinarily called a Civil List; which reservation, however, by no means

withdraws those services from the control of the Legislature, but only renders it necessary that this control should be exercised by way of permanent Act instead of annual appropriation, and, in certain instances, with the consent of the Crown. The extract which I annex, from the despatch addressed by my predecessor to Sir Charles Fitzroy, when transmitting the last Australian Constitutional Act, will more fully explain my meaning *

16. In fixing the sum thus reserved, her Majesty's Government have been guided by the information which you have yourself supplied. They have not thought it necessary to place the salary of more than one Puisne Judge on this permanent footing. The sum defused as for the "Establishment of the General Government," and that for "Native Purposes," you are empowered to appropriate in such manner as you may yourself think fit; taking care to keep the Secretary of State fully informed of the details of such appropriations, as well as to render accounts of them in manner prescribed by section 65.

17. The object of the provisions of sections 62 and 63, establishing a distinction between gross and net Revenue is to place the management of the Revenue in New Zealand as nearly as possible on the same footing as in this country, namely, by reserving the collection of the Revenue to the Executive. For the present the costs of the collection of Customs will be regulated and audited by the Lords Commissioners of the Treasury. But whenever the control of the Customs is handed over to the local authorities, as is gradually taking place in the neighbouring Colonies, their Lordships will be able to delegate this power, as far as needful, to those authorities.

18. Her Majesty's Government, in framing the Constitution of New Zealand and submitting it to the decision of Parliament, determined not to except the control of the waste lands of the Colony from the general powers conferred on its Legislature. Without entering into the discussions to which this subject has given rise, it is enough for me to say that they felt satisfied that this Revenue was likely to be administered in a more efficient manner, both for the benefit of the Empire at large, and of the commu-

nity of New Zealand, by the Local Legislature than by any other authority. And they were of opinion that this administration would be better entrusted to the General Assembly than to the Provincial Legislatures, not only by reason of its great importance, but also because an uniform administration of the waste lands is desirable in regard both to efficiency and to economy.

19. To this general concession there are, however, certain exceptions, rendered necessary by the peculiar circumstances of New Zealand both as respects the native title to land, and the rights already granted by Parliament to the New Zealand Company.

20. It has appeared so essential to maintain the principle, that all acquisitions of land from the Native tribes should take place through the Local Government only, that this regulation which previously rested on the Royal Instructions only has now been incorporated in the Constitutional Act; and in order to secure its maintenance, the Governor is empowered to pay the purchase money to the Natives out of the first proceeds of all the Land Revenue.

21. He is, secondly, empowered to pay out of the same revenue the sums which may become payable to the New Zealand Company.

22. In dealing with this very difficult portion of the question before them, her Majesty's Government have had only two considerations in view; the necessity of preserving the faith of the public already pledged to the New Zealand Company, and their own desire to do this in such a manner as should be least burdensome to the resources of the people of New Zealand.

23. It was indeed urged on Her Majesty's Government that they should leave the New Zealand Company to their rights as defined by the Act 10th and 11th Victoria, c. 112. That act made the purchase money of their estates a first charge on the Land Revenue, after surveys and emigration. And Her Majesty's late Government were advised that, from the manner in which the act was framed, this charge was quite indefinite, there being no particular proportion thus fixed by law for survey and emigration.

24. But this uncertainty only made the charge more burdensome. If (to put a supposition which I do not believe would have been realized) the Legislature of New Zealand had thought proper to re-

* P. P. enclosed: see par. 13 to 17 inclusive, P. 34 and 35.

duce the payment to the New Zealand Company to a mere fractional amount, they could only have committed this act of injustice (for such under the circumstances it would have been) by devoting the whole residue to surveys and emigration without being able to appropriate any portion whatever to any public work or other purpose of general advantage.

25. This had been so strongly felt by my predecessor, Earl Grey, that he had thought it advisable, by way of compromise with the New Zealand Company, to fix the proportion to be paid to them, by mutual agreement, at one-fourth of the gross proceeds. And, after the best consideration I could give the subject, with the advice of the parties best qualified to assist me, I arrived at the conclusion that the arrangement thus practically in existence already was that which it was best to retain in the act.

26. I regret that I have found myself unable to accede to your proposal, made to my predecessor, to transfer this charge from the Local Land Revenue to the Imperial Treasury; not seeing any grounds of justice for the charge. It was Lord Grey's project, on the other hand, to alter the charge into a fixed debt, of less amount, chargeable on the whole revenue of the province, and bearing interest: a project on which I offer no opinion of my own, merely stating that I have no doubt her Majesty's Government will at all times be ready, if called on, to assist in any reasonable scheme for the extinction of the debt which the Local Legislature may devise.

27. The remaining exceptions to the general transfer of the control over the waste lands consist in the provisions thought necessary to maintain the Canterbury Settlement, and to empower her Majesty's Government to maintain that of Otago, if it shall find the Crown bound by existing engagements to do so, or shall deem it expedient to renew the powers of the Association on fresh terms. For the present, therefore, the affairs of these settlements, and the distribution of their funds, remain as heretofore, and I will duly acquaint you with any decision at which her Majesty's Government may arrive respecting either of them.

28. I shall, also, address you farther as to the affairs of the other settlements of the New Zealand Company, so far as these may be effected by the present Act.

29. In addition to these functions, the Act confers on the Legislature by sections 67, 68, and 69, the most extensive powers of introducing into the Constitution such changes as experience may indicate, or deliberate public opinion may require.

30. Your own powers and duties, with reference to the ultimate confirmation or disallowance of Acts of the General Assembly by the Crown, are defined by the 56th and following sections so fully as to render it unnecessary for me to enter into any details on the subject.

31. Before dismissing the subject of the General Assembly, I wish to point out that while five years is fixed as the period of its duration, the Act contains no provisions fixing the periods of its sessions, or rendering it imperative on the Governor to assemble it at stated times, it has been felt that, under the present circumstances of New Zealand, and with a complete machinery of Provincial Councils, it was possible, although no absolute prediction on this point can be hazarded, that for some time its meetings will be occasional only.

32. The provisions of section 70 have been introduced into the statute in order that its enactment may not clash with any measures which you are taking, or may be advised to take, respecting the establishment of municipalities. At the same time I wish to convey my own opinion that, considering the character and functions of the Provincial Councils, which must be eminently of a municipal character, it seems doubtful whether there will be any necessity for the creation of other local authorities subordinate to these, until New Zealand has attained a greater amount of population than is likely to be the case for some time.

33. It has farther been thought essential to preserve to the Crown by section 71, with power of delegating it to yourself, the authority which you already possess, of portioning out districts in which the customs and usages of the natives may be preserved, and exempting them as it were from the common law of the settled portions of New Zealand. This is a power not to be exercised without strong ground, and which, it is rather to be hoped, you may not find it necessary at present to exercise; but under the power reserved by section 79 I have to inform you that the authority given to the Crown in that behalf, as well as for the formation of Municipal Corporations, by section 79

is, for the present, delegated by her Majesty to yourself.

34. The provision of section 80, defining the boundaries of New Zealand, requires a short explanation. It appears to me that, by your commission, the limits of your Government to the South are so defined as to include the Auckland Islands, on which a separate settlement has lately been established by British Colonists and which it would be inconvenient to place within the limits of New Zealand for the purposes of the present Act. The Southern boundary is, therefore fixed at South Latitude 50°.

35. I have now to add a few words respecting the duties cast upon yourself by the Act, in order to bring the Constitution into operation.

36. By section 1 of the Act existing laws are preserved, and existing legislative authorities retained in action, until the new legislatures are established.

37. The duty of appointing the boundaries of Provinces, and of taking the necessary steps for the elections, both provincial and general, has been entrusted to yourself. This course has been adopted as, upon the whole, more convenient and simpler than that of causing the necessary regulations to be made by Ordinances of the Legislature. But although in terms vested in yourself, you will understand that it is desirable that they should be exercised with the advice of your Executive Council. I refer you to my predecessors draft despatch as to the principles on which this division should be made, paragraphs 9, 10, and 11.

38. I have now only to add that I have great pleasure in entrusting to yourself the conduct of this very important measure; and, in the commission of these extensive powers to the colonists of New Zealand, her Majesty's Government have had abundant opportunities of recognizing, in the correspondence which has taken place on this subject between yourself and their predecessors, your strong attachment to liberal institutions, and the able manner in which you and your Council have both prepared the way for their introduction, and urged upon the Imperial Government the necessity of speedily creating them, as soon as the temporary difficulties which induced you at first to advise their suspension, had passed away. They are, in fact, fully aware that the measure itself, now reduced into a law, owes its shape in a great degree, to your valuable suggestions. They, therefore, do not doubt that your proceedings in order to carry it

into execution, will prove satisfactory to the colonists, while an additional reason for their placing this reliance on you is, the confidence with which you are personally regarded by numbers of her Majesty's subjects of the native race, who have been brought within these few years, to participate in the blessings of religion and social culture. Whatever natural anxiety may still attend the success of this experiment, chiefly relates to the manner in which it may affect their feelings and their interests; but Her Majesty's Government have the strongest hope that your administration of it may not only prove acceptable to them, but that at no distant time they may be found to avail themselves largely of the Constitutional privileges, thus thrown open to those among them who have made progress in civilization in common with their fellow subjects of the British race.

