



**NEW ZEALAND
GOVERNMENT GAZETTE.
PROVINCE OF NEW ULSTER.**

Published by Authority.

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

By His Excellency's Command,

ANDREW SINCLAIR, Colonial Secretary.

VOL. II. AUCKLAND, MONDAY, SEPT. 10, 1849. No. 21.

Colonial Secretary's Office,
Auckland, 4th September, 1849.

HIS Excellency the Governor-in-Chief has been pleased to direct the publication of the following Return, in place of a similar Return published in the Government Gazette of July 25th last, page 97, in order that a clerical error that was made in the latter Return may be corrected.

By His Excellency's Command,

**ANDREW Sinclair
Colonial Secretary.**

**RETURN OF REVENUE AND EXPENDITURE OF NEW PLYMOUTH,
For the Quarter ending 31st March, 1849.**

REVENUE.			EXPENDITURE.		
	£	s. d.		£	s. d.
Customs, Spirits	23	0 0	Customs.....	37	10 0
Tobacco, manufd.	50	9 0	Resident Magistrate's Department.....	95	1 4
Ad valorem.....	106	12 6	Sub-Treasurer	2	10 0
	182	1 6	Armed Police Force	305	2 8
Licenses, Publicans'.....			Public Works	108	8 3
Fees, Resident Magistrate's Court	4	7 0	Relief to Sick and Indigent	12	2 5
" Police Court	1	13 0	Harbour Department.....	34	0 6
Fines, ditto.....	0	8 0	On ac. of the N. Z. Company	71	5 10
Fees, Registry of Births	1	1 0	Miscellaneous.....	6	9 0
Total.....	£ 189	10 6	Total	£ 672	10 0

Auckland, August 27th, 1849.

**CHARLES KNIGHT,
Auditor General.**

TENDERS FOR HAY.

Colonial Secretary's Office,
Auckland, 7th September, 1849.

TENDERS will be received at this Office until noon on Tuesday, the 18th instant, for the supply of MEADOW & OATEN HAY, in such quantities as may be required for the Colonial Government during the six months commencing on the 1st of October next.

The Tender to state the price per Ton at which the Hay will be delivered at the Government Stables in Mechanics' Bay, or at Howick, as may be required.

Any further information may be obtained at the office of the Superintendent of Works.

The Tender must be in duplicate, sealed and endorsed "Tender for Hay."

By His Excellency's command,
ANDREW SINCLAIR,
Colonial Secretary.

MAIZE AND BRAN.

Colonial Secretary's Office,
Auckland, 7th September, 1849.

TENDERS will be received at this office, until noon on Tuesday, the 18th instant, for the supply of MAIZE & BRAN, in such quantities as may be required for the public service during the twelve months ending 30th September, 1850.

The Tender must state the price per bushel at which the Maize and Bran will be delivered at the Government Stables in Mechanics' Bay, or at Howick, as may be required.

~~Tenders to be in duplicate, sealed and endorsed "Tender for Maize and Bran,"~~ (or as the case may be), and to be accompanied by a notification of the consent of the parties proposed as sureties, as well as by samples of the articles tendered for.

By His Excellency's command,
ANDREW SINCLAIR,
Colonial Secretary.

Commissioner of Crown Lands' Office,
Auckland, 3rd September, 1849.

THE attention of persons depasturing cattle upon Crown Lands outside the boundaries of Proclaimed Hundreds is called to the following clause of the Crown Lands Ordinance (13 Vict. Sess. 10, No. 1, clause 12), which requires that returns of all cattle so depastured shall be deposited with the Commissioner of Crown Lands during the present month.

These returns to be according to the form contained in the annexed schedule.

W. GISBORNE,
Commissioner of Crown Lands.

Return of Stock to be made by Owner.

"12. Any person depasturing cattle on any Waste Lands of the Crown not being within the limits of a Hundred, shall make or cause to be made to and deposited with a Commissioner of Crown Lands, in the month of September in every year, commencing in September, 1849, a return according to the form contained in the schedule hereunto annexed, marked A, of all such cattle in his possession on the first day of the same month of September. And if any such person shall fail to make or cause to be made such return at the time so appointed, or shall omit to deposit the same with a Commissioner, in manner hereby required, he shall forfeit and pay for every such offence any sum not less than twenty shillings, nor more than twenty pounds, to be recovered in a summary way. And if any person shall knowingly make any false statements in any such return he shall forfeit and pay for every such offence any sum not less than fifty pounds, nor more than one hundred pounds, to be recovered by action in the Supreme Court, at the suit of any such Commissioner as aforesaid."

SCHEDULE A.

Return of Stock Depastured on Crown Lands on the

18

Names of Holders of Stock herein returned.	Name of Superintendent of Stock.	CATTLE.							
		Great Cattle.				Small Cattle.			
		Horned Cattle.	Horses.	Mules.	Asses.	Sheep.	Goats.	Swine.	Brands or Marks.

I hereby certify that the above is a true and correct return.

To Esquire,
Commissioner of Crown Lands,

JOURNAL OF PROCEEDINGS
IN THE
LEGISLATIVE COUNCIL.

(Continued from page 114.)

SATURDAY, 18TH AUGUST, 1849.

PRESENT :

His Excellency the Governor-in-Chief, and nine members.

ABSENT :

His Excellency Major-General Pitt, K. H.

The Council met pursuant to adjournment.

