



NEW ZEALAND
GOVERNMENT GAZETTE.
PROVINCE OF NEW ULSTER.

Published by Authority.

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By His Excellency's Command,

ANDREW SINCLAIR, Colonial Secretary.

VOL. I. AUCKLAND, SATURDAY, DEC. 9, 1848. No. 32.

JOURNAL OF PROCEEDINGS
IN THE
LEGISLATIVE COUNCIL.

THURSDAY, 16TH DAY OF NOVEMBER, 1848.

PRESENT :

His Excellency the Governor-in-Chief,
The Honorable the Colonial Secretary,
The Honorable the Attorney General,
The Honorable the Colonial Treasurer,
The Honorable the Surveyor General,
Alexander Kennedy, Esquire,
Frederick Ward Merriman, Esquire.

ABSENT :

Robert Clapham Barstow, Esquire.

The Council met pursuant to summons.

The oaths of allegiance, supremacy, abjuration, and the oath of office were administered by command of His Excellency the Governor to the Members present.

The Rev. J. F. Churton, Colonial Chaplain, being in attendance was introduced and read prayers.

His Excellency then opened the Council with an address, which on motion of Mr. Merriman was ordered to be printed. (*Vide Schedule A.*)

The Governor laid on the Table the following Bills.

1. "A Bill to provide for the Establishment of Provincial Legislative Councils, in the Colony of New Zealand."
2. "A Bill to amend the Supreme Court Ordinance."
3. "A Bill for the Regulating the Conveyance and Postage of Letters."

The Attorney General, gave notice that he would move on Friday, the 17th instant, that the Council do proceed with the consideration of the Provincial Councils' Bill.

Mr. Merriman gave notice that he would move that the Supreme Court Amendment Bill be read a first time on Friday, the 17th instant.

The Colonial Secretary gave notice that he would move that the Postage Bill be read a first time on Friday, the 17th inst.

The Governor laid on the Table a Despatch, from the Secretary of State, dated Downing Street, 24th April, 1848, which on motion of Mr. Merriman, was ordered to be printed. (*Vide Schedule B*)

Council then adjourned until 3 o'clock, on Friday, the 17th inst.

FRIDAY, 17th NOVEMBER, 1848.

PRESENT :

All the Members.

The Council met pursuant to adjournment. The minutes of the last meeting were read, and after being amended, were confirmed.

Robert Clapham Barstow, Esquire, being in attendance, took the oaths of allegiance, supremacy, and abjuration, and the oath of office.

Mr. Merriman presented a petition from certain inhabitants of Auckland, praying that the consideration of the "Provincial Councils Bill" be postponed. Petition read, and on motion of Mr. Merriman, seconded by Mr. Kennedy, it was ordered that the petition be printed. (*Vide Schedule C.*)

The Attorney General moved the first read-

ing of the "Provincial Councils' Bill." Bill read a first time accordingly.

On motion of the Attorney General, seconded by the Colonial Secretary. Bill read a second time.

The Attorney General moved that Council do now go into committee on said Bill.

Mr. Merriman moved, and Mr. Kennedy seconded—that the consideration in committee of said Bill be postponed until the opinion of the Colonists be ascertained on the subject. After discussion, Council divided on Mr. Merriman's amendment.

Ayes—three.

On the question being put on the original motion, Council divided.

Noes—three.

Preamble and clauses 1 and 2 read and agreed to.

On the 3rd clause being read, the Attorney General moved that said clause do stand as read. Mr. Kennedy moved the following amendment, which was seconded by Mr. Merriman, "It shall be lawful for the Governor or Lieutenant-Governor of the Province, by letters patent, under the great seal of the Province, from time to time, to issue writs for the election of such other persons by the householders of the Province to be members of the said Legislative Council. Provided that the number of Members of the said Council, who shall be so elected, shall always exceed the number who hold any office under the Crown or under the Colonial Government."

After discussion, Council divided on Mr. Kennedy's amendment.

Ayes—three.

On the question being put on the original motion, Council divided.

Noes—three.

Clauses 4 and 5 read and agreed to.

On clause 6 being read, the Attorney General moved that the blanks in the clause be filled up with the words 25 miles, and fifty pounds. Clause as amended read and agreed to.

Clauses 7, 8, 9, 10, 11, 12, 13, 14, 15, read and agreed to.