I have the honor to be,
Sir,
Your most obedient,
Humble Servant,
(Signed) JOHN S. PAKINGTON.

Governor Sir G. Grey, K.C.B.,
&c. &c. &c.

Extract from a Despatch from Earl Grey to Governor Sir George Grey.

Downing Street, February, 1852.

SIR,—I have to acknowledge your despatch No. 121, of August 30th last, transmitting the Provincial Councils Ordinance in the form in which it passed the Legislative Council, and explaining with great clearness and in much detail, your views with respect to the system of government best adapted to the existing condition of New Zealand. I have to thank you for the valuable information contained in this despatch. It has been of great service in preparing the enclosed heads of a Bill, which it is the intention of Her Majesty's Government to introduce into Parliament in the present Session, for the purpose of establishing the legislative institutions of New Zealand on a permanent footing. In transmitting to you these heads; it is necessary that I should explain, somewhat fully, the principles on which the measure is founded, and the reasons for the departure from your own recommendations which you will observe in some of its provisions.

2. The New Zealand Constitutional Act of 1846, together with the Charter and Instructions issued in consequence, so far as related to the establishment of representative institutions, were suspended for five years in 1848, in consequence of the representations made by yourself, of the danger of introducing those institutions, in a part at least of the Islands, at that particular conjuncture. By the Act passed in order to effect that suspension, large powers were vested in yourself and the existing Legislative Council, to establish such institutions of a provisional character during the suspension as you might deem fit.

3. These powers you employed, in the first place, by constituting Provincial Councils on the model of the General Legislative Council. Subsequently, as the increase of the settlement and the quiet and orderly condition of the native population convinced you that the dangers which you had at first apprehended, were in the course of removal, you urged on Her Majesty's Government the expediency of commencing the introduction of the representative principle into the government of New Zealand, before the period allotted for the suspension of the Charter should expire.

4. Her Majesty's Government in the continued exercise of that confidence in your judgment and knowledge of the peculiar state of society in New Zealand, which had originally induced them to accede to your proposal for deferring the grant of representative institutions to the colony, believed that no better course could be taken than that of relying on your opinion on this subject also; and you were therefore instructed to avail yourself of the power Parliament had entrusted to you, by taking measures for the establishment of Representative Provincial Legislatures. In accordance with these instructions, you have introduced the Provincial Councils Ordinance, which was first submitted to me in draft with your despatch of October 24, 1850, and which you have now transmitted in the form of a law.

5. I take the opportunity, while thus detailing the history of these transactions, to mention that my despatch of the 2nd April last, acknowledging the receipt of the draft of this Ordinance, does not appear to have reached you before it was passed into law, as certain amendments, which I then pointed out as desirable, have not been inserted in it. I still trust, however, that I may hear from you in reply to that despatch, if not before the

Bill which has been prepared must be submitted to Parliament, at all events in time for the consideration, during its progress, of any remarks which may be suggested to you by my observations on the draft Ordinance.

6. Under these circumstances, if no further steps were taken by Parliament with reference to the New Zealand Constitution, the suspending Act of 1848 would expire on March 7, 1853. The Provincial Councils Ordinance created under it would therefore also expire, together with the existing Legislative Council; and the Constitution framed in and under the Act of 1846 would, *ipso facto*, take their place.

7. Her Majesty's Government, however, on a deliberate consideration of the various despatches which you have addressed to me, have come to the conclusion that it would be inexpedient to leave the Act of 1846 to come thus into force; because they are of opinion that the changes which have taken place in the state of affairs in New Zealand, and the additional information which has been obtained since that measure was passed, suggest the propriety of various modifications, both in its substance and form, although its essential principles ought, in their judgment, to be preserved.

8. The most important of these principles, and that, which, in fact, formed the foundation of the whole measure, was the creation of co-existent General and Provincial Legislatures. On the question whether this arrangement ought to be adhered to, Her Majesty's Government have not failed to give full consideration to your own views and statements, and to those also which have reached them through you from various bodies of settlers in New Zealand, both for and against the scheme of Provincial Councils. The result of their deliberation is, that they concur with you in believing that the natural features of the island, the distance of the settlements, the severalty of their local interests, however common those interests may be on some subjects, and the consequent difficulty of forming a General Legislature which should suffice to perform all the ordinary functions of legislation, all present arguments confirming the views entertained in 1846, in favour of the creation of Local Legislatures.

9. With respect to the number of provinces into which New Zealand should for the present be divided, Her Majesty's Government have seen no reason for dissenting from your proposal; and it is

intended to establish five Provinces accordingly, making, however, provision for the creation of additional Provinces by the authority of the Legislature, if this should hereafter become necessary, owing to the formation of new settlements.

10. It is intended that it should be left to yourself to define the limits of these provinces, subject to this general rule, which is not contained in the heads of the bill, but to be followed by yourself as a guide in the exercise of this power: that they are to extend only over the portions of the islands occupied by Europeans; reserving, however, a power of gradually extending their boundaries, as this may become necessary, by the settlement of the country.

11. It appears to Her Majesty's Government that the remaining region, still of comparatively far greater extent, which is occupied by natives only, or almost entirely, ought, for various reasons, which will more distinctly appear in the course of this despatch, to be left under the control of the General Legislature alone; though, hereafter, the limits of the territory comprised in Provinces will probably require to be from time to time enlarged.

12. With respect to the powers to be entrusted to these Provincial Councils, I am disposed, for my own part, to believe, (notwithstanding the alteration which you state to have taken place in your own views on this point) that in the progress of events, as colonization extends, and the several settlements are drawn nearer to each other in boundaries and interests, they will very probably assume more and more of a municipal character, while the functions of the General Legislature will increase. But I do not think it would be advisable to introduce any special provision either to accelerate or retard such a gradual change. Anticipations as to the course which political affairs may hereafter take are everywhere liable to be disturbed by many unforeseen events, and most of all in new and advancing societies. Hence it seems to be the wisest course to rest satisfied with adapting the institutions which are to be established, as well as may be practicable, to the existing state of things, leaving their future development, and the alterations which a change of circumstances may hereafter require, to be effected by the local authorities thus created.

13. Without seeking, therefore, to determine whether the course of events will lead to an extension or restriction of the

powers now about to be conferred on the Provincial Councils, it is proposed for the present to confer upon them a general power of legislation, subject to certain specified exceptions which will be the same, or nearly so, as those established in your Provincial Councils' Ordinance. The powers of the General Legislature on the other hand, it is intended not to limit to any particular subjects. Its enactments alone would thus have the force of law on the subjects reserved to it, and they would also have paramount and superseding force on all those other subjects over which both it and the Local Legislatures are meant to have authority. By this arrangement no conflict of powers can arise, since that of the General Legislature will always prevail whenever it may be exerted, and it will be left to experience, and to the judgment of the colonists themselves, to determine to what extent the power should be used and this action of the subordinate Legislatures consequently restricted.

Extract from a despatch addressed by Earl Grey to Governor Sir C. A. Fitz-Roy, dated August 30th, 1850:—

"13. The effect of sections 13, 17, and 18, is to give the legislature a considerably increased control over that part of the colonial expenditure now charged on what is called the Civil List. The Legislatures will have the power to alter, by Acts passed for that purpose, all or any of the sums specified in the schedules. In the case of these alterations affecting the salary of the Governor, or the appropriation for public worship, it is required by the present Act of Parliament that the Colonial Acts should be reserved for the signification of Her Majesty's pleasure.

"14. In the former Act there was a power given to the Governor, by the 38th section, of varying the sum appropriated to the purposes of Schedule B., and the savings accruing from such alteration were exempted from the control of the Legislative Council. This latter proviso has been omitted in the present Act, as there appeared to be no sufficient reason why the ordinary power of the legislative body should not extend to these particular savings.

"15. This extension of the authority of the legislature has been rendered expedient in the view of Her Majesty's Government, by the evidence of the hitherto successful progress of constitutional government. The manner in which the

people of New South Wales have hitherto exercised the powers they possessed through their Representatives, seemed fully to justify the grant of the enlarged power which will now be entrusted to them in relation to their financial affairs; but it has been deemed right by Parliament, in order the more completely to maintain the independence of the Judges of the Supreme Court, to provide that no diminution of judicial salaries by colonial enactments shall affect Judges appointed previously to the passing of such enactment.

“ 16. All other salaries, except those of the Governor and Judges, are placed by Parliament under the ordinary control of the legislature. With regard to the mode of exercising this control, you will, however, observe that reductions of fixed establishments, or of any expenditure provided for by permanent laws, can only be effected by Acts of the Legislature, which, of course, require the assent of the Crown, signified by yourself, and confirmed by Her Majesty; but I wish you distinctly to understand that there is no desire on the part of Her Majesty's Government to prevent prospective reductions of charges which, in the opinion of the colonists, will safely admit of being diminished. The interests of existing office-holders must be protected, because they accepted those offices with expectations which cannot justly be disappointed. But subject to these interests, there is no objection to the legislature fixing whatever scale of emoluments they may think fit for public servants to be hereafter appointed. I should, for my own part, consider it highly injudicious to reduce the salary of an office so as to render it no longer an object of ambition to men of ability and of respectable station. But this is a matter in which the interests of the colonists only are involved, as they will be the sufferers from any failure to provide adequate remuneration for those by whom the public service is carried on; the determination, therefore, of what is sufficient must be left to the legislatures, with whom will rest the responsibility for the judicious exercise of the power.