The Colonial Chaplain was in attendance and read prayers.

The Minutes of the last meeting were read and confirmed.

Mr. Merriman presented a second Petition from a numerous body of the Inhabitants of the Province of New Ulster, relative to the Crown Lands Bill. Petition received.

Mr. Merriman presented a Petition from certain Stockholders and Graziers of the province of New Ulster, relative to the question of permitting Europeans to lease land from the Natives. Petition read and received and ordered to be printed.

To His Excellency the GOVERNOR-IN-CHIEF, and the Honourable Members of the Legislative Council, in Council now assembled.
The Memorial of the undersigned, Stockholders and Graziers of the District of New Ulster,
Most respectfully Sheweth,—

That your Memorialists see with pleasure that the question of permitting Europeans to lease land direct from the native holders has been entertained by your honourable Council.

It being their full belief that any such relaxation of the stringency of the Native Land Purchase Ordinance would afford the most effectual relief to the Stockholders of this Province from the difficulties under which they are labouring, your Memorialists have read with surprise and astonishment statements made in your honourable house, that the Crown Lands alone are sufficient for the pastoral requirements of this Province; your Memorialists being unable to reconcile such assertions, either with the results of their own experience, or with the difficulties with which they themselves have met in obtaining suitable locations for the depasturing of stock.

That such statements, if suffered to remain without comment, are calculated seriously to influence the Council against the introduction of a Squatting Ordinance; and your Memorialists therefore pray, that your Honourable Council will consent to receive evidence at the bar of the House as to the sufficiency or insufficiency of what are now reckoned Crown Lands for depasturing purposes, from such persons as, from their experience and knowledge of the country, may be considered entitled to attention.

Mr. Merriman presented a Petition from the same body, requesting that the Crown Lands Bill be reprinted with the several amendments introduced, before it is read a third time. Petition read and received and ordered to be printed.

To His Excellency the GOVERNOR-IN-CHIEF of New Zealand and the Honourable the Members of the General Legislative Council now assembled.

The Memorial of the undersigned Stockholders and Graziers of the Province of New Ulster,
Sheweth,

That as the "Crown Lands Bill," now before

your honourable Council, affects so deeply the present holders of stock and the general prosperity of the Colony; and as this Bill has undergone considerable alterations in committee, we would respectfully request your Excellency and honourable Council to have the Bill reprinted with these alterations, and circulated for general information before proceeding to the third reading.

We would further earnestly press upon your Excellency and honourable Council the necessity of hearing evidence before the Council—of stockholders or others competent—as to the extent of the pasturage on the Crown Lands, as want of sufficient information on this subject will be attended with serious loss, both to your memorialists and to the general community. We are led to prefer this request from certain statements made in Council by your Excellency and the Surveyor-General as to the extent of the pasturage on these lands, which are altogether at variance with our own experience.

The Colonial Treasurer moved the further consideration in committee of the Appropriation Bill.

The Governor laid on the table certain Returns moved for by Mr. Merriman and Mr. Barstow on the last day of Council.

On the question being put that the sum of £300 be voted for the salary of the Commissioner of Crown Lands. Mr. Merriman moved as an amendment that the sum of £300 be struck out. Committee divided, for the amendment,

Ayes,	Noes,
3	7

Original motion put and carried. Bill further considered, and, after several amendments introduced, further consideration postponed until Monday, 20th inst.

The Colonial Secretary moved the order of the day for the further consideration in committee of Crown Lands Bill. Bill considered and report brought up, and Bill ordered to be engrossed.

Mr. Merriman gave notice that on Tuesday, 21st inst., he would move for the further consideration in committee of the subject of the introduction of Exiles into this colony.

Mr. Merriman gave notice that on a future day he would move that Council do resolve itself into a committee for the purpose of memorializing the Governor to introduce a measure for settling the Land Claims.

Mr. Barstow moved that the following Return be laid on the table—

"A Return of the amount expended in the purchase of Horses for the Road Department, stating the number bought and price of each, how many are still retained in the Department, accounting for any number deficient."

Mr. Merriman gave notice that he would, on Monday next, make a more specific motion relative to the Return of Expenses connected with the Pensioners.

Major Matson gave notice that when the Estimates were under further consideration he would move that a sum of £200 be granted for erecting a Market House.

Mr. Merriman gave notice that on Tuesday, the 21st instant, he would bring up the report of the sub-committee relative to the Waste Lands.

The Governor laid on the table an Ordinance to authorize the Payment of Pensions to certain persons, in consideration of the injuries received by them while acting with Her Majesty's forces.

Council adjourned until two o'clock on Monday the 20th inst.

MONDAY, AUGUST 20, 1849.

PRESENT :

The Governor-in-Chief and nine members.

ABSENT :

His Excellency Major-General Pitt, K.H.

The Council met pursuant to adjournment.

The Minutes of the last meeting were read and confirmed.

Mr. Merriman presented a Memorial from a numerous body of the Inhabitants of Auckland, in the Province of New Ulster, respecting the necessity of permitting the Natives to lease their Waste Lands, and also for a repeal of the Native Land Purchase Ordinance. Petition read and received and ordered to be printed.