On clause 16 being read, the Attorney General moved that clause do stand as read. Mr. Kennedy moved that said clause be expunged, but subsequently withdrew his amendment.

Clause 16 read and agreed to.

Clauses from 17 to 29 inclusive read and agreed to.

The Attorney General moved the reconsideration of the 1st clause, and that clause be amended by inserting after the word "Provinces," in the 26th line, the following words, "into which the Islands of New Zealand now are, or may hereafter be divided."

Clause as amended read and agreed to.

On motion of the Attorney General, committee on said Bill adjourned.

Mr. Merriman, according to notice, moved that the "Supreme Court Amendment Bill" be read a first time. Bill read a first time accordingly.

On motion of Mr. Merriman, bill read a second time and committed.

Title, preamble, and clause read and agreed to.

On motion of Mr. Merriman, further consideration of said Bill in committee adjourned.

The Colonial Secretary according to notice moved that the "Postage Bill" be read a first time. Bill read a first time accordingly.

On motion of Colonial Secretary, bill read a second time and committed.

Title read and agreed to.

On clause 1 being read, Mr. Merriman moved that clause be amended by striking out the words "Post" in the 2nd and 3rd lines, and by inserting the words "Postal." Clause 1 as amended agreed to.

On clause 2 being read, Mr. Merriman moved that the word "Newspapers" be struck out—agreed to. The Attorney General moved that clause be further amended, by inserting the following words, "Provided that no rate of Postage shall be imposed under the authority hereof, exceeding the rate of Postage now levied and taken. And that from and after the passing of this Ordinance, no Postage shall be charged or payable for the conveyance or delivery of Newspapers." Clause as amended agreed to.

Clause 3 read and agreed to.

On clause 4 being read, the Attorney General moved that the blank be filled up by inserting the word "five." Agreed to. On motion of the Colonial Secretary, further consideration of said Bill in committee adjourned.

The Governor laid on the table a "Bill for the Naturalization of certain Persons in the Colony of New Zealand."

The Attorney General gave notice that he would bring up the report on the "Provincial Councils' Bill," and move the third reading thereof, to-morrow.

The Attorney General further gave notice that he would move the consideration of the "Naturalization Bill" to-morrow.

The Colonial Secretary gave notice that he would bring up the report on the "Postage Bill," and move the third reading thereof, to-morrow.

Mr. Merriman gave notice that he would bring up the report on the "Supreme Court Amendment Bill," and move the third reading thereof, to-morrow.

Council adjourned until four o'clock, on Saturday, the 18th instant.

SATURDAY, 18th NOVEMBER, 1848.

PRESENT:

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

Absent—Mr. Kennedy.

The Council met pursuant to adjournment.

The minutes of the last meeting were read and confirmed.

The Attorney General brought up the report on the "Provincial Councils' Bill," and moved that it be read a third time. Bill read and passed.

The Attorney General, according to notice, moved the consideration of the "Naturalization

Bill," and that it be read a first time. Bill read a first time.

On motion of the Attorney General, Bill read a second time and committed. Blank in clause 1 filled up with the words "1st January, 1843," and agreed to.

On motion of the Colonial Treasurer, the name of "Henry Keesing, senior," added to schedule.

The Attorney General then brought up the report on Bill, and moved that it be read a third time. Bill read a third time accordingly, and passed.

The Colonial Secretary brought up the report on the "Postage Bill," and moved that it be read a third time. Bill read a third time accordingly and passed.

Mr. Merriman brought up the report on the "Supreme Court Amendment Bill," and moved that it be read a third time. Bill read a third time accordingly and passed.

Council adjourned sine die.

J. COATES,—Clerk of Council.

Council Chambers,
Nov. 18, 1848.

Schedule A.

ADDRESS

Of His Excellency the Governor-in-Chief on opening the Legislative Council.

GENTLEMEN OF THE LEGISLATIVE COUNCIL,

The recent calamitous accounts which have reached us from the Southern Provinces, have induced me to summon you suddenly, and at an earlier period than I had previously contemplated.

I had hoped to have assembled in Auckland, the Lieutenant-Governor of New Munster, and other gentlemen from that Province, to have associated with them various other officers, and the Members of the Legislative Council of this Province, and then to have availed myself of the wisdom and experience of the Council so constituted, for the purpose of making several changes in, and additions to the general laws of the colony, which circumstances have rendered requisite.