17. I consider it, however, absolutely essential that, whatever may be the rate of payment, the salaries of all the principal officers of the Government should, for the reasons stated in the Report of the Committee of the Privy Council, be permanently granted; that is, not voted from year to year, but provided for in the same manner as charges on the Consoli-

dated Fund in this country by Acts, and therefore only susceptible of alteration by Acts of the legislature passed in the ordinary manner, with the consent of the Crown. You will therefore understand that you are not at liberty to give the assent of the Crown to any Act which may be passed reducing the salaries of those who are now in the public service, or rendering dependent on annual votes any of the charges now provided for by permanent appropriations. Any Acts of this sort you will reserve for the signification of Her Majesty's pleasure, unless you consider them so manifestly objectionable as to call for their rejection. Subject to this restriction, you are authorised to exercise your own judgment in giving or withholding your assent from Acts for the reduction of the fixed charges on the colonial revenue.

On the Motion of the Colonial Secretary, the Despatch read and ordered to be printed.

His Excellency laid on the Table the following Despatch from the Right Hon. the Minister for the Colonies, on the subject of the “Land Claimants' Ordinance,” which, on the motion of Mr. D. Bell, was read and ordered to be printed.

DESPATCH FROM SIR JOHN PAK-
INGTON TO GOVERNOR SIR
GEORGE GREY.

Copy—No. 34.

Downing Street, 21st July, 1852.

SIR,—I have to acknowledge your despatch, No. 133, dated September 25th, 1851, transmitting a copy of the New Zealand Company's Land Claimants' Ordinance, and your despatch, No. 6, of the 6th January, 1852, in which you inform me that you had ceased to carry out the provisions of that Ordinance on finding that they conflicted with those of the Imperial Act 14th and 15th Victoria, c. 86, for “regulating the affairs of certain settlements established by the New Zealand Company.”

2. I fully appreciate both the usefulness of the objects which the Legislature proposed to effect by this Ordinance, and also the difficulties under which it was considered and passed. It is to be regretted that you did not receive any instructions of the views of her Majesty's late Government as to these questions for so long a period as that stated in your despatch of the 6th January. But subsequent correspondence will have shown you, that this delay was in no respect occasioned by neglect: it originated in the

great complication and difficulty of the questions raised by the sudden surrender of the Charter of the New Zealand Company, and the necessity of repeated references to the Law Advisers of the Crown in order to ascertain the rights of the various parties affected by it, as well as of a long correspondence with the Company itself. It was felt that imperfect instructions would only mislead you.

3. And I think it is farther to be regretted that you did not wait until such instructions arrived, or, that if you felt compelled to undertake Legislative measures, you did not do so with more recourse to legal advice than appears to have been the case. For the embarrassment occasioned by the Ordinance, and which has caused Her Majesty's Government to be thus late in acknowledging and deciding on it, has been mainly owing to the circumstance that it conflicts with the provisions of the Act 10 and 11 Victoria, c. 112, under which contracts of the New Zealand Company and certain liabilities of that Company are recognized as devolving on the Crown, which contracts and liabilities could not, therefore, be affected by any provincial legislation. However much they might feel disposed to give effect to your Ordinance, it was impossible to give Her Majesty's confirmation where, being in conflict with an Act of Parliament, it must be a nullity.

4. But the power which Her Majesty's Government now possesses, under the late Constitutional Act, together with those given by 14th and 15th Victoria, c. 86, seems, as will be presently explained, sufficient if not to enable Her Majesty formally to confirm the Ordinance, at least to allow it to be put practically in operation. And although the compensation which it awards is certainly somewhat large, and appears moreover to be given without reference to the merits of particular cases, on which you have at different times addressed my predecessor and myself, yet I am too sensible of the great importance of setting these questions, as far as possible at rest, to wish to throw any obstacle in the way of the settlement thus proposed by yourself, and enacted after very full consideration by the Legislature of New Zealand.

5. The leading provisions of the Ordinance forwarded in your despatch No. 133, appear to be these:—It authorizes the Governor to appoint a Commissioner for deciding all claims upon Government arising under contracts with the New Zealand Company. It empowers the

authorities to satisfy these claims in conformity with the Commissioner's award, by the issue of Crown Grants and of land scrip. It declares that by such issue the Government shall be exonerated from all further liability in respect to the contract which the land granted or scrip issued may have been intended to satisfy, and it extends the ordinary regulations for the disposal of Crown Land (including, of course, those which prescribe the minimum upset price of £1) to all the settlements of the New Zealand Company.

6. In a legal point of view, this Ordinance appears open to two objections. First as I have already indicated, it materially interferes with, and in some cases assumes to extinguish obligations which are imposed upon the Crown by the Imperial Act 10 and 11 Vic. c. 112, sec. 19; those, namely, of performing all subsisting contracts of the New Zealand Company in regard to any of their lands. It is true that all persons who voluntarily submit themselves to the Colonial Ordinance will have waived their right to a strict performance of the statutory obligation, but the Ordinance not only deals with the claims of such persons, but, in cases where a claim may have been wrongly admitted by the Crown Commissioner and satisfied accordingly by the Government, it assumes to exonerate the Crown from its liability to satisfy the rightful claimant, who may never have referred his claim under the local Ordinance, and who consequently remains in possession of his strict legal rights.

7. Next, the Ordinance restores the upset price of £1 an acre throughout the islands, in direct contravention of the rights of the Canterbury Association, as secured by the Act of Parliament—of the Contracts of the New Zealand Company (which have now devolved upon the Crown) with the Otago Association, and of the provisions of the 14th and 15th Victoria, c. 86, sec. 1, which enacted, that so long as the Cook's Straits settlements (in which, for the present purpose, I include New Plymouth) exist, land should not be sold in them below its then price.

8. On these grounds, as I have already said, Her Majesty cannot be advised to confirm this law. But it will be allowed to remain in force; and I wish to point out to you the effect which the recent legislation in this country will have in enabling you to give practical effect to its most important provisions, comprizing some of those which, when originally enacted, were contrary to the Imperial

law, and could not be rendered effective by any exercise of the prerogative.

9. By the Act 14th and 15th Victoria, c. 86, sec. 10, taken in connexion with the previous Act 9th and 10th Victoria, c. 382, sec. 51, the award of an officer to be nominated by you will have the exonerating effect which the Colonial Ordinance assumes to give to the decision of a Government Commissioner, subject only to this limitation, that as the English Acts of Parliament only contemplate the issue of grants of land, the exonerating effect will not extend to cases in which the alleged liabilities of the Crown have been satisfied in scrip. If, therefore, an award wrongly made in favour of a person who shall prove not entitled has been so satisfied, the Crown will remain liable to discharge its obligation a second time when the rightful owner appears. Some mode may occur to you of obviating this possibility; but even should this not be the case, I do not think the mere chance of such an inconvenience need interfere with your operations in settling the claims of the Company's settlers. I need scarcely observe, however, that it furnishes an additional reason for caution in examining them.

10. I have next to point out, that under the first section of the same Act and the instructions conveyed in Lord Grey's despatch of August 8th, 1851, you are not only empowered (subject to the above condition as to price) to make regulations for the disposal of Crown Lands within the Cook's Straits settlements, but, without any such restriction, to make regulations "for the closing and determination of the affairs of the said settlements." If you think it advisable, (in concurrence with the general feeling of the settlers) to exercise this power, I apprehend that the regulations respecting the price of land contained in the New Zealand Company's terms of purchase would fall of themselves, and the instructions as to the sale of land, which are in force in the rest of the colony, would at once take effect within the settlements. Further, the 72nd section of the new Constitutional Act invests the General Assembly with a power wholly unrestricted (except as regards Canterbury and Otago) of "regulating the sale, letting, disposing and occupation of the Waste lands of the Crown in New Zealand." And the proviso contained in the same section, taken conjointly with the 79th

section, declares that, until otherwise enacted by the General Assembly, the same powers shall be exercised by the Crown, or the Governor if duly authorised by the Crown. It follows that under the authority conveyed to you in my despatch of the 16th instant, enclosing the Constitutional Act, you will be at liberty to make such regulations generally throughout New Zealand for the disposal of land during the short interval which may elapse, until the Assembling of the New Legislature, as you may think advisable, nor can I foresee any legal difficulty in regard to the mode of dealing with Crown Lands, which these very large powers will not enable you to overcome.

11. The quasi-judicial machinery established by the Colonial Ordinance will, I hope, suffice to deal satisfactorily with most of the compensation claims which may call for revision. With regard to these, I think that although cases of gross fraud or exorbitancy, should be severely scrutinised, yet the mass of the claims should be dealt with in such a liberal spirit as may secure a general submission to the provisions of the ordinance. And I take this opportunity of observing that I do not consider that the merits of any particular case, involving as they all do mixed considerations of justice and policy, can be properly dealt with in this country. I cannot, of course, prevent, or prohibit direct appeals from any decisions at which the authorities appointed by you may arrive, to the Secretary of State, if the parties choose to make them; but it is my earnest wish, if possible, to leave the adjustment of each separate case entirely to those authorities.