To His Excellency the GOVERNOR-IN-CHIEF, and the Hon. the Members of the General Legislative Council of New Zealand now assembled. The Memorial of the undersigned Inhabitants of Auckland, in the Province of New Ulster, Sheweth,

That by a number of unfortunate measures this colony has been seriously retarded in its progress; that the utmost distrust and discontent everywhere prevail; that the resources of the colony are completely locked up; and that the settlers have been driven from the country to become storekeepers in town, and are occupied in turning over goods from one to another, instead of being located in the country and employed at some industrious pursuit. That this unfortunate state of things, acting in combination with the extraordinary indentments held out by California, threaten to produce most alarming effects upon this settlement, if they do not positively endanger its very existence for years to come. Your Memorialists would therefore desire most earnestly to press these facts upon the attention of your Excellency and Honourable Council, in the hope of their leading to the adoption of measures of an active and beneficial character, such as might at once infuse fresh confidence into the community, and freely open up the resources of the colony to the enterprise of the settlers.

That while gold is to be obtained for the mere digging at California, and while labour is at the enormous rate which it there commands, it is but too obvious that this settlement must speedily become depopulated, unless some vigorous effort be made to save it. We know of no measure of adequate power to meet the emergency, except that of permitting the Natives again to sell their lands to Europeans, under such regulations as the Government may deem necessary for securing the rights, both of the Native owners and the European purchasers.

When this Colony laboured under great depression at a former period, during Captain Fitzroy's administration, he hesitated not to resort to this course, which at once infused fresh vigor and confidence, and the result proved eminently successful and beneficial to both races. We are now threatened with evils still more alarming, and the necessity is therefore the greater for adopting vigorous measures of relief, by which alone the slightest check can be given to the prevailing feeling of depression and disappointment which now threatens to depopulate this Province.

Should your Excellency and Honourable Council, while admitting the deep injury which the Colony is likely to sustain, feel indisposed to adopt the measure now recommended without previous instructions from the Home Government, the delay thus occasioned

would render the measure wholly inadequate to the immediate emergency.

Your Memorialists would desire to point out another step; of less importance, but still of great use at the present crisis. We refer to the abolition of "The Native Land Purchase Ordinance," passed in November, 1846. This Ordinance has been of vast injury to this Province, and has been a main cause of sealing up its resources, and of producing the many evils under which it now struggles. Independent of the reasons for the abolition of this Ordinance afforded by the beneficial results of such a change, there are many objections to its continuance, sufficiently strong, of themselves, to warrant its abolition, and to which we would now, respectfully, request the attention of your Excellency and Honorable Council.

The Ordinance referred to prevents any one treating with the Natives for the sale, use, or occupation of their lands, or for the purchase of timber, right of mining, or even of pasturage; and it confers the power of inflicting a penalty of £100 upon any one who may do either of these acts, or be found pasturing sheep or cattle, or shall have cut timber or taken any mineral from the land.

We object to this Ordinance, and respectfully solicit its abolition for the following reasons:

1. Because it violates the Treaty of Waitangi, which guarantees to the aborigines all their rights of property and possession, the right of pre-emption alone excepted. As the right of leasing, or otherwise using the land, is not abridged, the ordinance referred to violates that Treaty, and destroys the value of the property of the natives; inasmuch as they could readily lease their lands to Europeans, and thereby obtain, in many instances, a greater sum of yearly rent than the Government are in the habit of giving for an absolute purchase. The Ordinance is therefore fairly liable to the charge of being in violation of a Treaty, of being the cause of great pecuniary loss, and of deep injury and injustice to the Natives as well as to the Europeans.

2. This Ordinance is further in direct opposition to the Instructions under the sign manual accompanying the New Zealand Charter, which, by clause 11, chap. XIII., expressly secures to those natives who may be possessed of individual property, the same power of free and unlimited disposal thereof as other British subjects.

3. This Ordinance is eminently deficient in that essential requisite which should distinguish every law, viz., its capability of being applied to all persons without favor or partiality. This Ordinance, however, cannot be so applied, without altogether destroying the colony. In the Southern Province, particularly in the valley of the Wairarapa, the law is openly set at defiance, and the settlers there lease lands from the natives as they chase. The natives, on the other hand, derive a large revenue therefrom (between £600 and £1000 a year, it is believed); to their great benefit and that of the settlers. This law is necessarily here also daily set at defiance in the loading of every timber vessel, and by every squatter, and the settlers; to prevent their cattle from starvation, are compelled to treat with the Natives for the use of their lands for grazing purposes. The want of proper pasturage has not only caused great direct loss to the holders of stock by deaths from starvation, by necessitating sales for want of food, and by preventing the breeding of young stock, but the measure has likewise operated most powerfully in preventing the importation of cattle upon a large scale from Sydney, and the large stockholders of this colony from effecting settlements in this country.

4. But for the existence of this Ordinance, the Natives, by this time, would themselves have been large stockholders, and this colony might now have been in a condition to supply other countries with provisions, instead of being unable, as we still are, to provide fat cattle for our own consumption. It is with difficulty, and at an enormous expense, that even the troops can be supplied with meat in proper condition, and the supplies for the general community are wholly inadequate.

5. This Ordinance exerts the most baneful influence

of our commerce, in so far as it prevents traders forming stations all round the coasts, in order to collect the produce of the Natives, and stimulate their industrial energies. Such trading existed at one period to a large extent, but is now almost destroyed; and thus the very foundation of the prosperity of the colony has been swept away.