The recent calamities at Wellington, have, however, rendered it hopeless for me, to expect that the Lieutenant Governor of New Munster, and the other gentlemen from that Province, upon whose aid I had relied, can, for a considerable period of time, abandon those calls which recent events have imposed upon their time and their energies.

I also feel that at the present moment, the restoration of public confidence, and the whole future prosperity of Wellington, depend upon prompt and energetic measures being taken, to remedy the disasters which have occurred, and I am anxious that, in so far as depends upon the general government, the local authorities, and settlers, at that place, should have placed in their own hands, the means of adopting those remedies which their local experience may point out to them as those best suited to the urgency of the case. I, at the same time, indulge the hope that, whilst they bow with entire resignation to the blow which Divine Providence has inflicted upon them, they will, with that energy they have so often exhibited, strive to repair their present disaster, and show that they are both able and willing to aid themselves, and that they have a becoming confidence in their own constancy and resources.

I propose, therefore, that with the least practicable delay, the powers which by Act of Parliament are vested in the Governor-in-Chief, conjointly with this Council, should be exercised for the purpose of calling into existence Provincial Legislative Councils, in the Colony of New Zealand, to which Councils I propose to entrust all those powers which were

vested in the local Legislatures, by the 9th and 10th Victoriae, cap. 103, being An Act to make further provision for the Government of the New Zealand Islands.

The large powers which will thus be vested in the local Legislatures, will enable the Provincial Legislative Council of New Munster, not only to devise and frame all those measures which are necessary to meet the urgent demands of the present crisis, but will enable them further to provide for various matters of local concernment, which are of such pressing importance that any longer delay in their adjustment would inflict a serious injury upon the Southern Province, and greatly increase the disasters, against which they have at this moment to contend.

A Bill for the purpose of providing for the establishment of Provincial Legislative Councils, has therefore, by my directions, been prepared, and will be laid before you.

When this Bill is read, I will explain in detail the reasons which have induced me to regard the proposed measure as the one which is best suited to the immediate circumstances of the colony. It may be sufficient for me now to say that after having bestowed many months most careful attention upon the subject—after an extensive personal acquaintance with, I believe, every settlement in New Zealand, and after having enjoyed the benefit of frequent conversations with some of the leading men in all parts of the colony, and of every shade of opinion; under also an entire knowledge of the magnitude and difficulty of the task which has been imposed upon me, and from which I would willingly have shrunk, I have been unable to devise any other measure, which, in the existing state of New Zealand, appeared to me to present so many advantages, and to be so free from defects.

Remembering therefore the great interests which were dependent on the course I pursued, and that, in some sort, the present happiness and concord, and the future amalgamation of two races were involved in my doing that which was right, I felt it to be my duty, after having bestowed the greatest attention upon the subject, and having carefully weighed the opinions of other men, to form my own deliberate judgment as to the line of proceeding which my duty required me to pursue, and then to adopt that, and, as far as in my power lay, to follow it out, although it might be opposed to the views and wishes of those whose opinions I respect, and whose interests I have, to the utmost of my power, and to the best of my judgment, hitherto—as in this instance—endeavoured to promote. I am sure that the many persons in this country, with whom I have communicated on this subject, will at least admit that I have spared no pains to acquire information concerning it, and that I have attentively heard and carefully weighed the numerous and conflicting opinions which have been expressed to me regarding it.

I am fully aware, however, that this measure can only be regarded as a temporary one, and I trust that it may be found that I shall always be ready cheerfully and anxiously to consider any proposed amendments in the form of the Local Legislatures which the circumstances of New Zealand may appear to call for—and which may prove to be more in consonance with the wishes of its inhabitants than those which I have proposed for adoption.

I shall only have to request your attention to two other measures:

1stly. To a Bill, the object of which is to place the Post Offices in New Zealand under the control of the local Government—

2dly. To a Bill for the purpose of enabling Barristers of the Supreme Court to practice as Solicitors, and Solicitors as Barristers for a further period of five years.

The first of these measures is one which admits of no delay, as you will find from the despatches which I have laid upon the table that it is doubtful whether any law at present exists which authorises the levying of Postage in New Zealand.