12. With regard, therefore, to compensations in Wellington and New Plymouth (if there are such) I apprehend that you will have no difficulty. With regard to Nelson the case is different. Lord Grey transmitted to you by his despatch of January 10th last, copy of a report from the Land and Emigration Commissioners, dated December 10th, 1851, from which you will have perceived that the law advisers of the Crown had reported that the resolutions adopted at Nelson, on July 1st, 1847, were binding on the Company, and consequently, on the Crown. Her Majesty's Government have, therefore, no alternative, but to regard them as still in force, and to consider the proprietors of land at Nelson who may be within the terms of those resolutions as entitled to demand com-

pensation in the particular manner which they authorize. No Provincial Ordinance can absolve the local, or Her Majesty's Government, from the necessity of fulfilling Act of Parliament obligations.

13. But, on the other hand, if any Nelson proprietors, who may be within the terms of those resolutions, have already accepted the compensation provided by your Ordinance, you may safely regard them as having waived that to which they were entitled under the resolutions, and accepted the other in lieu of it: and their cases are concluded.

14. If, on the other hand, there are still outstanding Nelson Claimants, it will be necessary to propose to them, as an alternative, either the compensation given by the Ordinance, or that given by the resolutions.

15. I transmit, for your farther information a copy of the opinion of the late Law Advisers,* now in question, as it does not appear to have accompanied my predecessor's despatch of January 10th.

16. With these observations I leave this matter for the present in the hands of yourself and the authorities of New Zealand. I cannot, however, do so without expressing my sense of the care and industry with which the subject has been investigated in New Zealand, which I hope will enable you, with the powers with which you are now invested, to make a rapid progress towards the settlement of these embarrassing questions. If you should be enabled to complete it before the Constitution comes into force, you will probably spare the future Legislature much embarrassment, and it will take the land questions into its own hands comparatively free from the many difficulties which have unavoidably beset them during your administration.

I have the honor to be,
&c., &c., &c.,

(Signed) JOHN S. PAKINGTON.
Governor Sir George Grey, K.C.B.,
&c., &c., &c.

Copy of the Opinion of the Law Advisers referred to in the foregoing Despatch, clause 16.

Temple, 13th November, 1851.
MY LORD,—We were favoured with

* 13th November, 1851.

your Lordship's commands contained in Mr. Elliott's letter of the 23rd of September last, in which he stated that he was directed by your Lordship to transmit to us the accompanying case, which had been drawn up by the Colonial Land and Emigration Commissioners on points arising out of certain resolutions passed by the purchasers of land in the settlement of Nelson in New Zealand, and he was to request that we would favour your Lordship with our advice on the several questions raised therein.

In obedience to your Lordship's command, we have considered the several documents transmitted to us, and have the honor to report:

1. That as Colonel Wakefield had received plenary authority from the New Zealand Company to adopt the plan sent out by them for the adjustment of the differences between their purchasers and the Company, or to substitute any other, which after consultation with the settlers he should deem more advisable, his assent to the scheme embodied in the resolutions of the Nelson purchasers, if in fact given, was binding on the Company, and that the operation of such assent was not effected by the circumstances of the previous reference by the purchasers, of the matter to the directors at home, made by them when unaware of the authority of Colonel Wakefield to settle with them.

It appears to us that the assent of Colonel Wakefield must be assumed for the present purpose to have been given, inasmuch as there is no evidence to contradict the statement of the Nelson purchasers, and the resolutions have for the most part been acted upon and treated as binding by all parties concerned.

2. We are of opinion that Colonel Wakefield having had full authority to bind the Company, and having done so by his assent to the resolutions, it was not competent to the Directors subsequently to add the qualification in regard to the meaning of the word "Arbitration" in the 2nd clause.

3. We are of opinion that the resolutions in question did form one of those contracts in regard to Lands or existing engagements with reference to the settlement at Nelson which, by the surrender of the Company's Charters, have devolved on Her Majesty's Government. It appears that the word existing must be taken as referring to engagements existing at the time of the surrender of

the Charter, not of the passing of the Act 10 & 11 Victoria, cap. 112.

We have, &c., &c.,

(Signed) A. G. COCKBURN,

W. T. WOOD.

The Right Honorable Earl GREY,
&c., &c., &c.

The Attorney-General gave notice that at the next meeting of Council, he would move the second reading of "Canterbury Deeds Registration Bill."

The Colonial Secretary gave notice that at the next meeting of Council, he would move the second reading of "Appropriation Bill."

His Excellency then adjourned the Council at 4 o'clock P.M., to Monday next, December the 27th, at 3 o'clock.

Monday, December 27th.

PRESENT:—

His Excellency the Governor-in-Chief, and the Members as at the last meeting of Council.

The Council met pursuant to adjournment.

The Reverend the Colonial Chaplain read prayers.

The Minutes of the last Meeting read and confirmed.

The Attorney-General moved the order of the day for the second reading of "Canterbury Deeds Registration Bill."

Motion seconded by the Colonial Secretary and agreed to.

Bill read a second time accordingly, and committed.

Title, Preamble, and clauses 1 and 2, read and discussed.

On the motion of the Attorney-General, Committee on this Bill adjourned to to-morrow, and Council resumed.

On the motion of the Colonial Secretary, "Appropriation Bill" read a second time and committed.

Title, Preamble, clauses 1 and 2, read, amended, and agreed to.

On the motion of the Colonial Secretary, Council resumed.

His Excellency laid on the table a draft of a "Bill for the Naturalization of certain persons in the Islands of New Zealand."

Also a Copy of a Despatch from the Right Honorable the Minister of State for the Colonies, on the subject of Ordinances Nos. 13 & 14, Session XI.

Also, Copy of Correspondence relative to an advance of two thousand pounds made to the Canterbury Association.

And Return of the Claims to Land,

under Contracts of the New Zealand Company, in the Settlement of Wellington.

The Colonial-Secretary gave notice that to-morrow, he would move the insertion of a clause in "Canterbury Deeds Registration Bill."

His Excellency then adjourned the Council at half-past four o'clock, p. m., to Tuesday, the 28th December, at 3 o'clock.

Tuesday, December 28th.

PRESENT:—

His Excellency the Governor-in-Chief, and the Members as on yesterday.

The Council met pursuant to adjournment.

The Reverend the Colonial Chaplain read prayers.

The Minutes of the last meeting read and confirmed.

The Attorney-General moved the order of the day for Council in Committee on "Canterbury Deeds Registration Bill."

Motion agreed to and Bill committed.

The Colonial-Secretary moved, agreeable to notice, the insertion of an additional clause, to stand as clause 2; clause adopted: And Title, Preamble, and remaining clauses of this Bill, read, amended, and agreed to.

On the motion of the Attorney-General, Council resumed, and the report being brought up—adopted.

On the motion of the Colonial-Secretary, Council in Committee on "Appropriation Bill."

The Attorney-General suggested the adoption of some other arrangement respecting the payment of the Judge's expenses, on Circuit, than the one hitherto observed:

Debate ensued—when,

On the motion of the Colonial-Secretary, Council resumed; and the Report being brought up,—adopted.

His Excellency laid on the table, the following drafts of Bills:—

"A Bill to amend Bank Charters Ordinance, Session XI, No. 13."

Also, "A Bill to provide for the Admission of Barristers, Attornies, and Proctors to practice in the Supreme Court, other than those admissible under the Supreme Court Ordinance, Session III, No. 1."

The Colonial-Secretary gave notice that to-morrow, he would move the first reading of "Naturalization Bill."

Also, the third reading of "Appropriation Ordinance."

The Attorney-General gave notice that to-morrow, he would move the third reading of Land Registration Amendment and extension Ordinance."

Captain Smith gave notice that to-morrow he would move "for information on the subject of the Light-house,—as to what steps had been taken towards its erection."

His Excellency then adjourned the Council at half-past 4 o'clock, p.m., to Wednesday, the 29th day of December at 3 o'clock.

Wednesday, December 29th.

PRESENT:—

His Excellency the Governor-in-Chief, and the Members as on yesterday.

The Council met pursuant to adjournment.

The Reverend the Colonial Chaplain read prayers.

The Minutes of the last Meeting read and confirmed.

The Colonial Secretary moved the order of the day for the first reading of "Naturalization Bill;" seconded by the Attorney-General and agreed to; Bill read a first time accordingly.

On the motion of the Colonial-Secretary, seconded by the Attorney-General:—

"Appropriation Ordinance" read a third time and passed.

On the motion of the Attorney-General, seconded by Colonel M'Cleverty:—

"Land Registration Amendment and Extension Ordinance" read a third time, and passed.

Captain Smith, agreeably to notice, moved, seconded by Mr. Bell—

"For information on the subject of the Light-house."

His Excellency, in reply, stated that the information required should be forthwith supplied.

The Attorney-General gave notice that to-morrow he would move—

The first reading of "Supreme Court Practitioners' Bill."

The Colonial Secretary gave notice that to-morrow he would move—

The first reading of "Bank Charters Amendment Bill."

Also—

The second reading of "Naturalization Bill."

His Excellency then adjourned the Council at a quarter to 4 o'clock, to Thursday the 30th day of December at 3 o'clock.