6. We think it most unconstitutional, as it is contrary to all fairness and justice, for the Governor to retain in his hand an engine of such power as this Ordinance, by which, at his option, he may crush any individual settler he may think proper, while some may, and are permitted to violate this law with impunity, and reap a benefit which is denied to others. This has been carried on in practice to a large extent, and we have every reason, on this ground alone, to expect the abrogation of a law which cannot be made applicable to all. If it were generally carried out, it would uproot the whole internal trading and industrial occupation that now exist, besides stirring up rebellion among the natives.

7. As a still further reason for the abolition of this Ordinance, we would call to the recollection of Your Excellency and Hon. Council a promise which was held out to the community that the Native Lands should be brought into the market, in an Official Notice published in the Government Gazette, dated 15th June, 1846, wherein, after stating that his Excellency would no longer permit the continuance of the pre-emption system, the notice goes on to say, that His Excellency "will, however, not fail to endeavour to devise and introduce some system by which lands, the property of the Natives, may be brought into the market, under such restrictions as are required by the interests of both races."

In conclusion, we would earnestly impress upon Your Excellency and Hon. Council the urgent necessity for the immediate throwing open of the country to the enterprise of the settlers, without which the colony will be abandoned by great numbers, from the utter hopelessness of all advancement so long as the present policy is pursued. We beg to assure Your Excellency and Hon. Council that many of our best colonists are about leaving the settlement, much more by reason of ~~the disabilities of the system of Government, which has completely shut up the country and its resources, and is still persevered in, than because of the superior attractions of California.~~ We repeat, therefore, that a different system is imperatively demanded, unless the disintegration of this Province is looked upon with indifference. If no such change be adopted we feel called upon solemnly to warn your Excellency and Honourable Council of the disastrous consequences of such refusal. We have no power—wanting representative institutions—to aid ourselves in the present emergency. We have not the power to oblige the Council even to hear our appeal. But should it unhappily be slighted it will remain on record that we have both foreseen, and done our utmost to provide against, the coming storm—thereby absolving ourselves from any share of the blame arising from such a calamitous result.

Mr. Merriman presented a Petition from Mrs. Forbes, of Onehunga, relative to her claims to certain land at Onehunga. Petition read and received and ordered to be printed.

To His Excellency the GOVERNOR-IN-CHIEF of New Zealand, and the Honourable the Members of the General Legislative Council, now assembled.

The Memorial of Margaret Forbes, of Onehunga, widow,

Respectfully Sheweth,—

That, from family circumstances of peculiar hardship,—well known to the community—the support of a large family, seven in number, was thrown upon your memorialist, who, finding herself otherwise unable to maintain herself and family, availed herself of the Proclamation issued by Governor Fitz Roy on the 10th October, 1844, and purchased from the native owners a small portion of land, situated at Onehunga, sup-

posed to contain about eight acres, though the actual measurement, on being surveyed, proved to be nine acres, three roods, and thirty perches. Small as the amount of the required purchase-money was, viz., nine pounds ten shillings; your memorialist was unable to pay it without disposing of a watch and the rings off her fingers—which, though of little intrinsic value, were only parted with through extreme necessity:

That, by her own industry and ceaseless exertion, your memorialist succeeded in getting a small raupo where erected, for which a bush license to sell spirits was obtained, and she was thus enabled to maintain herself and family.

That the claim for the land was duly heard and proved before Major Matson, the Commissioner appointed for that purpose, whose favourable award was made and notified in the Government Gazette for 1847, page 95; in which Gazette it was likewise officially intimated that the title deeds for this, as well as various other claimants' lands, were "in course of preparation."

That subsequently to this notification various verbal statements were made by the Surveyors, as if from His Excellency, to the effect, that the Government could not permit your memorialist to retain so large a piece of ground, and that four and one-half acres only could be allowed. Your memorialist being entirely ignorant of her legal rights in the matter, and being unwilling even to seem to oppose any proceedings of Government, had suffered the said four and one-half acres to be pointed out to her. Fences were erected, and other expenses incurred in cultivating this land, when, in a short period afterwards, another Surveyor appeared, who intimated the necessity of desisting from further cultivation or making other improvements, as four and a-half acres were more than His Excellency the Governor could now give, and that a grant would be made out for about one and a-half acres. Shortly after this verbal statement an official circular was received from the Colonial Secretary, stating that the deed for the acre and a-half was ready, and that if it were not taken up within one month, and the fees paid thereon, the grant would be cancelled.

That your memorialist, fearing that her right to the whole purchase might be compromised by such an act, did not at first intend taking up her diminished grant within the specified time, but various verbal intimations of the necessity of doing so without delay having been made to her, she at last became alarmed lest even the remaining one and a-half acres should be taken from her, or that they might be still further reduced in quantity as on the former occasion. Acting under these fears, she was induced to take up the grant in question. She has still retained possession of the land however, and, on the Surveyor attempting to survey it some time ago, she refused to permit him, and pulled down the flags which he had placed on the ground, her feelings of irritation and disappointment at seeing the land thus torn from her, which she had acquired with such hard and incessant labour, having overcome, perhaps, her better judgment.

That your memorialist, in taking the grant for so small a portion of her honestly acquired property, had no intention of waiving her claim to the remainder of the land, and therefore, at the first meeting of your Honourable Council, throws herself with confidence upon its consideration.

Your memorialist, therefore, humbly prays that the Council may be pleased to take the matter into consideration, and to grant such relief as to your Excellency and Honourable Council may deem meet.