The second measure also admits of no delay; for, should not some legislative enactment be passed upon this subject before January next, the legal profession might be subjected to the most serious inconvenience.

I do not propose on this occasion to bring any other measures under the attention of the General Legisla-

ture of New Zealand—firstly, because, as I have before stated, circumstances have prevented me from at present imparting to this Council the general character which I had desired, and which I yet hope to be able to give it; and secondly, because I am anxious as speedily as possible to reach Wellington to assist, in as far as I am able, in devising and carrying out those measures which may appear most likely to restore public confidence, and to secure the future prosperity of that settlement.

Had I met this Council a few days since, it would have been my pleasing duty to have congratulated you upon the great measure of tranquillity and prosperity with which, for some time past, it had pleased Divine Providence to bless every portion of New Zealand; the recent calamitous events at Wellington have now, however, shed a deep gloom over one portion of this Colony, whilst the other portions of New Zealand are still left in the enjoyment of, I believe, a more than usual degree of wealth and prosperity. I have no doubt that those who are so blessed will extend every aid in their power to those of their fellow colonists upon whom such a disaster has fallen; and I trust that the assistance which, by your aid, I hope it may be in the power of the Government to afford to the inhabitants of Wellington may enable them speedily to repair their present losses, and still fully to develop the great resources of their adopted country.

Council Chamber,
November 16, 1848.

Schedule B.

No. 27.

Downing Street,
24th April, 1848.

Sir,

With reference to my despatch No. 11, of the 24th February last, I herewith transmit for your information and guidance, the copy of a communication from the Board of Treasury, enclosing copies of two letters from the Post-Master General, relative to the Post Office arrangements at New Zealand; and I have to desire that you will take an early opportunity of carrying into effect Lord Clanricarde's suggestions on this subject, by proposing to your Council the preparation of an Ordinance, placing the Post Office under the control of the Local Government.

I am, Sir,
Your most obedient servant,
(Signed) **GREY.**

To Governor Grey,
&c., &c.

Treasury Chambers,
8th April, 1848.

Sir,

With reference to your letters of 17th January and 24th February last, and to previous correspondence on the subject of the Post Office arrangements at New Zealand, I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit

the accompanying copies of two letters from the Postmaster-General for the information and consideration of Earl Grey.

I am at the same time to request you will state to his Lordship that my Lords concur in opinion with the Postmaster-General that it is desirable that the control of the Post-Office arrangements in New Zealand should be vested in the local Government; and you will suggest to his Lordship, that any requisite instructions in this respect should be conveyed to Governor Grey, and that the Governor's attention should be called to the expediency of causing steps to be taken, without delay, for removing any doubts as to the legality of the demands made in the Colony for Postage.

I am, &c.,
(Signed) **C. E. TREVELYAN.**
To Herman Merivale, Esq.,
&c., &c., &c.

Schedule C.

To His Excellency the Governor-in-Chief of New Zealand, and the honorable the Members of the Legislative Council, in Council assembled.

The Humble Petition of the undersigned Inhabitants of Auckland,

Humbly Sheweth,

That your Petitioners, in common with their fellow Colonists in the Southern Division, have long and anxiously looked forward to some amelioration of their political condition with reference to the want of representation of the people in the Legislative Council of this Territory; and had hoped that it was your Excellency's intention, with the advice and consent of your honourable Council, to confer this privilege upon them at the earliest opportunity.

That your Petitioners have read the draft of a Bill to be called the "Provincial Councils Bill," which has been submitted by his Excellency to the Legislative Council, with feelings of the deepest disappointment, feeling assured that a Council formed upon the principles of that Bill could never give satisfaction to the great bulk of the Colonists generally, nor work to the advantage of either the governing or the governed.

Your Petitioners, therefore, humbly pray that your Excellency and your Honourable Council will be pleased to postpone any further consideration of this Bill, until your Petitioners shall have had time to lay before your Excellency and your Honourable Council, their wants and wishes, as far as the same may be justly conceded to them, and also until such time as your Petitioners' fellow Colonists in the South may have been able to make known their feelings on this all-important subject.

And your Petitioners, as in duty bound, will ever pray, &c., &c.

[Here follow the signatures.]

Auckland:—Printed by WILLIAMSON and WILSON,
for the New Zealand Government.