Thursday, December 30th.

PRESENT:—

His Excellency the Governor-in-Chief, and six Members.

The Council met pursuant to adjournment.

The Reverend the Colonial Chaplain read prayers.

The Minutes of the last Meeting read and confirmed.

The Attorney-General moved the order of the day for the first reading of "Supreme Court Practitioners' Bill:" motion seconded by the Colonial Secretary, and agreed to; Bill read a first time accordingly.

On the motion of the Colonial Secretary, seconded by the Attorney-General:—

"Bank Charters Amendment Bill" read a first time.

On the motion of the Colonial Secretary, seconded by the Attorney-General:—

"Naturalization Bill" read a second time, and committed; when Title, Preamble and clauses 1 and 2, with clause 2 of No. 9, Session XI, read and agreed to.

Also, Schedule annexed to the Bill, read and adopted, as part of this Bill.

On the motion of the Colonial Secretary, Council resumed.

His Excellency, in reply to a question from Captain Smith, relative to the erection of a wharf, laid on the table a report on the subject, which, on the motion of Captain Smith, was ordered to be printed.

*Harbour Office, Wellington,
29th December, 1852.*

SIR,—Referring to your letter of the 21st inst., No. 1223, and its enclosure, we have the honor to report that we have carefully sounded, and examined the Western shore of Wellington Harbour, the only one suitable for the construction of Wharfs or Jetties, in consequence of the prevailing winds.

We find the whole length of that portion called Lambton Harbour, from the present Custom House to Pipitea Point, extremely shallow close to the shore, the nearest approach to deep water being at Clay Point; but, even there, a depth of 18 feet at low-water spring tides, is not obtained at a less distance than 800 feet from the shore, and immediately after it increases to four and five fathoms.

The shore shelves off gradually from low-water mark to the abovementioned depth, with a soft muddy bottom; this, in our opinion, is the only portion of the

Harbour suitable for the purposes referred to in the enclosed letter.

The next available piece is at Kaiwarra, on either side of the stream. On the Wellington side, (in a small natural basin) a Wharf or Jetty, sixty or seventy feet long, might be run out to twenty-one feet at low-water, spring tides;—and a vessel would lay alongside of it, in four fathoms water, with a greater depth immediately outside.

On the Hutt side of the stream, the Wharf or Jetty would have to be about one hundred and twenty feet long, to secure the same advantages; but at both of these last mentioned places, a vessel would be much exposed to south and south-easterly gales, which blow with considerable violence during the winter months.

We have the honor to be,

Sir,

Your most obedient,

Humble Servants,

STEPHEN CARKEEK,
Collector.

CHARLES SHARP,
Harbour-Master.

The Honorable the Colonial Secretary,
§c. §c. §c.

The Attorney-General gave notice that to-morrow, he would move the second reading of "Supreme Court Practitioners' Bill."

The Colonial Secretary gave notice that to-morrow, he would move the second reading of "Bank Charters Amendment Bill."

His Excellency then adjourned the Council at a quarter to four o'clock, P.M., to Friday the 31st day of December at 3 o'clock.

Friday, December 31st.

PRESENT:

His Excellency the Governor-in-Chief, and the Members as on the first day of Meeting.

The Council met pursuant to adjournment.

The Reverend the Colonial Chaplain read prayers.

The Minutes of the last Meeting read and confirmed.

The Attorney General moved the order of the day for the second reading of "Supreme Court Practitioners' Bill."

Motion seconded by Col. McCleverty and adopted.

Bill read a second time accordingly, and committed.

Title, Preamble, Clauses 1 and 2, read amended, and agreed to.

On the motion of the Attorney-General, Council resumed; and the report being brought up—adopted.

On the motion of the Colonial Secretary, seconded by the Attorney-General;—"Bank Charters Amendment Bill," read a second time and committed.

Title, Preamble, and Clauses 1 and 2 read, amended, and agreed to.

On the Motion of the Colonial Secretary, Council resumed.

Report brought up and adopted.

On the motion of the Colonial Secretary, Council in Committee on "Naturalization Bill."

No alteration being proposed, Council resumed, and the Report being brought up—adopted.

The Attorney-General gave notice that at the next Meeting of Council, he would move the third reading of "Supreme Court Practitioners' Ordinance."

The Colonial Secretary gave notice that at the next meeting of Council, he would move the third reading of "Bank Charters Amendment Ordinance."

Also, the third reading of "Naturalization Ordinance."

His Excellency then adjourned the Council at 4 o'clock, p.m., to Monday next, the 3rd day of January, 1853, at 3 o'clock.

1853.

Monday, January 3rd.

PRESENT.

His Excellency the Governor-in-Chief, and the Members as on Friday last.

The Council met pursuant to adjournment.

The Reverend the Colonial Chaplain read prayers.

The minutes of the last Meeting read and confirmed.

The Colonial Secretary moved the order of the day for the third reading of "Bank Charters Amendment Ordinance."

Motion seconded by the Attorney-General and agreed to.

Ordinance read a third time accordingly and passed.

On the motion of the Colonial Secretary, seconded by the Attorney-General:—

"Naturalization Ordinance," read a third time, and passed.

His Excellency, agreeably to his reply to the motion of Capt. Smith, for information on the subject of the Light house, laid on the table papers relating thereto.

Also, the following reports of the Inspectors of certain Industrial Schools, which, on the motion of the Lieutenant-Governor, seconded by Col. McCleverty, were ordered to be printed.

WELLINGTON.

Wellington, December 7th, 1852.

TO HIS EXCELLENCY THE GOVERNOR-IN-CHIEF.

SIR,—We, the undersigned, have the honor to report to your Excellency, that, according to your desire, we have visited and carefully inspected St. Joseph's Providence, erected by order of your Excellency for the education and industrial training of girls of the native and half-caste race, and granted to his Lordship the Right Rev. Dr. Viard, Catholic Bishop, and his successors.

The site, consisting of one acre, is most desirably chosen, and although in the centre of the town, it may be said to enjoy the comfort and advantages of a pleasant and picturesque country.

The house, which is built (on a brick foundation) of red pine timber, well painted on the outside, and lined throughout inside with wrought white pine boards, faces the east, and consists of a centre part about forty feet long and twenty feet wide, with one wing on the north side, twenty feet in width, and projecting fifteen feet from the main building, which makes the total length of the present building about 60 feet. But when the design is completed, by the addition of a wing on the south side, the total length will be increased to about eighty feet. And this addition, which is greatly to be desired, can, we perceive from the plan, be made without interfering in any way with the pupils at present in the Institution, the number of which, on its completion, can be doubled or increased from sixteen to thirty-two. The rooms on the ground floor are about ten feet in height, and the sleeping rooms about eight and a half feet high.

The ground floor consists of an entrance hall, school room, a recreation room, a refectory, kitchen and store room.

The upper floor contains the chapel in

the wing, and the dormitory extending the whole length of the building and divided into eighteen well-lighted and ventilated bed rooms, now accommodating sixteen pupils and two school-mistresses. It was pointed out to us that, by the addition of the other wing, the dormitory could be made capable of holding the further number of sixteen girls and one schoolmistress; and as the chapel, school-room, recreation room, refectory, and kitchen, are capable of accommodating 40 pupils, the working value of the Institution would be thus doubled at a comparatively small cost. It is proposed to divide the ground floor of this wing into infirmary and laundry, both of paramount importance to the Institution.

The out houses consist of a bath room, a washing and drying room, sheds for firewood, a place to hang up clothes, together with a good well and pumps, all in perfect order.

There is also a kitchen and flower garden in front of the house, with a grass plot and well gravelled space for playing. These are all well laid out and arranged, and present a pleasing appearance in front of the building.

The whole of this part of the acre is enclosed by a strong and substantial boarded fence, which, joining at right angles with the building, forms a perfect square of about two-fifths of an acre.

The remaining portion of the acre will be very soon enclosed by a live fence, and laid out as a kitchen garden and orchard.

We have to express our gratification with the interior arrangement of St. Joseph's Providence, and the perfect order and excellent management with which everything is apparently conducted, and which we understand has afforded much satisfaction to numerous visitors.

The time of the girls is divided between exercises of piety, study, manual work of a nature to make them useful servants, and necessary recreation.

It is only two months since the Institution has been opened, and already the girls, by their modest and good behaviour, form a striking contrast with their old companions, and convey the idea of being children of a much superior class. We must here also beg to record our opinion of the great merit which is due to the lady who presides over the establishment.

We believe the operation of St. Joseph's Providence cannot fail to make a deep and lasting impression on the

native mind, and must be productive of the happiest results.

We cannot conclude without allowing ourselves to express that the erection of this most useful institution reflects great credit on your Excellency, and on the Catholic prelate who has so efficiently adopted and carried out your plans.

Adjoining this establishment are a boys' school and a girls' school, under the management of the Catholic mission; but as they are in no way assisted by public funds, it forms no part of our duty to report upon them further than that they appear to be very efficiently managed, and with the church, convent, and Bishop's residence, are an ornament to the town, and form one of the most perfect establishments in the colony.

We have the honor to be,
Your Excellency's most obedient servants,
CHAS. CLIFFORD, J.P.,
JOHN JOHNSTON, J.P.,
Inspectors of Catholic Schools for the
district of Wellington.