Mr. Merriman presented a Petition from certain persons, claiming Land under the proclamation of Governor Fitz Roy of 10th Oct., 1844. Petition read and received and ordered to be printed.

To His Excellency Sir GEORGE GREY, K.C.B., Governor-in-Chief of New Zealand, and the Honourable the Members of the General Legislative Council of New Zealand, in Council assembled.

The Memorial of the undersigned Purchasers of Land under Governor Fitz Roy's Proclamation of 10th October, 1844,
Sheweth,—

That your memorialists, in pursuance of the Proclamation of Governor Fitz Roy of the 10th October, 1844, became purchasers of land from the natives under certain pre-emption certificates issued by Governor Fitz Roy.

That all such purchases were made openly and fairly, and, as your memorialists believe, "in strict pursuance of, and within the terms of the said Proclamation."

That your memorialists, having completed such purchases as aforesaid, made the necessary preparations for the cultivation and occupation of the said land, having the fullest confidence in the good faith and honour of the representative of the British Crown, and never suspecting that the acts of the Governor could be open to legal objections by his successor, the effect of which has been, in this instance, in a great measure to stay the industrial operations of your memorialists, and to disarrange all their plans.

That the claims of your memorialists to the lands so purchased have now been unsettled for a considerable period of time, entailing upon your memorialists great pecuniary loss, keeping their minds in a state of great uncertainty, and paralyzing their efforts to cultivate the soil.

That your memorialists affirm with great respect that such a state of things has retarded agricultural operations, created discontent in the minds of the community, and been destructive of the general prosperity of the Colony.

In order, therefore, that a question of so much importance to the community as the complete adjustment of all unsettled claims to land in this Colony may be effected upon some liberal basis,

Your memorialists pray that your Excellency and the Honorable the Legislative Council will be pleased to take the matter into your consideration, and adopt such measures for the final settlement of the question as to your Excellency and the Honorable the Legislative Council may seem meet.

And your memorialists, as in duty bound, will ever pray.

The Attorney-General according to notice moved the consideration in committee of the "Crown Titles Bill." On the title being read Mr. Merriman moved that the "Province of New Ulster" be struck out and the words "Colony of New Zealand" be inserted in lieu thereof, but subsequently withdrew his amendment, on perceiving that the sense of the Council was against him. Bill considered in committee, and, after several amendments introduced, further consideration postponed until Tuesday the 21st inst.

The Colonial Treasurer moved the further consideration in committee of the "Appropriation Bill." In consequence of the Returns relative to the Road Department not being prepared, consideration of Bill postponed until Tuesday, 21st inst.

Mr. Merriman requested permission to postpone his motion relative to the Return of the Expenses connected with the Pensioners, and also the bringing up of the Report of the sub-committee on Waste Lands, until Tuesday the 21st inst.

The Governor laid on the table a Return of officers, men, women, and children belonging to the corps of Pensioners enrolled for service in New Zealand. Ordered to be printed.

The Colonial Secretary gave notice that he would move the third reading of the "Crown Lands Bill" on Tuesday, 21st inst.

The Colonial Secretary gave notice that he would move the first reading of the "Pensions Bill" on Tuesday, 21st inst.

Lieut.-Colonel Hulme and Major Matson postponed their motions for votes of money for a Market Place and for rebuilding Government House, until Estimates under consideration.

Council adjourned until 2 o'clock on Tuesday 21st inst.

TUESDAY, 21st AUGUST, 1849.

PRESENT :

His Excellency the Governor-in-Chief and eight members.

ABSENT :

His Excellency Major-General Pitt, K.H.
Major Matson:

The Council met pursuant to adjournment.

The minutes of the last meeting were read and confirmed.

The Governor laid on the table three Returns relative to the Road Department, moved for by Mr. Merriman and Mr. Barstow.

The Colonial Treasurer moved the further consideration in committee of the Appropriation Bill. Bill committed, and, after being amended, further consideration thereof postponed until Wednesday, 22nd August.

Mr. Merriman requested permission to postpone presenting the Report of the sub-committee on Waste Lands until Wednesday, 22nd inst.

Mr. Merriman presented the Resolutions against the introduction of Exiles into this colony, of which he had given notice.

Mr. Merriman, according to notice, moved that Council do resolve itself into a committee for the purpose of memorializing the Governor to introduce a measure for settling the Land Claims. After a discussion thereon, Mr. Merriman withdrew his motion.

The Attorney-General moved the order of the day for the consideration of the Crown Titles Bill. Bill considered, and, after several amendments introduced, further consideration postponed until Wednesday, the 22nd inst.

The Colonial Secretary moved the postponement of the third reading of the Crown Lands Bill until Wednesday, the 22nd inst.

The Colonial Secretary moved the first reading of the Pensions Bill. Bill read a first time accordingly. Ordered to be read a second time on Wednesday, the 22nd inst.

Mr. Merriman, according to notice, moved that the following Returns be laid on the table:—

1. "A Return of the number of Pensioners and their families who have received money in the way of relief from the funds of the colony, and the amount so paid."
2. "A Return of all moneys paid, laid out, and expended by the Colonial Government from local funds, for or on account of the New Zealand Enrolled Pensioners, showing the different heads of expenditure, specifying the purposes to which such moneys were applied, and distinguishing the apportionment among

the different villages, whether repaid or not, and if repaid from what funds, and to what fund ultimately chargeable."

Council adjourned to two o'clock on Wednesday, 22nd August, 1849.