NELSON.

Superintendent's Office,
Nelson, October 9th, 1852.

SIR,—I do myself the honor to transmit for the information of his Excellency the Governor-in-Chief, the Report on the School at Motueka, which His Excellency called for when he was at Nelson.

I have the honor to be,
Sir,

Your most obedient Servant,
M. RICHMOND,
Superintendent.

The Honourable
The Colonial Secretary,
&c., &c., &c.,
Wellington.

MOTUEKA SCHOOLS.

(CHURCH OF ENGLAND.)

Day School.

English Boys ... 14 Maori Boys ... 6
English Girls ... 18 Maori Girls ... 12

Night School for Adults.

Males 2 Maori 30

Total English ... 34 Total Maori ... 48

FUNDS.—The day School is supported by payments from the children of 3d. per

week; which, in the case of the Maories, have been commuted by the Board of Native Trustees for a sum of £15 per annum to the Master.

A mistress gives instruction for two hours daily, besides lessons in domestic management, and is paid £12 10s. per annum by the Board of Native Trustees.

The night school is supported by payments of 6d. per week from the English scholars, and 3d. only from the Maories, in consideration of the payment above-mentioned of £15 per annum from the Board.

A Maori assistant in the adult school is paid £12 10s. per annum also by the Board of Native Trustees.

SALARIES.

	£	s.	d.
The Master, from Nelson Archdeaconry Fund	20	0	0
Ditto from Board of Native Trustees	15	0	0
Ditto, Childrens' Pence, about	20	0	0
	<hr/>		
	55	0	0
The Mistress, from Board of Native Trustees	12	10	0
The Maori Assistant, from Ditto	12	10	0
	<hr/>		
	£80	0	0

REMARKS.—There are many circumstances connected with this school highly interesting, and deserving of notice. The School-room, a well-constructed building, 24 feet by 16 feet, was erected about fifteen months ago by voluntary contributions of the settlers, assisted from the Nelson Archdeaconry Fund. Shortly after it was opened, three native girls were admitted, and care being taken that they were always sent clean and decently clothed, no objection was made by the parents of the other children to their admission. The number of native children has since been gradually increased under the careful superintendence of the Rev. T. L. Tudor, until they now amount to 18; and it is very pleasing to witness the good effects of this association in their modest and quiet behaviour, their rapid progress in acquiring the English language, and in the thoroughly good understanding which exists between them and the English children, which is particularly striking during their play hours. We are assured by the Rev. Mr. Tudor that the results of this experiment have

so completely answered his expectations that he should feel no hesitation or difficulty in, at once, more than doubling the number of Maori scholars, if the school accommodation and the funds for providing additional assistance admitted of his doing so. In order to provide such increased accommodation, the Board of Maori Trustees has voted a sum of £60 towards a new school-room, which is to be commenced immediately, (in addition to the annual grant of £40). This will afford the means of dividing the children into two schools, a measure which is frequently desirable. In order, however, to obtain the full benefit of this arrangement, it would be necessary to secure the entire and permanent services of the school mistress by an adequate salary; and it would be further very advantageous, especially with reference to the instruction of the female children in many branches of domestic economy, such as washing, house cleaning, cooking, &c., that, if possible, a suitable residence should be provided for her use. But whatever may be found practicable in this respect, we would strongly recommend that the peculiar character of the school, that is, the free intercourse between the children of both races, and their instruction in common, should be carefully preserved; so far as we can learn, this school is the only one where such a system exists, and its good effects during the short time it has been in operation, justify us not only in recommending its continuance, but in looking forward with much hope and interest to its further development.

The improvement in the female scholars during the short time the school mistress has been engaged, speaks well for her attention and care; and the general discipline of the schools, conducted by Mr. Sutcliffe, is very creditable to his management; the more so, as his remuneration, looking at the high rate of labour, and the double duties in the night and day schools which he has to perform, gives a very inadequate return for his exertions.

Our examination of the adult school was also very satisfactory. The progress of the Natives in learning the English language is necessarily slow, from its complex structure, and the many new sounds to be acquired; but their good-humoured patience and steady perseverance are very remarkable, as well as their docility; grown up men not only readily

but eagerly availing themselves of the help of mere children for the purpose of instruction. But if they cannot compete with the younger branches of their families in acquiring a new and difficult tongue, their native intelligence is strikingly shown in all that relates to the science of numbers. Almost all are well acquainted with the four first simple rules of arithmetic; many are able to apply them to all kinds of money transactions; and we found some of them busily engaged in calculating the value of money for terms of years at varying rates of interest. They write fairly, and have begun to receive instruction in geography.

There is no industrial establishment connected with this school, although we think it might be added with advantage, and there are already some facilities for its introduction. We believe that the materials exist for such an establishment on a considerable scale, especially if we take into account the districts connected with Motueka, where a disposition has already shewn itself to profit by the advantages now held out to them. We are assured of the readiness of the Rev. T. L. Tudor to enter upon this new field of duty by taking the active superintendence of any such institution, and we have also to acknowledge his friendly co-operation and assistance in preparing the present report.

We have the honor to be

Your Excellency's very obedt. servants,

M. RICHMOND,
Superintendent.
J. D. GREENWOOD.
SAMUEL STEPHENS.

To his Excellency

Sir GEORGE GREY, K.C.B.,
Governor-in-Chief, &c., &c., &c.

NEW PLYMOUTH.

New Plymouth,
30th August, 1852.

SIR,—I have the honor to request you to lay before His Excellency the Governor-in-Chief the accompanying Report of the Inspectors of Public Schools received two days ago. The Plans referred to in the above Report are enclosed in a

tin case, and sent by the *Gwalior*, addressed to you.

I have the honor to be,
Sir,
Your obedient Servant,
JOSIAH FLIGHT,
Resident Magistrate.

Alfred Domett, Esq.,
Civil Secretary, &c., &c.,
Wellington.

PUBLIC SCHOOL REPORT.

New Plymouth, 2nd August, 1852.

1. Having been appointed by His Excellency the Governor-in-Chief to the office of inspecting the Public Schools of this district, we have the honor to state now, and in conformity thereto, that we visited, on the 13th of the past month, the only establishment falling under the denomination which is, as yet, within the bounds of Taranaki. This is known by the name of the "Grey Institution," and is, as it has been from the date of its foundation, under the immediate direction and superintendence of the Rev. Henry Hanson Turton, who, for several years past has been the Wesleyan Missionary Minister of the district.
2. The site of this establishment is distant somewhat more than a mile to the South-west of this town; and has been selected very judiciously, whether as for its appointed purpose, an industrial school, or as regards the maintenance or the improvement of health among its occupants, as it stands on the crown of an eminence which is dry under foot, and fully exposed to uninterrupted perfusion from whatever quarter the wind may happen to blow; and, in so far, it combines convenience that it overlooks on all sides the land which forms the scene of the school's agricultural operations.
3. The style of the building is somewhat in imitation of simple, or plain gothic architecture; and the ground plan, including that of body and wings, exhibits the crucial form, which, however, is not followed out in the superstructure. Excepting the chimnies, which are built of brick and stone material, the building is entirely constructed of Rimu or Red Pine—a very durable, and probably the best timber our forests afford for architectural purposes, as from the resinous, or preservative principle it contains, it is found to be much less affected by time, and exposure to the vicissitudes of

weather, than any other of the native woods which our artizans have yet subjected to such experiment. The building rests on piles of Puriri wood, and so that the lower floor is elevated about eighteen inches above the level of the ground, thus permitting free ventilation.

4. The façade of the building presents to the town, and is an obvious and pleasingly picturesque object therefrom; while, to vessels approaching the anchorage of our bay, it proves no less a very useful and conspicuous landmark.

5. One of the four sketches which accompany this Report (No. 1) shows the accommodations which the ground floor of the building affords. As is portrayed in the side-view sketch (No. 3), no other part thereof has an attic story, excepting that which includes the school-room, the matron's apartment, the staircase and the lobby, and that is appropriated as the principal dormitory, exhibited in sketch (No. 4.) This apartment about thirty-eight feet in length, and from eighteen to twenty in breadth, cannot conveniently admit more than twenty beds; so that, as there is no other part of the establishment eligible as a sleeping apartment, excepting that formed by the left wing, whose dimensions are twenty feet by twelve only, and this breadth being inadequate for a double bank of beds, hence insufficient, without unseemly crowding, to hold more than five, it becomes somewhat imperative—if the school be to maintain from thirty to fifty pupils that an excess of dormitory space be appended thereto. Moreover as dining-hall space is about as much a desideratum as that now mentioned, the room so appropriated being inadequate to the convenient accommodation of even the existing number of pupils at meals, we would invite attention to the extending of this also. And as the same portion of the building has reference to the now suggested enlargement of both these apartments, the execution would not be greatly more expensive than if restricted to the alteration of only one. Indeed, it is our opinion that these improvements might be conjointly accomplished at no great cost, and not dirturb, but give rather a greater external unity of character to the body of the building, while it would add to the interior a clear attic space thirty-two feet long, or accommodation for sixteen more beds to the establishment, and allow a like space below, within the walls of which, when required, the maximum number of pupils could dine at one table

together. Were this suggestion adopted, of course a new kitchen would have to be attached to the rear of the building, and the present chimney would have both to be removed and rebuilt; but as the same materials for this would serve for the purpose, this part of the alteration would not incur much expense.

6. We have particularly to recommend that the eaves of the building be fitted with water-channels, and that casks of adequate number and size be adapted to the spouts thereof. As these will not only tend, when wet weather prevails, to keep the immediate environs of the building in a comparatively comfortable state, but will afford generally a convenient supply of soft water for domestic purposes, and likewise prove of ready access when fire or other exigency may so demand.

7. The number of scholars has varied very considerably in the interval of the school's commencement in 1846, and the present time. At about the former date, twenty-five Maori children were educated as day-scholars, and about the same number of Maori adults as evening pupils. From August, 1848, to March, 1852, the numbers averaged from eight to twenty-nine, including four European boys, during the last eighteen months. The number of scholars on the commons of the institution at the recent period of our visit was, Maori, twenty-eight; half-caste, one; European, three; or thirty-two in aggregate, and whose ages varied from seven years to seventeen.

8. When the school was first established there were no funds to provide for its support, hence originated the idea of farming a portion of the land appertaining to the Mission for the purpose. As the School went on, its utility became more and more manifest, and as, with that, cultivation became more extended, the farther thought occurred to Mr. Turton of erecting permanent school-buildings, and receiving therein scholars only as boarders. This was realized in 1848. The cost of the building was conjointly defrayed by the Colonial Government and the Wesleyan Missionary Society. The boarding and clothing of the scholars, together with the concurrent expenses of the institution, have been about equally provided by the above two public bodies for one year, and by the Mission alone for the remaining time. The farm of one hundred acres belonging thereto, has been chiefly cultivated in the first instance, i.e., in the breaking-up

stage, by European labour at the expense of Mr. Turton, he having stocked it also with sheep and cattle, and obtained from England, at considerable cost, several of the most improved implements of modern agriculture; thus laying a most promising basis for the successful progress and future independence of the institution, but unavoidably leaving, for the time being, a heavy debt on the estate.

9. The stipends of the Superintendent, the Teacher, and his wife, are paid by the Missionary Society, and those of the Farm Overseer and Matron by the Colonial Government.

10. The yearly cost incurred for the education and maintenance of each pupil has been found so difficult to arrive at, that only a probable approximate to a correct estimate can be calculated. We have examined attentively, and considered carefully, Mr. Turton's calculation and estimate, which is as follows, and we regard it as about as near an approach to what is likely to be the fact, as can at present be arrived at:—

	£	s.	d.
Clothing, Boarding and Educating 50			
Pupils at £7 10s. each per annum	375	0	0
Extras	50	0	0
Farm Overseer's Salary.....	52	0	0
Housekeeper, or Matron.	35	0	0
Total.....	£512	0	0

which sum he proposes should be paid over to him by the Colonial Government. Of course the expenditure of this amount will depend entirely on the number of scholars—fifty being the maximum. But it may be anticipated that the amount of pupils will fluctuate, say between thirty and fifty; or, again, some may enter at the half or quarter year, or at still more broken periods; while, on the other hand, some, through caprice or other unavoidable contingency, may not continue as alumni beyond a few months. By such an annual grant as we have stated, Mr. Turton presumes that in four or five years the debt now on the estate would be paid off, and the income then derived from it would be found probably more than sufficient to maintain the Institution. The details of Mr. Turton's plan are as follows:—

1. That thirty acres of land be set apart for arable purposes, the profits of which are to be appropriated to the maintenance of the scholars, a separate account thereof to be kept.
2. That when such profit is less than £100, or at the rate of £2 each, the

deficiency is to be supplied by Mr. Turton, and charged to the debit of the general agricultural fund. But if it should exceed that sum, or according to that rate, that the surplus should be handed over to the credit of the said fund.

NOTE.—The effect of this arrangement would be to prevent any personal gain, or loss, in case the produce of the farm should be more or less than estimated. No money would pass, there being simply a transfer in the accounts: in other words, it would only take a rather longer or shorter time in which to extinguish the present debt on the property.

3. That all extras and salaries allowed be paid by the Sub-Treasurer in equal quarterly instalments.
4. That the allowance due on behalf of the pupils be also paid quarterly at the rate of £7 10s. each, per annum; and that previous to each quarter day the exact number of pupils during the past quarter be ascertained by the Inspectors from the regular books of the school, and certified to the Sub-Treasurer.
5. That in case of boys running away from the Institution with their clothes, and which it is impossible to recover again, that the Inspectors have permission to allow for the same in their certificates.
6. That the above allowance may be made irrespective of any holidays which may be required for the encouragement of the boys, and the satisfaction of the parents; since what might be saved in food would be lost in clothing and other expenses.
7. That the special farm account referred to be audited by the Inspectors, who should see that a proper balance be struck, and carried over to the general agricultural account at the end of the year.
8. That a certain sum be allowed for extras.
11. The school is conducted as closely as possible on the Glasgow system of education, and the hours for teaching are from eight to eleven o'clock in the morning, and from three till six in the afternoon of the week days. The schoolmaster Mr. Thomas Skinner, has every requisite qualification for his arduous office, and is devoted to, and indefatigable in his endeavours to improve the minds of his pupils.

12. On week days the boys are en-

gaged during the intervals of school hours, viz., from eleven till half-past twelve, and from half past one till three, in giving assistance at every operation of the farm, excepting only that of sowing grain, which, as yet, it has not been thought prudent to entrust to them. These labours, in conducting which some few of the pupils have become quite as efficient as the generality of European lads of their own age, consist of ploughing, grubbing, harrowing and rolling the ground with teams both of oxen and horses; in planting, ploughing in and taking up potatoes; in mowing, harvesting and stacking the cereal crops; thrashing and winnowing grain; in carting firewood and other requisite farm timber from the forest; in preparing and erecting post and rail fencing; in carting out and spreading manure; in milking cows, feeding horses and cattle, and in short, partaking in the performance of all the ordinary work of a farm. As connected with this head of our Report, we have to remark that a piece of ground has been allotted for horticultural purposes, and that it is Mr. Turton's intention to commence shortly to have the boys instructed in this important branch of culture also.

13. Of the number of lads who had left the institution previous to March last, nearly all could read their own language well, and some could read the English Primer and New Testament with ease, though not quite perfectly. They were apt at spelling and translating exercises. In arithmetic, two of the number proceeded as far as interest, going twice through the whole of the single and compound rules, rule of three, practice, Barter, &c. Others, however, could only pass compound division, and there were a few who never got over, or could retain in memory the multiplication table. In writing, their progress was about on a par with that ordinarily to be observed among English lads of like age; but in geography, from the circumstance of the Institution being unprovided with maps till the latter period of their attendance, they were necessarily deficient. Moral and religious instruction were, of course, sedulously attended to throughout the curriculum. The boys who are now in the Institution have made, we consider, very remarkable progress in reading, writing, arithmetic, geography and in the knowledge of the English language. Considering how short the time was, at the date of our visitation, that the boys had been under tuition, their acquire-

ments far surpassed our anticipations, though from previous hearsay we had been led to expect that we should witness a gratifying degree of progress.

14. But the scholastic is not the only department of the establishment deserving of notice and encomium. The dietetic, and other domestic arrangements under the care of the Matron are excellent; and the farm operations are managed judiciously by the overseer.

15. Finally, it is with much pleasure that we observe from the tenor of the scholars' behaviour is reported to us as docile, teachable, and generally obedient. It would seem therefore, that the only further requirements are, first, a continuance of the system now under operation; secondly, that the Government bestow the continuance of its patronage and pecuniary assistance; and, thirdly, that Missionary gentlemen; and others, whose residences are among the natives on the coast, or in the country, use a willing influence in endeavouring to uproot any existing prejudices, and in persuading them to send their boys to, and to allow them to remain at, the school. For it must be obvious to every one who has given any consideration to the subject, that all such establishments as the Grey Institution, must under Divine Providence, prove a powerful means of civilization; and tend efficiently to make good British subjects of those so educated, as likewise to extend a similar beneficial bearing over those with whom they associate, when they return to their homes.

JOSIAH FLIGHT,

P. WILSON,

Inspectors of Public Schools.

His Excellency then adjourned the Council at a quarter to four o'clock, p.m., to Tuesday, the 4th day of January, at 3 o'clock.

Tuesday, January 4th.

PRESENT:—

His Excellency the Governor-in-Chief, and the Members as on yesterday; with the exception of his Excellency the Lieutenant-Governor.

The Council met pursuant to adjournment.

The Reverend the Colonial Chaplain read prayers.

The Minutes of the last Meeting read and confirmed.

The Attorney-General moved the order of the day for the third reading of "Supreme Court Practitioners' Ordinance."

Motion seconded by Col. McCleverty and agreed to.

Ordinance read a third time accordingly, and passed.

His Excellency laid on the table the following correspondence relating to land, forming a part of the town site of Akaroa, and selected by persons in pursuance of land orders, held by them, from the Canterbury Association.

CORRESPONDENCE relative to land forming part of the town site of Akaroa, and selected by persons in pursuance of land orders from the Canterbury Association.

Wellington, November 18th, 1852.