WEDNESDAY, 22ND AUGUST, 1849.

PRESENT :

His Excellency the Governor-in-Chief and nine members.

ABSENT :

His Excellency Major-General Pitt, K.H.

The Council met pursuant to adjournment.

The Colonial Chaplain was in attendance, and read prayers.

The minutes of the last meeting were read and confirmed.

The Colonial Treasurer moved the order of the day for the further consideration in Committee of the Appropriation Bill. Bill committed. Lieut.-Col. Hulme, according to notice, moved, "That in the opinion of this Council the earliest opportunity should be taken of rebuilding a Government House at Auckland, upon the old site, care being taken that the expenditure for such a building should be on a scale suited to the present circumstances of the Colony."

The Governor proposed, and the Attorney-General seconded the motion,

"That a sum of £2,600 be added to the Miscellaneous Estimates, being the cost, as estimated by Mr. Polack, of his house and premises destroyed at Kororarua."

On the question being put, Council divided. Noes 9, Ayes 0. Carried against the motion. Bill further considered, and, after several amendments introduced, Report brought up, and Bill ordered to be read a third time on Thursday, 23rd instant.

Mr. Merriman, according to notice, brought up the Report of the Sub-Committee on the Native Waste Lands. Report read and received. Mr. Merriman gave notice that he would, on Thursday, the 23rd, move that the said report be adopted.

The Colonial Secretary moved the order of the day for the second reading of the Pensions Bill. Bill read a second time accordingly. On motion of the Colonial Secretary, Bill committed, and, after several amendments introduced, further consideration postponed until Thursday, 23rd instant.

The Colonial Secretary moved that the third reading of the Crown Lands Bill be postponed until Thursday, 23rd instant.

The Attorney-General moved that the further consideration of the Crown Titles Bill be postponed until Thursday the 23rd instant.

The Governor laid on the Table two Returns, showing the number of flour mills erected by the Natives, and the number of mills in course of erection. Returns ordered to be printed.

Council adjourned to two o'clock on Thursday, 23rd instant.

THURSDAY, 23RD AUGUST, 1849.

PRESENT :

His Excellency the Governor-in-Chief and nine Members.

ABSENT :

His Excellency Major-General Pitt, K.H.

The Council met pursuant to adjournment.

The Colonial Chaplain was in attendance, and read prayers.

The Minutes of the last meeting were read and confirmed.

Mr. Merriman presented a petition from certain Native Chiefs, praying that they might be allowed to dispose of their Waste Lands to Europeans.

Petition read and received, and ordered to be printed.

To the GOVERNOR-IN-CHIEF and the Meeting of Elders.

Friend the Governor—Saluting you,—Listen, friend, Queen Victoria has consented that we should be allowed to dispose of our lands, and we now, as the white people do, pray of you to allow us the benefit of that law. At the Meeting of Waitangi we did not consent to allow the Governor to have control over our Island. It was for the white people. From your laws (or management) we are poor. We have heard that the people of Wairarapa are leasing their lands to the white people. Why are we shut out? Why not one law for us and the Europeans? The white people desire our land for their cattle to run upon; and we wish for their money. You have caused divisions among the white people. The Queen has said that she will protect us and our property. Give us our rights as subjects of the Queen. Are we children? Or are we slaves, that we are not allowed to dispose of our property? Friend Governor, you have pressed upon the Chiefs more than they can bear, and we have not opened our mouths; but they are not able to bear it longer. Give us laws like unto your own, that we may live peaceably and brotherly, lest we be jealous of each other.

On motion of the Colonial Secretary, the Crown Lands Ordinance read a third time and passed.

On motion of the Colonial Treasurer, Appropriation Ordinance read a third time and passed.

The Attorney-General moved the further consideration in Committee of the Crown Titles Bill. Bill considered, and amended, and consideration thereof adjourned until Friday 24th instant.

The Colonial Secretary moved the further consideration in Committee of the Pensions Bill. Bill considered and amended, and Report brought up. Bill ordered to be read a third time on Friday, 24th instant.

Mr. Merriman requested that the Report of the Sub-Committee on the Waste Lands might be referred back for reconsideration. Mr. Merriman then presented the Report of the Sub-Committee as amended. Report read and adopted, and ordered to be printed.

REPORT of the Sub-Committee appointed on the 9th of August, 1849, on the motion of Lieutenant-Colonel Hulme, for the purpose of addressing His Excellency the Governor-in-Chief, requesting him to extend to the Natives of New Ulster, under such rules and regulations as to His Excellency may seem meet, the right to lease their waste

lands to Europeans, so that large tracts of the country may be opened up.

That your Committee have seen the manifestation of great anxiety on the part of the general community, especially among the owners of cattle and sheep, concerning an adequate supply of food for their herds and flocks.

That it has been represented to your Committee that, within the last twelve months, numbers of cattle in this district have died of starvation, in consequence of the rans upon which they were depasturing having been overstocked, an error of management which the stockholders allege to have been forced upon them by the difficulties which they have met with in obtaining suitable runs for themselves from the Crown.

That, in compliance with the expression of your Excellency's wishes, your Committee abstain from bringing into question the sufficiency of the Crown Lands for the purpose required, but, nevertheless, consider it their duty to observe, that the existence of difficulties is sufficiently proved by the fact of heavy losses having been incurred.