His Excellency

SIR GEORGE GREY, K.C.B.

Governor-in-Chief, &c, &c., &c.

I am compelled to entreat your Excellency's consideration to the difficult and distressing circumstances of the following case:—

I purchased, in England, a land-order for 50 acres of land from the Canterbury Association, and came, with a numerous family, as well as farm servants, to New Zealand, in September, 1851. In pursuance of my land-order, I selected my 50 acres immediately adjoining the town of Akaroa, and behind a section which had been bought by Mr. Robinson, as rural land, in a place which had been squatted on for many years by parties who did not profess to have any legal title, and to which no person in Akaroa knew that any claim existed.

The land was conveyed to me by the Association, their Agent personally, as well as by a clause in the deed, disclaiming all guarantee for the title of the land; however, as after every possible enquiry (and having remunerated the squatters,) hearing of no claim to it, I accepted the conveyance in satisfaction of my land-order, and set to work upon the land.

In the year which has elapsed, I have spent nearly £1000 upon it, as can be testified to your Excellency (if necessary) by any person resident at Akaroa; indeed, your Excellency has personally seen a great portion of my works in progress.

My house, a large and expensive one, is more than half finished, and the materials of every kind, for its full completion, are prepared and on the spot.

The greater part of the money has been spent in clearing bush land, and other permanent improvements. About six

weeks ago, however, I was informed (though not officially) for the first time that a portion of the land occupied by me (from 12 to 14 acres), and upon which portion almost the whole of my money has been expended, is comprised in a block given in exchange by Mr. Belligny to the New Zealand Company, and reserved by the Canterbury Act to Her Majesty.

Upon enquiry, I find there is good reason for believing that this is the case, and I am therefore altogether at the mercy of the Crown.

If the Crown insists on its strict rights, I shall be in a measure ruined in consequence of the Association's refusal to guarantee the title, and forcing the purchaser to select at his own risk. I have no remedy against them, and must be the only sufferer. On the other hand, I cannot think the Crown has any interest in reserving the land for any other purpose, than to dispose of it to *bonâ fide* settlers; and no one, I am sure, could have gone to work with more zeal and industry than myself as a settler. Still less, can I suppose that the Crown will take advantage of the expenditure which I have made in ignorance, or of my defenceless position, to ruin me.

I have made a Vineyard and Garden; I have imported Seeds, Plants, and Trees, and have put them in the ground. All my arrangements have been made in the belief, and with the full intention, of ending my days on the land in question; and if I am driven from it, I do not know where I shall go to, or what I shall do.

I anxiously and respectfully, therefore, submit my case to your Excellency, fully convinced that you will, under the peculiar circumstances, make such an arrangement with respect to the land as may enable me to enjoy the fruits of my labour and expenditure.

I am naturally so anxious about this matter, and as delay and expense are so ruinous to my interests, that I have come to Wellington in the hope of receiving your Excellency's answer with as little delay as possible.

I am, &c.,

(Signed) WILLIAM AYLNER.

Colonial Secretary's Office,
Wellington, 20th November, 1852.

SIR,—The Governor-in-Chief having laid before the Executive Council your communication of the 18th inst, upon the

subject of your title to certain land situated at Akaroa, and purchased by you of the Canterbury Association's Agent, a part of which you state you have lately ascertained to be Crown property, I am instructed by his Excellency to inform you that the Council are of opinion that, under the circumstances of your case, the value of the land, which belongs to the Crown, should be assessed as Town land (but without any reference to the improvements thereon) by persons appointed by Government, and that upon the Agent of the Association paying to the Crown the assessed value of the land in question, a Crown grant should thereupon be issued to you, or to him, as may be desired.

I am further to acquaint you that in arriving at this decision, the Council have been influenced by the consideration that the land alluded to forms a portion of a block, which, from its position, was purchased by the New Zealand Company from M. de Belligny, for the special purpose of forming a town site, and that therefore they could not legally or equitably recommend that such valuable public property should be transferred to the Agent of the Canterbury Association, or to persons purchasing from him, without some compensation being secured for the loss the public would sustain from such land having been sold as rural land.

I have, &c.,

(Signed) ALFRED DOMETT,
Colonial Secretary.

The Rev. William Aylmer,
&c. &c. &c.

Colonial Secretary's Office,
Wellington, 20th November, 1852.

SIR,—The Reverend W. Aylmer having applied to Government respecting a portion of land at Akaroa, comprising about fourteen acres, which it appears has been sold to him by the Canterbury Association, and which there is reason to think is the property of the Crown, the Governor-in-Chief, with the advice of the Executive Council, directs me to make the following proposition to you, with the view of arranging this matter in such a manner as to secure the public and private interests concerned from detriment.

It seems that Mr. Aylmer has already expended about a thousand pounds in

improving the land in question. But from information lately received by Government, the land appears to be a portion of a block purchased by the New Zealand Company, for the special purpose of forming an addition to the Town site of Akaroa. Government could not then either legally or equitably, give up such valuable public property to the Canterbury Association, without securing some compensation from the latter, for the loss the public interests incur from the sale of town land by it as rural land. The only course open, then, to the Government is to cause the value of the land to be assessed by persons appointed by itself, without reference to the improvements thereon; and upon payment by yourself, on behalf of the Association, of the price so ascertained, to issue a Crown Grant for the same, either to Mr. Aylmer or to yourself, as may be desired.

I have the honor to request that you will be good enough to state, at your earliest convenience, whether this mode of arrangement meets your approval.

I have, &c.,

(Signed) ALFRED DOMETT,
Colonial Secretary.

The Agent of the Canterbury Association.
&c. &c. &c.

December 16th, 1852.

SIR,—I have received your letter of the 20th November, making, on behalf of the Government, certain proposals to me with regard to lands stated to have been improperly conveyed by the Canterbury Association to Mr. Aylmer. In reply, I regret to inform you that it is impossible for the Association to accept and act upon the proposals to which I have referred.

I have, &c.,

(Signed) JOHN ROBT. GODLEY,
Agent Cant. Ass.

The Honorable Colonial Secretary.

Colonial Secretary's Office,
Wellington, 22nd November, 1852.

SIR,—I having been represented to the Governor-in-Chief by persons who have purchased land at Akaroa from the Canterbury Association, and by other purchasers of Town property there, that great injury is likely to result to them from the uncertainty presumed to exist with respect to their title to the lands sold them in that District, I have the honor, by direction of His Excellency, to request

that you will be good enough to state, for his information, whether it is correct that you have sold land at Akaroa which was not placed at the disposal of the Association, to purchasers from that body; and if so, to what extent such sales have been made, and to what individuals.

I am further to request that you will inform the Government what proceedings you propose to adopt to relieve the persons, who may have suffered from such unauthorized sales, in order that Government, when made acquainted with these and the foregoing particulars, may be enabled to decide as to the course it should pursue with regard to them.

The case of Mr. Aylmer has been made the subject of a separate communication.

I have, &c.,

(Signed) ALFRED DOMETT,
Colonial Secretary.

The Agent of the Canterbury Association.

Lyttelton December 17, 1852.

SIR,—I have to acknowledge the receipt of your letter of the 22nd November, in which you request me to inform His Excellency whether I have sold land at Akaroa which was not placed at the disposal of the Canterbury Association, and what proceedings I propose to adopt with reference to such sales. In reply, I beg to state that I must decline answering the above questions; but that a list shall be sent to His Excellency, if he require it, of all the sections sold by the Association in the neighbourhood of Akaroa, with plans showing their situations with respect to the Town. His Excellency will then be able to judge for himself, whether I have sold land which was not placed at the disposal of the Association.

I have, &c.,

(Signed) JOHN ROBERT GODLEY,
Agent Cant. Ass.

The Honorable Colonial Secretary.

On the motion of Mr. Bell, seconded by the Colonial Secretary,

This Correspondence ordered to be printed.

The Colonial Secretary laid on the table certain statistical returns, which, on the motion of Capt. Smith, seconded by Mr. Carkeek, ordered to be printed.

Capt. Smith renewed discussion on the subject of the public wharf; after which

His Excellency adjourned the Council at half past four o'clock, sine die.

H. S. HARRISON,

Clerk of Council.

Council Chamber,
Jan. 4th, 1853.

SETTLEMENT OF WELLINGTON.

RETURN of the CLAIMS to LAND under Contracts of the New Zealand Company in the Settlement of Wellington (including Wanganui) and of the disposal thereof by the Government of New Zealand up to the 22nd day of December, 1852.

CLAIMS.			GRANTS PREPARED IN SATISFACTION OF CLAIMS.		REMARKS.
Total Number of Claims made.	Number investigated and disposed of up to 22nd Dec., 1852.	Number remaining to be investigated.	Number prepared in Draft.	Number completed for Issue.	
728	656	72	1015	603	<p>Of the remaining 72 Claims yet to be investigated, about 60 have been partly heard, and will be very shortly decided.</p> <p>It is estimated that about 1200 Grants will be required in respect of the claims already sent in. The great majority, however, of the claims of absentee proprietors have yet to be brought before Government, and probably the whole number of grants that will have to be prepared for the Wellington settlement will not be much less than 2500.</p>

*Crown Lands' Office, Wellington,
22nd December, 1852.*

(Signed)

F. D. BELL.