That it is their opinion that relief would be most effectually afforded by permitting the Stockholders of the Northern Province to depasture cattle on the Lands of the Natives, on such terms and conditions as may be agreed upon between the Native landowners and the European stockholders, subject to such restrictions as may be required by the interests of both races.

That they are aware of the existence of such a practice in the Southern Province, from which they are not aware that any practical inconvenience has yet been found to arise.

That they believe that such permission will have the effect of opening up the country to Europeans, bringing them into more intimate and friendly connexion with the native race.

That the civilization and improvement of the latter, who are willing, as in the Southern Province, to undertake the care of whatever flocks and herds might be committed to their charge—will be much promoted, and that the fertile plains of the interior, far superior in richness of pasture to any in the Colon, and which capital, will be redeemed from idleness, and made to contribute to the general wealth of the country.

That they believe that, by such a measure, all danger of misunderstanding with the native race would be effectually prevented, the natives themselves being willing to act as stock-keepers on their own lands.

That the benefit to be derived from such a measure will accrue to all stockholders from their being enabled to dispense with European servants, and avail themselves of the cheaper services of the natives; but more particularly to that class of settlers who, being in possession of only a small number of cattle, neither require, nor could afford the expense of maintaining an establishment and defined run.

That the serious drain upon the wealth of the Colony, owing to the necessity of importing cattle for the maintenance of our increasing population, is hurtful both to the prosperity and revenue of the Province, diverting money from other channels through which it might contribute directly to the revenue—an evil likely to increase in the same ratio as the population.

That they believe that the rapid increase of cattle, consequent upon such a measure, would have the effect of materially lessening the expense of supplies for the armed force maintained by Her Majesty in New Zealand.

Your Committee would further observe, that it is not to the Stockholders alone, but to the trading portion of the community likewise, that relief would, in their opinion, be afforded, inasmuch as that, by opening up the country, European luxuries will be brought more immediately under notice of the Natives, whose industry would be stimulated by desire to procure the means of enjoying them, to the great increase of the productive wealth of the country, to the corresponding benefit of the mercantile interest, and of the revenue.

That your Committee likewise would beg to submit to your Excellency the expediency of taking measures for giving greater permanency of tenure to the occupation of whaling and other stations, which contribute

such an important proportion of the exports of this Colony.

That your Committee beg to bring under your Excellency's notice the prevalence of an opinion, that a dangerous falling off in the Colonial revenue is to be apprehended, in consequence of the general stagnation of business, and the re-emigration which is at present taking place, and believe that immediate encouragement of what is called the Maori trade, which has always been considered as the mainstay of the town of Auckland, affords the most legitimate means of providing against such a contingency.

Your Committee, therefore, request that, in accordance with your Excellency's promise contained in a Notice dated 15th June, 1846, and published in the "Government Gazette" of the 16th of that month, a measure may be laid before this Council, having for its object the introduction of a system by which the lands, the property of the Natives, may be brought into the market, under such restrictions as are required by the interests of both races, or that your Excellency will be pleased forthwith to bring into operation regulations with a view to render the Native Lands of this Province available for depasturing purposes by the European Stockholder.

(Signed)

FRED. W. MERRIMAN,
ROBERT CLAPHAM BARSTOW,
W. HULME, Lieut.-Col.
HENRY MATSON,
S. KEMPTHORNE.

Mr. Merriman gave notice that on Friday, 24th instant, he would bring under consideration of Council the correspondence between Mr. W. S. Grahame and the Colonial Secretary on the subject of the duties imposed on copper, &c., imported for ship building purposes.

The Governor moved, and the Attorney-General seconded, "That Mr. Polack be heard at the bar of the Council in support of his claim for his lease at Kororaraka."

On the question being put, Council divided. Ayes, 0; noes, 9. Carried against the motion.

Council adjourned until two o'clock on Friday, 24th August, 1849.

FRIDAY, 24TH AUGUST, 1849.

PRESENT:

His Excellency the Governor-in-Chief and nine Members.

ABSENT:

His Excellency Major-General Pitt, K.H.

The Council met pursuant to adjournment.

The Colonial Chaplain being in attendance, read prayers.

The Minutes of the last meeting were read and confirmed.

Mr. Barstow presented a petition from Mr. Edward Meurant, of Auckland, praying that some compensation might be granted to his wife for certain lands alleged to have been given as a present to her by her Native relations, but which land had subsequently been taken possession of by Government.

Petition read and received.

Mr. Barstow moved, and Lieut.-Col. Hulme seconded, that the petition be printed. A discussion ensued thereon. On the question being put, Council divided.

For the motion—Ayes, 4; Noes, 6.

Carried against the motion.

The Attorney-General, according to notice,

moved the further consideration, in Committee, of the Crown Titles Bill. Bill further considered and amended. Report brought up; and Bill ordered to be read a third time on Saturday, 25th instant.

On the motion of the Colonial Secretary, Pensions Bill read a third time and passed.

Mr. Merriman, according to notice, moved that the correspondence between Mr. Grahame and the Colonial Secretary, be considered by Council. Correspondence read. Mr. Merriman stated that he should not, during the present session, make any motion on the subject.

Mr. Barstow gave notice, that at the next sitting of Council he would move that Council do resolve itself into a Committee to take into consideration certain disabilities of the Half-Caste Race and Native Women married to Europeans.

Mr. Merriman gave notice that at the next sitting of Council he would move that Council do resolve itself into a Committee, to memorialize the Governor to introduce an ordinance to amend the Resident Magistrates' Courts Ordinance.

Council adjourned to three o'clock on Saturday, 25th instant.

SATURDAY, 25TH AUGUST, 1849.

PRESENT :

His Excellency the Governor-in-Chief and nine Members.

ABSENT :

His Excellency Major-General Pitt, K.H.

The Council met pursuant to adjournment.

The Colonial Chaplain was in attendance and read prayers.

The Minutes of the last meeting were read and confirmed.

Mr. Barstow presented a petition from a numerous body of the inhabitants of Auckland, praying that some measure might be introduced to prevent individuals leaving the Colony without giving due notice.

Petition read and received, and ordered to be printed.

To His Excellency the GOVERNOR-IN-CHIEF and the Honourable the Members of the General Legislative Council of New Zealand.
The Memorial of the undersigned Inhabitants of Auckland, in the Province of New Ulster, Sheweth,

That many people have already left the Colony—particularly for California—without paying their just debts, whereby many of us have sustained considerable losses; but from the very general desire now pervading the community to leave the Colony, we are apprehensive of sustaining, in the manner we have pointed out, still more serious losses.

That as it is a practice in other Colonies for the Government to require of those leaving the Colony to give a certain reasonable length of notice at the Custom House before their departure, we think a measure of the same kind of great use and importance here under the present circumstances of this Colony; and we would, therefore, respectfully bring the subject under the notice of your Excellency and Honourable Council, in the hope that some legislative enactment may be passed before the present Council separate, requiring all persons leaving the Colony to give a certain specified number of days' notice before their departure.

And your memorialists, as in duty bound, will ever pray.

The Attorney-General moved the order of the day for the third reading of the Crown Titles Bill.

On motion of the Governor, Bill recommitted and amended, and report brought up; and on motion of the Attorney-General, Bill read a third time and passed.

Mr. Barstow, according to notice, moved the consideration of the subject relative to the disabilities of the Half-Castes and Native Women. A discussion thereon ensued. Motion withdrawn.

Mr. Merriman, according to notice, moved that Council do resolve itself into a Committee to memorialize the Governor to introduce an ordinance to amend the Resident Magistrates' Courts Ordinance. A discussion ensued. Motion withdrawn.

The Governor, according to notice, read his reply to the Report of the Sub-Committee on the Waste Lands belonging to the Natives, which was ordered to be printed.

GENTLEMEN—In reply to your address, requesting that I would cause a measure to be laid before you, having for its object the introduction of a system by which lands, the property of the Natives, may be brought into the market under such restrictions as are required by the interests of both races; or that I would be pleased forthwith to bring into operation regulations, with a view to render the native lands of this Province available for depasturing purposes by the European stockholders; I have the honor to state, that it has always been my own opinion that the permanent interests of both races, and the prosperity of the country, would be most effectually promoted by the Government purchasing large tracts of land from the Natives (on the plan which has, by my directions, been pursued in the South of New Zealand), spreading the payment for these lands over a period of several years, and making ample reserves for the Natives, which they would be at liberty to lease to Europeans, and by then throwing open these districts to the European stockholder in the ordinary manner.

With a view to the promotion of this plan, the Surveyor-General has, for a considerable period of time, been authorised by me to purchase from the Natives any large district of country which the stockholders would themselves select as best suited for their purposes; and he has, I believe, in compliance with my request, communicated these instructions to the principal stockholders, and made them acquainted with my anxiety to secure for their use the most fertile and available districts.

Such a plan would, I think, present much greater advantages for both races than any plan that could be devised for rendering the Native lands available for depasturing purposes, under regulations framed by the Government; and I think that here, as in the South of New Zealand, the settlers would find it infinitely more advantageous to themselves to hold their runs under a secure tenure from the Crown, than to be subjected to the caprice of the Natives.

If, however, the Surveyor-General and the other officers whom I will appoint for that purpose should not, within the next few months, succeed in securing large and fertile tracts of country in every respect available for depasturing purposes, I will, under certain restrictions, permit the European stockholders to depasture cattle on land, the property of the Natives, although it may be necessary to gain considerable experience on this most difficult subject, before it will be practicable to issue a complete code of regulations in relation to it. I should, however, inform the Council that I have for a considerable time past directed my attention to this matter, and have carefully considered numerous suggestions which have been made to me regarding it.

I have delayed, for a short time, replying to your address, for the purpose of considering your request, that I would take measures for giving greater permanency of tenure to the occupation of whaling and other stations. I regret, however, to state that I have not yet been able to devise any plan which appeared likely to accomplish this object, nor has it been under the consideration of the Council, which they declined that passage in their address.

I will, however, carefully consider any suggestions which any member of the Council may think proper to present, and make arrangements for this object.

G. GARDNER

Council adjourned, *sine die*.

J. COATES,

Clark of Council.

Council Chamber,

25th August, 1847.

Colonial Secretary's Office,
Auckland, 10th Sept. 1849.

HIS Excellency the Governor directs it to be notified, that an Occupation License for the undermentioned person has been approved, and is now ready for issue, at the office of the Colonial Treasurer, upon payment of the fee of Five Pounds sterling, (£5.)

It is further notified, that unless the License be taken out by the said person, or his authorized agent, before the 1st of October next, all right in respect of it will be forfeited.

DENNIS B. COCHRANE.

By His Excellency's command,

ANDREW SINCLAIR,

Colonial Secretary.